

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 16 March 2016 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committees held on 6 January, 27 January and 24 February 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 48/15/0053 Erection of local centre including 4 No retail units with 18 No apartments above plus 69 No dwellings, with associated works and access including highway works to the adjacent A38 on land off Bridgwater Road, Monkton Heathfield.
- 6 43/15/0152 Variation of condition No 24 (to extend the stores delivery times window) of application 43/07/0163 at Waitrose food store, High Street, Wellington (amended scheme to 43/15/0135).
- 7 27/15/0025 Change of use from agricultural to agricultural and flexible use Class D2 (Assembly and Leisure) at Knapp Farm, Hillfarrance Road, Hillfarrance (retention of works already undertaken).
- 8 14/15/0034 Outline application with some matters reserved for the erection of 35 No dwellings on land to the south west of Creech St Michael medical centre, Hyde Lane, Creech St Michael.
- 9 06/16/0002 Change of use from Class D2 (part of children's play and recreation area) to Class Sui Generis (car park) and provision of improved children's play area on remainder of site at Broadgauge Business Park, Westridge Way, Bishops Lydeard.
- 10 E/0242/30/15 Alleged unauthorised works within the curtilage of a listed building to the rear of the lamb and flag Inn, Blagdon Hill.

11 The latest Appeals and Decisions received.

Bruce Lang  
Assistant Chief Executive

29 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 – 6 January 2016

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

Officers: - Matthew Bale (Area Planning Manager), 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: Councillors D and K Durdan for application No.14/15/0027. Councillor Horsley for application No. 38/15/0491. Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 1. **Apology**

Apology: Councillor Mrs Floyd

2. The minutes of the meetings of the Planning Committees held on the 12, 25 of November and 9 December 2015 were taken and read and were signed.

### 3. **Proposed change to the Constitution part 4, paragraph 6, revised wording.**

**Resolved** that this was agreed at the Constitutional Sub Committee and Translated into a formal amendment at Full Council on the 15 December 2015.

### 4. **Public Question Time**

(a) Councillor Martin-Scott referred to the Comeytrowe/Trull application which had been considered at the meeting on 4 November 2015. He was slightly confused as to the current status of this application. His understanding was that be deferring the application the consortium was being provided with sufficient time for the preparation of a comprehensive Masterplan which would involve engagement with relevant stakeholders and placed particular emphasis on the issues on the highways, education and health. Was this still the situation?

In response the Assistant Director – Planning and Environment, Tim Burton, confirmed that a Masterplan was submitted by the Consortium with their application. Since the November meeting a further document had been produced which had set out to address the reasons for deferral that had been accepted by the Committee. This document had been made available to Members.

The Consortium had also requested that the application be returned to the Planning Committee for determination at the earliest opportunity. Mr Burton informed Members the provisional arrangements had been made for the application to be considered at the scheduled meeting of the Planning Committee on 27 January 2016. The likely venue was The Castle School, Wellington Road, Taunton.

Councillor Martin-Scott went on to ask for clarification as to the Consortium's request that there should be a Strategic Environmental Assessment (SEA) undertaken in respect of the Trull Neighbourhood Plan which was a significant part of this application.

The legal Services Manager, Roy Pinney, informant Members that he had given specific consideration to the issue of whether an SEA was required, in response to a legal view put forward by the Consortium. While not all elements of the Consortium's legal views were acceptable, it was the view of the Legal Services Manager that an SEA was indeed required, and this view had been communicated to others, the Leader of the Council and the Portfolio Holder. He added that the application had included an Environmental Impact Assessment at the time of submission, so that aspect of the application had already been fully covered.

- (b) Mr Steve Smith also sought clarification as to the correct wording of the deferral motion made by the Committee in November. He was aware of four different versions currently being available.

Mr Pinney confirmed that the Minutes of the meeting held on 4 November 2015 recorded details of the deferral. From this it was clear that the Committee desired the applicants undertake further masterplanning to encompass the effects of the development on the wider area including highways, education and health, but not limited solely to these elements.

## **5. Declarations of Interest**

Councillors Coles, M Adkins 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 Fixes Education Foundation and a trustee to Trull Memorial Hall. Councillor Nicholls declared personal interest as a Member of the Fire Brigade. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Wedderkopp declared that he had met with a member of the public on application No. 38/15/0491, he stated that he had not 'fettered his discretion'. Councillor Bowrah declared he had brought application No. 43/14/0105 to the committee under delegated powers as he felt that this should be dealt with by the Planning Committee. He also declared that application No. 43/15/0082 was discussed at the Wellington

Town Council meeting, he declared that he did not participate in the discussion.

## **6. 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:-

### **38/15/0491**

**Conversion and extension to detached garage to form an annexe at 17A The Avenue, Taunton (amended scheme to 38/15/0346) as amended by plans received 14 December 2015**

#### **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 J133/02C Proposed Floor Plan, Elevations and Block Plan;
- (c) The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17A The Avenue.

(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 granted planning permission.)

### **38/15/0144**

**Demolition of garage blocks and erection of 3 No. four bedroomed terraced dwellings with associated parking and amenity space on land to the side of 79 Belvedere Road, 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:-

- (A1) Dr No 2542 201 Rev A Proposed Elevations;
  - (A1) 2542 101 Proposed Floor & Roof Plans;
  - (A1) Dr No 2542 003 Rev A Proposed Site Plan;
  - (A1) 2542 004 Existing Site Plan;
  - (A4) Dr No 2542 001 Rev A Site Location & Block Plan;
  - (A4) Floorplan;
- (c) 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 window to be installed in the east and west elevations of the building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class' A, B & C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (e) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (f) The development shall provide for bin storage facilities, details of which shall be submitted and approved in writing prior to occupation of the dwellings. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (g) (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;
- (h) No site clearance works or development (or specified operations) shall take place between March and September without the prior written approval of the Local Planning Authority;



- (i) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority; The strategy shall be based on the advice of a First Ecology's Ecological Appraisal dated May 2015 and include:

A further bat activity survey to ascertain the usage of the garages by bats. In the event that evidence of bats is found a dusk emergence and pre-dawn survey shall be required. The surveys shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances; A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances; Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; Measures for the retention and replacement and enhancement of places of rest for the species.

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

(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.)

#### **43/14/0105**

#### **Erection of 102 No. dwellings with associated landscaping, engineering, highways, parking and open space on land at Cades Farm, off Taunton Road, Wellington**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A0) DrNo 100 Rev Y Planning Layout;
  - (A3) DrNo 101 Rev H Location Plan;
  - (A2) DrNo 104 Rev P Materials Key Plan;

- (A1) DrNo 105 Rev J Refuse Key Plan;
- (A2) DrNo 106 Rev M Affordable Housing Key Plan;
- (A1) DrNo 107 Rev B Fences & Enclosure Details;
- (A1) DrNo 150 Rev F Street Scenes;
- (A0) DrNo 202-3 Rev E Engineering Layout Sheet 3 of 5;
- (A0) DrNo 202-4 Rev D Engineering Layout Sheet 4 of 5;
- (A0) DrNo 202-5 Rev E Engineering Layout Sheet 5 of 5;
- (A1) DrNo 203-1 Rev B Road Construction Details Sheet 1 of 2;
- (A1) DrNo 203-2 Rev B Road Construction Details Sheet 2 of 2;
- (A1) DrNo 208-4 Rev A Road & Sewer Sections Roads 12,13 and 13 Turning Head;
- (A1) DrNo 208-5 Rev A Road & Sewer Sections Roads 14,15 and 14 Turning Head;
- (A0) DrNo 211 Rev F Section 38 Plan;
- (A0) DrNo 302 Rev H Landscaping Layout Sheet 3 of 5;
- (A0) DrNo 303 Rev F Landscaping Layout Sheet 4 of 5;
- (A0) DrNo 304 Rev G Landscaping Layout Sheet 5 of 5;
- (A2) DrNo 305 On-Plot Plant Schedule and Landscape Specification;
- (A0) DrNo 307 Rev H POS Landscaping Layout Sheet 1 of 5;
- (A0) DrNo 309 Rev F POS Landscaping Layout Sheet 3 of 5;
- (A0) DrNo 310 Rev F POS Landscaping Layout Sheet 4 of 5;
- (A0) DrNo 311 Rev F POS Landscaping Layout Sheet 5 of 5;
- (A2) DrNo 312 Rev B POS Plant Schedule and Specification;
- (A3) DrNo 800-3-1 Rev B House Type AI;
- (A3) DrNo 800-4-1 Rev B House Type AI;
- (A3) DrNo 800-6-1 Rev A House Type AI;
- (A3) DrNo 801-3-1 Rev B House Type Ha;
- (A3) DrNo 801-4-1 Rev D House Type Ha;
- (A3) DrNo 801-6-1 Rev A House Type Ha;
- (A3) DrNo 802-2-1 Rev C House Type Ro;
- (A3) DrNo 802-6-1 Rev C House Type Ro;
- (A3) DrNo 802-6-2 Rev B House Type Ro;
- (A3) DrNo 806-2-1 Rev B House Type Ru;
- (A3) DrNo 806-6-1 Rev B House Type Ru;
- (A3) DrNo 807-1-1 Rev B House Type Ht;
- (A3) DrNo 807-2-1 Rev A House Type Ht;
- (A3) DrNo 807-6-1 Rev / House Type Ht;
- (A3) DrNo 808-4-1 Rev B House Type 2B;
- (A3) DrNo 808-5-1 Rev B House Type 2B;
- (A3) DrNo 809-4-1 Rev B House Type 3B;
- (A3) DrNo 809-5-1 Rev B House Type 3B;
- (A3) DrNo 810-4-1 Rev B House Type 1B;
- (A3) DrNo 811-3-1 Rev A House Type Mo;
- (A3) DrNo 812-2-1 Rev / House Type Ha Corner;
- (A3) DrNo 812-6-1 Rev A House Type Ha Corner;
- (A3) DrNo 820 Rev A Garages;

Where there is any discrepancy between the details contained within the layout/house type drawings, the planning layout shall take precedence;

- (c) Prior to the commencement of the development hereby permitted, full details of the proposed means of surface water drainage shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall ensure that surface water run-off from the site is limited to no more than 2 litres per second per hectare of impermeable area unless otherwise agreed in writing by the Local Planning Authority. The approved surface water drainage details shall subsequently be implemented so as to ensure that each part of the site is not occupied/brought into use prior to being drained in accordance with the details so approved and such drainage facilities shall thereafter be maintained as such;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted report, dated October 2010 and include; Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; Measures for the retention and replacement and enhancement of places of rest for the species; Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.
- (e) The proposed estate road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, 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 roads and footways shall be completed in complete accordance with the approved plans prior to the occupation of the 90th Dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority;

- (f) Prior to the occupation of plots 185-202 a post and wire mesh fence shall be installed along the boundary of these properties with the adjoining hedge in accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority;
- (g) Prior to the occupation of any dwellings hereby permitted, full details of the proposed layout of the public open space identified on drawing 309 Rev F hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority; The details shall indicate the location of any equipment, benches, bins, footpaths and other facilities that may be provided together with details of these items. The approved details shall be implemented prior to the occupation of the 50th dwelling hereby permitted and shall thereafter be maintained as such;

**43/15/0083**

**Variation of condition No. 2 (approved plans) of application 43/13/0127 to move development further north on land to the rear of 39A Mantle Street, Wellington**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo MS.2 Elevations;
  - (A3) Block Plan & Floor Plan;
- (c) Prior to the occupation of the dwelling hereby permitted, full details of the proposed bin storage facilities, shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (d) Prior to the occupation of the dwellings hereby permitted covered and secure spaces for no less than 2 bicycles shall be provided in accordance with further details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented and available for use prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;

**05/15/0035**

**Change of use of land from amenity to domestic and repositioning of boundary wall at 15 Waterfield Close, Bishops Hull**

## 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 P.01 Site Location Plan;
  - (A3) DrNo P.03 Rev A Site plan As Proposed;
  - (A3) DrNo P.05 Elevations As Proposed;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class E of the 2015 Order other than that expressly authorised by this permission shall be carried out 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 had imposed planning conditions to enable the grant of planning permission.)

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

**10/15/0026**

**Erection of single storey holiday let, demolition of stables and erection of two storey holiday let at Cleve Farm, Oatens farm Lane, Churchstanton**

## Reason

The National Planning Policy Framework seeks to locate developments in areas that facilitate the use of sustainable modes of transport, while development plan policies specifically direct permanently built holiday accommodation to within existing settlements, which are accessible by public transport, cycling and on foot, unless the proposal would support the vitality and viability of the rural economy in a way that cannot be sited within the defined settlement limits. The proposed holiday accommodation would not utilise existing buildings, but would require the erection of two new purpose-built buildings in a remote, rural location, distanced from adequate services and facilities, which would result in future occupiers being largely reliant upon the use of the private car. The proposal would not support the rural economy in a way that could not be achieved if located within the defined limits of a settlement, nor would it support economic diversification of existing farming or service enterprises. As such, the proposal is contrary to the provisions of policies DM1 (General Requirements) and DM2 (Development in the

Countryside) of the Taunton Deane Borough Council Core Strategy and the relevant sections of the National Planning Policy Framework;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the national Planning Policy Framework the Council works in a positive and pro-active way with the applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**14/15/0027**

**Erection of 4 No. detached dwellings with associated works in the garden to the rear of Somersby Lodge, Langaller Lane, Creech St Michael**

#### **Reason**

The proposed development, particularly as a consequence of the location of the proposed access point would impact upon the setting of the listed building and the amount of development proposed would detract from the historic pattern of the settlement. The proposal would result in less than substantial harm to the setting of the listed building. However, given the limited public benefits that would arise from the development, these are not considered to outweigh this harm identified and the proposal is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy.

**43/15/0082**

**Variation of condition No. 2 (approved plans) of application 43/12/0081 on land to the rear of 39A Mantle Street, Wellington as amended**

#### **Reason**

The development is considered to be unacceptably overbearing in relation to the neighbouring garden of 37 Mantle Street, detrimental to the amenity of that dwelling. It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy.

## **7. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 9.10 p.m.)

## **Planning Committee – 27 January 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs J Adkins, M Adkins, Brown, Cavill, Gage, Horsley,  
Morrell, Mrs Reed, Ryan, Mrs Smith, Townsend, Watson and Wren

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

Also present: Ian White (Advisory, ATLAS), Helen Vittery (Somerset County Council  
- Highways), Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 6.00 pm)

### **13. Welcome**

The Chairman welcomed everyone to the meeting – the first time the Planning Committee had met at The Castle School, Wellington Road, Taunton.

### **14. Apologies/Substitutions**

Apologies: Councillors Mrs Floyd, C Hill, Martin-Scott and Nicholls

Substitutions: Councillor Mrs J Adkins for Councillor C Hill;  
Councillor Cavill for Councillor Martin-Scott;  
Councillor Horsley for Councillor Nicholls;  
Councillor Mrs F Smith for Councillor Mrs Floyd.

### **15. 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 Wren declared a personal interest as he was Clerk to Milverton Parish Council.

### **16. Outline planning application with all matters reserved (except points of access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a Primary School, a mixed use local centre, and a 300 space 'park and bus' facility on land at Comeytrove/Trull (42/14/0069)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure the following:-

- (a) 25% affordable housing;
- (b) Highway works comprising bus priority measures near school and at Silk Mills roundabout;
- (c) Heatherton Park Crossroads safety scheme;
- (d) Galmington/Trull Road improvements;
- (e) Provision of park and bus and associated junction works;
- (f) Comeytrove Lane Access junction including works to Comeytrove Manor Farm;
- (g) Honiton Road access junction;
- (h) Travel Plan and Car Club benefits;
- (i) Improvements to bus services serving the site;
- (j) Timing of the spine road; and
- (k) Provision of on-site play equipment and sports facilities;

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

- (a) Approval of the details of the layout, scale, appearance and landscaping of each phase of the development (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the Local Planning Authority) be carried out as approved. Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for the final phase of the development shall be submitted to the Local Planning Authority not later than the expiration of fifteen years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for that phase, or in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) An application for approval of reserved matters shall not be submitted until there has been submitted to, and approved in writing by, the Local Planning Authority a phasing and place-making strategy covering (where relevant) the phasing of the delivery of housing, infrastructure, transport links and community facilities within the development. The Phasing Strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy shall identify any potential



opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub-phase it covers relates to the phasing strategy of the overall development. The development shall be carried out in accordance with the approved Phasing and Place Making Strategy unless otherwise agreed in writing by the Local Planning Authority;

- (c) An application for approval of reserved matters for a phase or sub-phase shall not be submitted until there has been submitted to, and approved in writing by, the Local Planning Authority a Neighbourhood Masterplan and Design Guide for the Neighbourhood Area to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how they accord with the Masterplan Principles Document and Parameter Plans or if they do not so accord, why they do not. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Neighbourhood Area to which they relate. The Neighbourhood Masterplan and Design Guide shall demonstrate how the Neighbourhood Area will function and its overall character and gain;
- (d) An application for approval of reserved matters shall not be submitted until there has been submitted to, and approved in writing by, the Local Planning Authority, an Appearance Palette which includes the phase or sub-phase to which that application for approval of reserved matters relates. The Appearance Palette shall include details of individual character areas, guidance on building design, building materials, surface materials, street furniture and tree species for the phase or sub-phase to which it relates. Any subsequent revisions to an approved Appearance Palette shall be subject to the approval of the Local Planning Authority;
- (e) An application for approval of reserved matters which encompasses a geographical area shown in the Urban Design Framework Plan on pages 12 and 13 of the Masterplan Principles Document (September 2015) as being subject to a Design Brief, shall not be submitted until such a Design Brief has been submitted to, and approved in writing by, the Local Planning Authority. The Design Brief shall, for the area to which it relates, provide information on the principles for the detailed design of the following matters - areas of public open space and public realm and the landscaping of those spaces; streets; buildings including the proposed approach to architectural design and material; 'Key Buildings' as shown on the Urban Design Framework Plan at pages 12-13 of the Masterplan Principles Document;
- (f) Applications for the approval of reserved matters shall be accompanied by a statement explaining how they accord with the Parameter Plans, Masterplan Principles Document and with the applicable approved Detailed Masterplan and Design Guide, Appearance Palette,

Neighbourhood Masterplan or Design Brief or (where relevant) explaining why they do not;

- (g) No development shall take place in an Archaeological Mitigation Area (those areas hatched in pink in Figure J2: Outline Archaeological Mitigation Area Plan drawing number SDP 782/115 which appears at Appendix 13.5 to the Environmental Statement) or in its immediate vicinity until a written scheme of archaeological investigation for that Archaeological Mitigation Area has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the written scheme of archaeological investigation shall be implemented in accordance with its terms;
- (h) Each application for approval of reserved matters shall include a hard and soft landscaping scheme for the phase or sub-phase of the development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub-phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule to include numbers, density, size, species and positions of all new trees and shrubs. 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 phase;
- (i) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;
- (j) Prior the commencement of each phase of the development a foul water drainage strategy for that phase shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter be implemented in accordance with the approved details;
- (k) The first application for approval of reserved matters shall be supported by an updated outline surface water drainage strategy for the whole site covered by this outline permission based on the Flood Risk Assessment (Ref. 24721/020 and dated May 2015). This strategy (including the design) shall be submitted to, and agreed in writing by, the Local Planning Authority and shall incorporate measures to manage flood risk and water quality utilising sustainable drainage techniques;

(l) Prior to the commencement of development in a phase of the development, a detailed scheme for surface water drainage and watercourse proposals for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The detailed scheme of surface water drainage shall include (a) evidence that an appropriate right of discharge for surface water and any necessary improvements has been obtained; (b) details of the drainage during construction of that phase or sub-phase; (c) details of the final drainage scheme for that phase or sub-phase (including, where applicable, gullies, connections, soakaways and means of attenuation) demonstrating how a 2 l/s/ha discharge rate can be accommodated; (d) identification of all future land-use limitations, ownership, operation and maintenance arrangements for the works over the lifetime of the scheme; (e) provision for exceedance pathways and overland flow routes; (f) a plan for the future maintenance and management of the system and overland flow routes; and (g) appropriate use of interception and porous paving/surfacing infiltration techniques detection/attenuation facilities and wetlands; The approved scheme will need to meet the requirements of both the Environment Agency and the Parrett Internal Drainage Board. Prior to occupation of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details;

(m) No phase or sub-phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for that phase or sub-phase has been submitted to, and approved in writing by, the Local Planning Authority. In discharging this condition the following information shall be supplied:-

(a) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub-phase; (b) Construction vehicle routes to and from the site including any off site routes for the disposal of excavated material; (c) Construction delivery hours; (d) Expected number of construction vehicles per day; (e) Car parking for contractors; (f) A scheme to encourage the use of Public Transport amongst contractors; (g) Measures to avoid traffic congestion impacting upon the Strategic Road network; (h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures; (i) The control and removal of spoil and wastes; (j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities; (k) The proposed hours of operation of construction activities; (l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production; (m) Sound attenuation measures incorporated to reduce noise at source; (n) Details of measures to be taken to reduce the generation of dust; and

(o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

The agreed Construction Environmental Management Plan shall thereafter be implemented in full;

- (n) Before each phase of the development is commenced the following shall in respect of that phase be submitted to, and approved in writing by, the Local Planning Authority:-
- (a) a plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
  - (b) details of the species, height, trunk diameter at 1.5m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to paragraph (a);
  - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
  - (e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development;
  - (f) The development of that phase shall thereafter be carried out in accordance with the approved scheme. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above;
- (o) The development of a phase of the development shall not be commenced until a scheme for prevention of pollution during the construction of that phase has been approved by the Local Planning Authority. The scheme shall include details of the following:-
- (a) Site security;
  - (b) Fuel oil storage, bunding, delivery and use;
  - (c) How both minor and major spillage will be dealt with;
  - (d) Containment of silt/soil contaminated run-off;
  - (e) Disposal of contaminated drainage, including water pumped from excavations;
  - (f) Site induction for workforce highlighting pollution prevention and awareness.
- Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented;
- (p) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority to, a Remediation Strategy detailing how this unsuspected contamination shall be dealt with;
- (q) No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the development hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction

Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of 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 all the submitted wildlife reports to date (EDP's Extended Phase 1 survey, Hedgerow survey 2011 and 2013, Bat and Building assessments 2012 and 2013, Breeding bird survey 2012, Hobby Survey 2013, Dormouse Survey 2012 and 2013, Water vole and Otter surveys 2012, Badger surveys 2012 and 2013, Amphibian survey 2012 and Reptile survey 2012.), and up to date surveys and include:-

- (1) An Ecological Construction Method Statement (ECMS) containing details of protective measures to avoid impacts on protected species during all stages of development; (2) Details of measures to prevent pollution of Galmington Stream and other water courses on site; (3) Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance; (4) Arrangements to secure an Ecological Clerk of Works on site; (5) Measures for the enhancement of places of rest for protected species; (6) A Landscape and Ecological Management Plan (LEMP) covering a period agreed by the LPA; (7) Details of a sensitive lighting strategy; (8) Use of protective fences, exclusion barriers and warning signs; (9) The preservation of the Galmington Stream corridor including that of any tributaries, in order to conserve the integrity of the watercourse and its riparian habitats as a linear feature, and to provide connectivity between the downstream Local Nature Reserve and the countryside beyond; Once approved the works shall be implemented in accordance with the approved details and timing of the works. The development shall not be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained;
- (r) Prior to the commencement of the development an Ecological Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Ecological Management Plan shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the Plan following completion of development of each phase or sub-phase of the development;
- (s) No more than 12 months prior to the commencement of works on a phase of the development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to; (a) Bats; (b) Dormice; (c) Great Crested Newts; and (d) Otters; The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures;

- (t) No one phase of the development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall:-
- (a) Identify those areas/features of the site within that phase or sub=phase that are particularly sensitive for Bats, Dormice and Otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
  - (c) Show that street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be use where necessary to achieve the required light levels;

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy;

- (u) Prior to the commencement of the phase of the development within which the road bridge crossing the Galmington Stream will lie, a detailed specification for the bridge shall have been submitted to, and approved by, the Local Planning Authority. In discharging this condition the Local Planning Authority will expect to see design details which assist protected wildlife species associated with the Galmington Stream, particularly Dormice and Otters, to continue to disperse along the stream corridor unhindered. The agreed bridge specification shall thereafter be implemented in full and retained as such at all times thereafter;
- (v) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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 before the commencement of each phase of the development;
- (w) The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, 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;

- (x) No phase of the development hereby permitted shall be occupied or brought into use until the part of the Spine Road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to, and approved by, the Local Planning Authority;
- (y) In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition (b) of this permission) shall be used or 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;
- (z) No more than 150 dwellings within the development hereby permitted shall be occupied until a site of at least 2.2 hectares for a primary school (being one of the two sites shown on Land Use Parameter Plan drawing No. 9600 RW L) has been offered for transfer to the Education Authority, unless otherwise agreed with the Local Planning Authority. If the offer is accepted, the site once transferred shall be fully serviced, level and in a condition suitable for the immediate construction of the school with access to the public highway constructed to an adoptable standard in accordance with a timetable to be agreed with the Local Planning Authority;
- (aa) The vehicular access shown off Comeytrove Lane shall be for emergency service vehicles and public transport vehicles only and shall be retained as such at all times by means of a 'bus gate' system, the details of which shall have been submitted to, and approved in writing by, the Local Planning Authority before the road becomes operational. There shall be no vehicular access to individual residential properties whatsoever, except as provided for by this condition;
- (bb) No development shall commence on any phase until a proposed layout scheme to include the provision for access to other parts of the Comeytrove/Trull site as identified in Policy TAU1 of the publication draft of the Site Allocation and Development Management Plan has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Comeytrove/Trull site. The development shall be carried out strictly in accordance with the approved details;

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

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England; Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (4) Applicant was advised that Dormice and Bats were known to be present on site as identified in submitted ecological surveys. Both species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; (5) Applicant was advised that It should be noted that the protection afforded to Badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation; (6) Applicant was advised that nesting birds were present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (7) Applicant was advised that the point of water connection for the overall Comeytrove development has been identified as off the new 450mm diameter main near Cannonsgrove House. Temporary connections prior to the construction of a trunk main to the point of connection to the south will need to be agreed with Wessex Water under Section 41 of the Water Industry Act. Outline details as follows; Subject to application 100 – 150 dwellings at the northern extent of the site may connect at an agreed point to one of the mains in the A38 close to Stonegallows. This connection will necessitate some upgrade works to Stonegallows Pumping Station; System valves are likely to be required with installation proposed at Heron Drive and Heron Close. The remaining properties and ancillary development (subject to agreement of demand requirements and application, not exceeding 800 dwellings total, including the 100 - 150 above) will connect to the 300mm DI main in Comeytrove Lane.



Properties above 55mAOD seeking connection to the 300mm DI main will require an onsite booster(s) station; (8) Applicant was advised that the Somerset Industrial Archaeological Society (SIAS) have drawn attention to a relatively small but important industrial archaeological site at the former Comeytrove Farm. Research has traced sales particulars at the Somerset Heritage Centre dated 1901 which identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. This particular example is worthy of consideration for retention within the overall planning scheme. It is understood that they are likely to be listed by virtue of being within the curtilage of Comeytrove Manor. If they are curtilage listed, Listed Building Consent would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed, the water wheel would be classed as a non-designated heritage asset and the applicant would need to make provision for the water wheel within any reserved matters application, as clearly, its loss would represent substantial harm. Every effort should be made to retain this feature; (9) Applicant was advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the Police approved 'Secured by Design' (SBD) award scheme, full details of which are available on the SBD website; (10) Applicant was advised that if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group; A Public Right of Way (PROW) being made less convenient for continued public use. New furniture being needed along a PROW; Changes to the surface of a PROW being needed; Changes to the existing drainage arrangements associated with the PROW; If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided; (11) Applicant was advised that it is noted that there is reference in the flood risk section of the Environmental Statement to the Routes to the River Tone Project. The applicant should be liaising with the Project Team to ensure that the development contributes to the Project and vice versa.)

**17. 42/15/0042**

**Demolition of a section of wall on the western side of Honiton Road for creation of the access to the South West Taunton Urban Extension under planning application No. 42/14/0069) on Honiton Road, Trull**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) This application shall only be implemented if required in association with the works approved under application 42/14/0069 for the South West Taunton Urban Extension and not under any other circumstance;

- (c) Before any sections of the wall are demolished as hereby granted, a Heritage Conservation Strategy shall have been prepared and approved by the Local Planning Authority which shall have identified heritage assets potentially susceptible to impact (including nearby listed buildings and most importantly the Trull Conservation Area), their significance, settings, and where appropriate, proposed mitigation measures sufficient to avoid or minimise harm;
- (d) The material from the sections of wall to be demolished shall be salvaged and reused in the two new reconstructed sections of wall at each end and these new walls shall match the existing wall in all respects;
- (e) Before any part of the development hereby allowed 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. The scheme shall show that the large pine tree reference T116.64 shall be kept. 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. For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

(The meeting ended at 11p.m.)

## **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 Fairfied 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.)



## **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

48/15/0053

PERSIMMON HOMES (SOUTH WEST)

**ERECTION OF LOCAL CENTRE INCLUDING 4 No RETAIL UNITS WITH 18 No APARTMENTS ABOVE PLUS 69 No DWELLINGS, WITH ASSOCIATED WORKS AND ACCESS INCLUDING HIGHWAY WORKS TO THE ADJACENT A38 ON LAND OFF BRIDGWATER ROAD, MONKTON HEATHFIELD**

Location: STREET RECORD, BRIDGWATER ROAD, BATHPOOL, TAUNTON

Grid Reference: 326007.126849

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval**

Subject to a Section 106 agreement for affordable housing and the submission of details for highway works to the Bridgwater Road (A38) the Chair of Planning, in consultation with the Assistant Director Planning and the Environment be authorised to grant permission subject to the following conditions

### **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) Dr No LC101 Site Location Plan
- (A1) DrNo LC100 Rev D Planning Layout
- (A1) Dr No LC102-1 Street Scenes - Sht 1
- (A1) Dr No LC 102-2 Rev B Street Scenes - Sht 2
- (A1) DrNo LC103 Rev C Materials Key Plan
- (A1) DrNo LC106 Rev C Affordable Housing Key Plan
- (A1) DrNo LC105 Rev C Building Heights Key Plan
- (A1) DrNo LC107 Rev B Bin Storage & Refuse Vehicle Tracking Key Plan
- (A0) DrNo JBR1851 200LC Engineering Layout
- (A3) Dr No 010-2 House Type Design Sheets
- (A3) Dr No 120-1 Rev A House Type Ha. Brick.
- (A3) DrNo LC120-0 Rev A House Type Ha Brick
- (A3) DrNo LC121-1 House Type Ru Brick
- (A3) DrNo LC122-1 House Type Ht Render to Front Elevation
- (A3) DrNo LC124-1 Rev A House Type Ro. Brick
- (A3) DrNo LC125-1 House Type Mo. Brick

(A3) DrNo LC126-1 Housetype AI Brick  
 (A3) DrNo LC127-1 House Type CH Brick  
 (A3) DrNo LC128-1 Rev A House Type CI Corner (brick)  
 (A3) DrNo LC129-1 Rev B Retail & Commercial Units & Appartments Ground Floor Plan  
 (A3) DrNo LC129-2 Rev B Retail / Commercial Units & Appartments First Floor Plan  
 (A3) DrNo LC129-3 Rev B Retail & Commercial units & Appartments Second Floor Plan  
 (A3) DrNo LC129-4 Rev B Retail/commercial units & Appartments elevation View1  
 (A3) DrNo LC129-5 Rev B Retail / Commercial Units & Apartments Elevation View 2  
 (A3) DrNo LC129-6 Rev B Retail/Commercial Units & Apartments Elevation View 3  
 (A3) DrNo LC129-7 Rev B Retail/commercial units & apartments Elevation View 4  
 (A3) DrNo 130-1 Affordable houstype 2B Brick  
 (A3) DrNo LC131-1 Affordable House Type 3B Brick  
 (A3) DrNo 140-1 Garages  
 (A3) DrNo 140-2 Garages Sheet 2  
 (A3) DrNo JBR 1851 002-1 Evesham floor plans  
 (A3) DrNo JBR 1851 002-2 Rev B Evesham elevations  
 (A3) DrNo JBR 1851 003-1 Rev B Warwick floor plans and elevations  
 (A3) DrNo JBR 1851 004-1 Rev B Stratford floor plans and elevations  
 (A3) DrNo JBR 1851 005-1 Kenilworth/Kenilworth 4 floor plans  
 (A3) DrNo JBR 1851 005-3 Kenilworth/Kenilworth 4 elevations  
 (A3) DrNo JBR 1851 006-2 Kenilworth/Kenilworth floor plans  
 (A3) DrNo JBR 1851 008-1 Rev A Warwick cnr floor plans and elevations  
 (A0) DrNo 300 Rev C Landscape Proposals  
 (A3) DrNo 301 Plant Schedule and Landscape Specification  
 (A0) DrNo 302 Rev C Landscape Proposals  
 (A3) DrNo 303 Plant Schedule and Landscape Specification  
 (A1) DrNo 304 Tree Pit In Hard works  
 (A2) DrNo 305 Tree Pit in Soft Works  
 (A0) DrNo 306 Tree Pit Detail Tee pits between Parking Bays  
 (A0) DrNo 310 Rev Q Cricket Green And Dyers Book Corridor North POS Landscaping Layout  
 (A1) DrNo 311 Rev D Landscape Proposals  
 (A0) DrNo 321 Rev J Strategic footway/cycleway network plan

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

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

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

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

4. The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. None of the dwellings hereby permitted shall be occupied until the proposed junctions onto Bridgwater Road are constructed generally in accordance with the plans hereby approved..

Reason: To ensure that the proposed estate is laid out in a proper manner.

6. The proposed roads, 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 carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner.

7. The proposed public parking area between the front of the retail units and Bridgwater Road shall remain available for the parking of cars by the general public at all times.

Reason: To ensure the provision of public parking spaces for the use of customers for the retail units and parents dropping/picking up children from the primary school the interests of highway safety .

8. No development shall be commenced until details of the design; implementation, maintenance and management of the sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority.

Those details shall include:

1. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
2. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of

existing culverts and headwalls or removal of unused culverts where relevant);  
3. Flood water exceedance routes, both on and off site;  
4. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surfacewater drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

9. Prior to the occupation of any of the dwellings hereby permitted full construction details of the proposed footpath and cycleway links shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any of the dwellings hereby approved the 3m wide bitmac footpath running to the south of the application site shall be provided on site and available for public use. Prior to the occupation of 50% of the dwellings hereby permitted the footpath and cycle link running west to east across the site and located to the north of the retail units and the 3m wide bitmac link running north - south through the Dyers Brook wildlife corridor shall be constructed on site and available for use by the general public.

Reason: To ensure that the timely provision of a foot and cycle network to serve the proposed site and its links to the surrounding development site and provide a viable alternative to the public car.

10. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for cars and cycles to be parked.

Reason: To ensure adequate on/off site parking for residents in the interests of highway safety.

12. (i) The landscaping/planting scheme shown on the submitted plans shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

12. The applicant shall undertake all the recommendations made in EAD's Wildlife Management Sub Plan for Phase 2 Monkton Heathfield dated September

2014 and the overarching Landscape and Wildlife Management Plan for the site and provide mitigation for wildlife as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife.

13. Prior to the commencement of the development a landscape management plan shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The approved landscape management plan shall thereafter be implemented.

Reason: To ensure that the proposed development can be successfully assimilated into the surrounding landscape and create an interesting amenity for the proposed development

14. Prior to the commencement of construction work on site for the residential buildings hereby permitted a programme for the delivery of the proposed open spaces, including Dyers Brook, shall be submitted to the local planning authority for approval. Once approved the open spaces shall be provided in strict accordance with the approved programme and thereafter remain available for public use at all times.

Reason: To ensure the delivery of adequate open space for the use of future residents.

15. 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.

Reason: To ensure that the public open provision is maintained for the use of the general public and that the amenity of such areas is protected.

16. 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.

Reason: To ensure the identification and preservation of archaeological remains in accordance guidance contained within Section 12 of the National Planning Policy Framework.

17. Prior to their installation on site, full details for the proposed lighting, seats, litter bins, parish notice board and other furniture (as defined in the Taunton Deane Areas of Open Space note for guidance of developers attached to the Unilateral Undertaking) shall be submitted to and approved in writing by the Local Planning Authority. The lights, seats, litter bins and other furniture shall then be installed prior to the completion of the area of open space within which it lies, in strict accordance with the approved details and shall thereafter be maintained in a safe and useable condition.

Reason: To ensure that suitable and safe lighting and furniture is provided within the areas of public open space

#### Notes to Applicant

1. 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.

2. 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

Outline planning permission was granted in 2008 for the mixed use development at Monkton Heathfield including relief roads, new primary school, employment land and up to 900 dwellings. Reserved matters applications have been submitted for parcels of this development with permission currently granted for approximately 900 dwellings to date. These permissions exclude details for the land to the west of the new primary school site which was proposed for a Local Centre and dwellings within the original, approved, masterplan and Design Code.

As a result of the number of dwellings referred to in the outline permission – 900 - it is not possible to submit the details of the Local Centre,(resulting in approximately 80 dwellings above that limit) as a reserved matters approval pursuant to the original permission and as a result this application is for full permission.

This application is for the erection of two central blocks of 3 storey development to provide 5 retail units on the ground floor (3 x 65.2sqm 1 x 47.1sqm and 1 x 114.3sqm) with 10 x 2 bed flats and 8 x 1 bed flats above and to the rear. The three storey blocks have been designed to form a symmetrical centre piece for the development and use a mix of materials with local “natural” stone for the ground floor and a mix of brick and render above. The blocks front onto a parking area with 20 spaces for public use plus an additional 6 spaces for the disabled. These spaces have been designed to be used in association with the retail units, community facilities and primary school.

The application also includes proposed alterations to Bridgwater Road ( former the A38) in order to create a revised highway which can provide safe access for both the primary school and local centre, as envisaged at the time of the primary school permission. In order to soften the visual impact of the car parking and highway areas, there would be a strip of land, retaining trees from the existing hedgerow and proposing additional new trees, varying in width from 10 – 15m, to form a pleasant landscaped green space between the two. The highway between the school and Local Centre would be of pavements forming a raised table with speed restricted to 20mph. There would be two crossing points one immediately in line with the entrance to the school and one further north to link the footpath and cycle network running from the public open space to the east of the school to Dyers brook to the west of the Local Centre. Two bus stops would be included one either side of the highway. The existing footpath and cycle link to the south of the site and providing access to and from the secondary school would be upgraded to a combined footpath and cycle link.

The Local Centre blocks would be surrounded on three sides (north, west and south) by an additional 69 dwellings. The dwellings would be a mix of detached, semi-detached and terraced properties that would provide a range of accommodation. The house types have been accepted elsewhere in the development and are two storey in height and of traditional design and materials. The dwellings have been planned to front onto the A38, west – east green links and Dyers Brook Open spaces.

The dwellings to the north of the central blocks would be separated from the commercial area by a green open space with foot / cycleways that will form a link connecting the Dyer Brook open space to the network of such open spaces proposed within the main site, lying to the east of the A38.



The proposal also includes Dyers Brook wildlife corridor and associated open space, which forms the western boundary of the site. This area has been designed in accordance with the details approved in association with the outline planning permission and comprises part of an integrated green infrastructure providing foot and cycle links within a landscaped setting. Additional trees have been included in important focal locations, and existing trees, mostly along the Dyers Brook Corridor, have been retained wherever possible.

The proposal has identified and left undeveloped, land to the south of the site which could provide a potential road link (along the route of the existing footpath link) between the A38 and School Road should it be required in the future.

## **Site Description**

The site is approximately 33ha of agricultural land, currently grassland, which lies between the A38 and Dyers Brook. A footpath runs along the southern boundary of the site linking the secondary and primary schools in School Road to the A38. There are hedge and tree boundaries adjacent to the A38 and a hedgerow running west – east (where the proposed green link is situated) across the site. Work has now commenced on the erection of a new Primary School which lies on land on the opposite side of the A38 to the site.

## **Relevant Planning History**

The relevant planning history relates to the outline permission and establishes the number of dwellings permitted so far and the location and design details of the green infrastructure into which this proposal links.

48/05/0072 - Outline Application for the proposed mixed use urban extension development comprising residential, employment, local centre, new primary school, A38 relief road, green spaces and playing fields at Monkton Heathfield. Permission granted 22/10/2008

48/10/0036 - Application for approval of reserved matters of application 48/05/0072 for details of phase 1, to include 327 no. dwellings and associated highways, landscaping including public open space, and the first section of the Eastern Relief Road and roundabout on A38 Bridgwater Road, at Land off Bridgwater Road, Monkton Heathfield. Conditional approval granted 20/05/2011 (there have been a number of replan's within this area)

48/13/0081 - Application for the approval of reserved matters in relation to phase R6 of outline application 48/10/0072 for the erection of 82 no. dwellings including infrastructure, open space and landscaping on land off Bridgwater Road, Monkton Heathfield permission granted 22nd May 2014

48/14/0007 - Application for the approval of reserved matters following outline application 48/05/0072 in regards to land parcels P4 and P5 for the erection

of 109 dwellings, associated highways, landscaping including public open space, on land off Bridgwater Road, West Monkton Conditional approval granted.

48/14/0009 - Reserved matters for phase ii of outline application 48/05/0072 to include the spine road and associated surface water drainage, land off Bridgwater Road, Monkton Heathfield, as amended by email and plans dated 06 June 2014. Conditional approval granted.

48/14/0015- Variation of condition no's 1 and 12 (landscaping and architectural planning layout) of application number 48/05/0072 on land off Bridgwater Road, Monkton Heathfield,

48/14/0016 - Application for the approval of reserved matters of applications for the erection of 57 dwellings with associated highways and landscaping including public open space and land parcels P11 & P12 at Monkton Heathfield, permission granted 4th February 2015

48/14/0028 - Application for the approval of reserved matters following outline approval 48/05/0072 in relation to phase 7 for the erection of 49 no dwellings and infrastructure, open space and landscaping on land off Bridgwater Road, Monkton Heathfield

48/15/0030 - Application for the approval of reserved matters following outline permission 48/05/0072 for the erection of 246 no dwellings on land parcels P6, P8 and P13 with associated highways, landscaping and public open space on land off Bridgwater Road, Monkton Heathfield permission granted 28<sup>th</sup> October 2015.

## **Consultation Responses**

WEST MONKTON PARISH COUNCIL - makes the following comment on the amended plans/scheme:

The Parish Council would not want to see any reduction in the amount of tree planting in this application, and the amount of planting should be retained in the area between the car parking and the road.

To increase the connectivity between the existing parish and the new developments, the Parish Council recommends extending the cycleway/footpath running on the right hand side of the plans (beside the proposed location for the substation) over the Dyers Brook to join TDBC owned land at the access road to the garages in Heathfield Drive. This would encourage pedestrians from the proposed Hartnells development, Richards Crescent, Heathfield Drive, the Charles Church development to walk to the primary school and retail centre. Whilst the bridge was being installed, a slight widening of the Dyers Brook to create a 'duck pond' area where residents could sit and feed the ducks would enhance the appearance and environmental and recreational use of Dyers Brook (the idea being taken from the photograph published in the Design Code section on Dyers Brook, and local examples such as Goodland Gardens and Vivary Park).

SCC - TRANSPORT DEVELOPMENT GROUP - no objection to the principle of the development subject to suitable highway works being finalised and submitted.

Comments on amended plans awaited.

WESSEX WATER - no comment

SCC - CHIEF EDUCATION OFFICER - no comment

HOUSING ENABLING -

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - CiL is applicable to this development

BIODIVERSITY - No objection subject to a condition (as recommended)  
EAD have submitted a Wildlife Management sub plan for Phase 2 of the outline permission which includes this site and I equally support the findings and recommendations of that plan in respect of this site

POLICE ARCHITECTURAL LIAISON OFFICER - no comment

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - no comment

SCC - RIGHTS OF WAY - no comment

SCC - FLOOD RISK MANAGER – The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

It is noted that there are options for sustainable drainage systems proposed within the preceding outline application however there is no indication that these have been agreed and no detailed design information was included with these options. As the applicant has not provided details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The Flood Risk Management (Drainage) Team has no objection to the proposed development, as submitted, subject to a drainage condition being applied. Under Section 23 of the Land Drainage Act there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary. It is important to note that under no circumstances retrospective consent will be given for unconsented works. If unconsented drainage works have occurred,

the developer will be responsible for restoring the watercourse to its original condition.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – no comment

ENVIRONMENT AGENCY - no objections to the proposed development, but wishes to make the following comments:

Somerset County Council, as Lead Local Flood Authority, should be consulted on the proposed surface water disposal arrangements. However, it will be important for the Local Planning Authority to secure appropriate provisions from the applicant concerning the future maintenance liability and clarify ownership details for the 'Carlow' underground attenuation tank shown under the sports pitch area.

LEISURE DEVELOPMENT - the outline S106 requirements should be secured in this proposal

LANDSCAPE - No objections to revised plans which amend the proposals as requested.

SOMERSET COUNTY COUNCIL - South West Heritage - Although much of this site has been archaeologically investigated the areas east of the A38 have not yet been evaluated and there is potential for remains relating to prehistoric and Roman period activity. For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

ECONOMIC DEVELOPMENT - I am very happy to support this application for a local centre, which will provide essential services and employment opportunities for residents of the new development at Monkton Heathfield.

## **Representations Received**

Joint letters have been received from the residents of Brittons Ash raising the following points:

- There is no drop off zone for parents to drop and collect children from the primary school
- There are inadequate parking spaces (20) for the 420 child school, 50 place nursery, community centre and retail units
- The 18 parking spaces to the rear of the blocks will be used for residents of the flats with only 20 for public use which is not enough
- There are no proposals to stop parking by parents of school children and non-residents in Brittons Ash, causing congestion, and difficulty in access to

- private drives
- Pedestrians are trespassing on the verges of resident's properties along with dog fouling
- Vehicle movements along the A38 will be high and it will be hard for residents to pull out onto the A38. Yellow lines should be used to stop parking near to the junction
- The layout and density of the proposal is too cramped
- The apartment blocks would be overbearing and out of scale due to their bulk and mass and they should be scaled down
- The green space at the rear of the site is an efficient use of space separating the existing and proposed development but this has not been the same for the residents of Brittons Ash and the development
- The existing hedge towards the front of the site should be retained and its removal will have a detrimental impact on wildlife and the environment
- The pedestrian crossing adjacent to the Brittons Ash road is not shown on the proposed plans, is this to be removed?
- The proposal will result in additional noise and disturbance to local residents
- There is no information on the likely hours of use of the community facility and parking for this application
- Lack of information regarding the timing of the use of the community centre and parking
- Brittons Ash residents will be hemmed in by development with no land buffer or open aspects
- No response regarding concerns over the lack of car parking
- Environmental assessment is weak and non-specific
- No construction management plan has been submitted and no information on hours of work and operation of plant and machinery
- Existing hedges should be removed only when essential
- People are parking in the turning area at the end of Hyde Lane resulting in inadequate turning facilities
- There is a dangerous Junction where the A38 meets Brittons Ash which will be worse with additional pressure for on street parking from this proposal and motorists will be left with their cars overhanging the A38
- Additional parking and use of Brittons Ash by pedestrians will result in additional conflict
- What is the proposed speed limit along the A38 in the vicinity of Brittons Ash?

2 letters of objection were received raising the following comments:

- The new development should only stretch half way "down the field" and that the hedges and trees adjacent to Dyers Brook will be retained to provide security and privacy for existing residents of School Road
- There is wildlife nesting in and using the hedges and trees
- A future School Road link will result in a dangerous rat run and additional congestion for residents of Brittons Ash
- 154a Bridgwater Road is not shown on the site plan

## **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.

T8 - TDBCLP - Monkton Heathfield (HISTORIC),  
T9 - TDBCLPMixed-use Dev(HISTORIC),  
SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
EN28 - TDBCLP - Development and Flood Risk,  
FZ2 - Floodplain Zone 2,  
FZ3 - Floodplain Zone 3,

## **Local finance considerations**

### **Community Infrastructure Levy**

Cil payment in the region of £410,000 would be payable on this proposal.

### **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	£100,039
Somerset County Council	£25,010

#### *6 Year Payment*

Taunton Deane Borough	£650,234
Somerset County Council	£150,058

## **Determining issues and considerations**

The main issues for the consideration of this application are:

1. Principles of development
1. Urban design
2. Highways
3. Affordable Housing
4. Landscape and open space

## **1. Principles of the development**

This site was identified as part of a mixed use allocated site within the Taunton Deane Local Plan and its development was guided by policies T8 and T9 of that document. Outline planning permission granted in 2008 included the current application site. A masterplan was approved as part of the outline permission. The masterplan identified the current site for a mix of dwellings and retail units, the southern portion to form a “local Centre” opposite to the proposed primary school. Whilst the final layout of the proposed local centre and dwellings differs from the masterplan proposal, (because of the detailed alterations that are required to the former A38 in order to provide a safe route between the Local Centre and new primary school), the principles of the mixed use area have been retained and the proposal is considered to be in accordance with the allocation.

The current proposal is a full application due to the total number of dwellings within the outline site exceeding 900 as proposed within the permission and will be subject to CIL payments.

## **2. Urban Design**

### *Layout*

The proposed site has been designed with residential properties arranged in three parcels, northern, central and southern. The Dyers Brook wildlife corridor and open space runs along the western edge of the development and there are additional open spaces that would be provided to the north, centre and south of the site linking to that corridor and dividing the three parcels of development. The wildlife corridor and open space contain a network of footpath and cycleways links around the proposed development and would connect this site to the remainder of the Local plan site.

Each of the parcels of development have been designed so that the buildings would face outwards giving a positive street scene and providing overlooking for the open spaces. The highways serving the out facing dwellings would run between the dwellings and the public open spaces and a knee high trip rail would be provided to separate the highway and open space areas and a new hedge would be planted on the outer side of the highway to provide a visual and physical break between the two different areas.

The northern development parcel would be developed by Persimmon Homes and would also provide an internal road running n-s with terraces and semi-detached dwellings arranged so as to front onto the road.

The southern Parcel of development would be developed by Redrow Homes and is narrower than the northern parcel so has been designed to provide back to back dwellings with two terraces of four which would face east towards Bridgwater Road and an additional 6 detached dwellings fronting outwards.

The central parcel of land would provide the focus of the Local Centre site. In the original, approved design code the retail buildings fronting to the primary school were to be arranged around a triangular parking area however the proposed design would provide two 3 storey blocks providing 5 retail units on the ground floor running parallel to the Bridgwater Road and provide a rectangular landscaped parking area designed to provide a linked public space designed to cater for the likely movements west and east across the area. The design provides 18, flats above the retail units with parking within a rear courtyard area accessed from between the two blocks.

Car parking would be provided for all dwellings in a mix of garages and parking spaces. The parking spaces serving the terraced properties are generally provided at right angles to the highway with hedges and or trees being provided to split those spaces and reduce the visual impact of parking on the street scene in the longer term.

### *Central Retail units and flat blocks*

The central retail buildings have been designed to reflect the importance of their function and central location between the existing and proposed settlement for phase 1 of the Monkton Heathfield development. Including acting as the focus for significant movements in and around the area associated with pedestrian and cycle connections around the new settlement, in particular associated with travel to and from the local schools.

These buildings would have a total 5 retail units on ground floor and the front sections of these would have a stone finish using the natural local stone for the area with the indented rear sections being a grey brick to match (details to be agreed). Flats would be located on the two floors above the retail units. The upper storeys would be a vertical mix of render and brick that would reach through to the gabled front elevations. The submission and approval of the final detail of the proposed materials would be conditioned if permission is granted.

The proposed flats would be for affordable units. Whilst this results in a high number of affordable flats, there is a relatively low number within the overall allocated site and it is likely, moving to the future if the percentage of housing is reduced to 25%, that affordable flats elsewhere on the scheme will be replaced by open market tenure so that the numbers within the scheme reflects the need for the units in the area.

### *Residential*

The proposed Persimmon and Redrow residential units would have a traditional design using brick or render with tile or slate roofs. The majority of the units would be two storey in height although there would be six, two and a half storey Redrow dwellings in the central area. The same or similar designs have been approved elsewhere on the site and are considered to be in keeping with the area. All dwellings would have rear gardens with wall boundaries where they form the form the street scene on the outer



boundaries of the parcels or fence boundaries elsewhere.

### **3. Highways**

#### *Former A38*

Along with the proposed new primary school, to the east of the site, the proposed development would form the central area of the new community created by the Local plan allocated site. The area is expected to be the focus of local pedestrian, cycle and vehicular movements.

The existing highway has functioned as a through route for traffic travelling from Bridgwater to Taunton and catered for traffic diverted off the M5 motorway when it was closed. The A38 has now been re-routed via the newly opened Eastern Relief Road and is now known as Bridgwater Road. A bus gate (part of the planning permission for the Western Relief Road), is proposed to the south of the development and would stop through traffic from continuing along the old A38 thereby reducing the volume of traffic using the road.

Given the historic strategic function of the A38 the existing roadway is a straight section of road approximately xxm in width with footpaths on either side (stopping at the bus stop on the nw of the road) with a 40mph speed limit. This is considered to be unsuitable and unsafe to serve its proposed new function at the centre of the development and giving access to both the local centre and proposed new primary school. As a result it is proposed to form a raised, paved section of highway, with low speed limits and a car parking free zone. Within this central area there would be two bus stops and three safe crossing points giving greater priority to pedestrians and cyclists. To the north of the central area would be a road narrowing allowing for cars to park along the highway further to the north if required. The access into the public car parking area to the front of the proposed shops would be from this raised section of Bridgwater Road

#### *Internal layout*

##### *Car parking*

The proposed development would include the provision of 139 parking spaces to serve 69 dwellings. The number of parking spaces per dwelling would range between 1 to 3 spaces depending on the size of the dwelling. There would be 18 spaces to serve the 18 flats situated in a resident's rear parking courtyard, between the flats and dwellings to the west.

The proposal would also include the provision of a public parking area with 20 parking spaces plus 6 disabled spaces that would be located to the front of the retail blocks to serve a mixed function of parking for the retail units, school drop off and pick up area for the new primary school and parking for the new community facility attached to the school. The demand for the spaces will vary throughout the week with the peak demand likely to be twice

a day in association with the school start and finish times.

The Highway Authority accept that it is not possible to provide parking spaces for the parents of the 420 children using the school. However this is a sustainably designed development that offers a regular bus service along Bridgwater Road and would provide a network of footpath and cycle ways throughout the allocated site which would link the dwellings to the school and local centre, offering direct and commodious alternatives to the private car. In addition, whilst the highway between the primary school and retail units would be car free the highway to the north would be wide enough to provide on street parking. The proposed car parking is therefore considered to be acceptable

#### *Cycle and footpath links*

There is detailed planning permission for the provision of a network of footpath and cycle links running north – south and west – east through the open spaces as well as the ability to use the on road routes. This proposal is similar to the approved network and includes an upgrade to the existing footpath which links Bridgwater Road to School Lane. The Parish Council have requested an additional link through a garage courtyard to the north with a widening of Dyers Brook to form a duck pond. The garage block is located to the rear of the existing dwellings with no direct overlooking from those properties and the developers have declined this suggestion as they consider that it would result in an unsafe link. As the footpath and cycle network has detailed planning permission and would not be overlooked I consider that it would be unreasonable to insist on such a link in this case.

#### **4. Affordable Housing**

This application lies within the Core Strategy site where there is a requirement to provide 25% affordable housing split 60% social rent and 40% shared ownership and as such the proposal would be subject to CiL payments and the provision of 25% affordable housing. The proposed is for x 1 bed flats and x 2 bed flats for social rent with an additional 2 social; rent and 2 shared ownership houses in the northern parcel of development.

The housing enabling officer is disappointed that there would be such a high number of of affordable units being proposed as flats . However the developer has suggested that when the affordable housing provision on the outline site is reduced to 25% affordable, flats located elsewhere on that site will be converted to open market so that, when the local plan site is considered overall, the number of flats is not considered to be unreasonable. A letter to confirm this proposal is awaited from the developer at which point the proposal will be considered to be acceptable

#### **5. Landscape and Open Space**

There are a number of existing hedgerows and trees throughout this site. Whilst it would normally be a priority to retain as much of these as possible,

in this case the need to improve public access and provide a permeable central area would result in the loss of much of these hedges. New hedging would be provided to the east of the dwellings at the north of the site and this will encourage new networks for wildlife to use. Between the retail blocks and former A38, the existing trees within the hedge would be retained and supplemented with additional trees in order to provide a row of trees to characterise that central cross over area.

Dyers Brook wildlife corridor runs along the western boundary of the site. Detailed planning permission has been granted for this area and these proposals replicate those details. The details include the provision of a 3m wide bitmac footway with a wildflower margin to the west and a grassed area to the east within which there would be shrub area and trees. In the southern area would be an orchard area that would provide an "orchard trail" which runs throughout the green infrastructure as suggested initially by the Parish Council.

There is also an open space running west – east to the north of the retail blocks. This would contain the landscaped footpath cycle link which would run along the northern boundary of the new primary school and link with the Dyers Brook corridor.

The Biodiversity and Landscape Officer comments have been accommodated within the amended details and the proposals are considered to be acceptable.

## **Conclusions**

The proposed development provides the community and retail focus for the original local plan allocated site. It has a imposing building at its centre and it is considered that it would result in a local centre of a quality suitable to serve the existing and future residents of the surrounding area. The highway, footpath and cycleway proposals would cater for the combined uses in this area and have been designed to produce a high quality, accessible public realm. Whilst the parking provisions would not cater for the likely need at peak times (associated with the school times) the provision of safe access opportunities should enable car use to be reduced and walking or cycling to provide a realistic alternative. The green infrastructure in and around the site would enhance the area and create a place which people will want to use for leisure purposes.

Proposal considered to be acceptable.

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

**Contact Officer: Mrs J Moore**

43/15/0152

WAITROSE LTD

**VARIATION OF CONDITION No 24 (TO EXTEND THE STORES DELIVERY TIMES WINDOW) OF APPLICATION 43/07/0163 AT WAITROSE FOOD STORE, HIGH STREET, WELLINGTON (AMENDED SCHEME TO 43/15/0135)**

Location: WAITROSE, RED LION COURT, HIGH STREET, WELLINGTON,  
TA21 8RD

Grid Reference: 314074.120682

Removal or Variation of Condition(s)

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. No deliveries, including loading and unloading of the delivery vehicles, shall be made between the hours of 2300 on any one day and 0700 on the following day.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DM1 of the Taunton Deane Core Strategy.

2. Any alterations to the external lighting or car park lighting should be undertaken as not to cause inconvenience from glare, whether directed or reflected, to any other premises.

Reason: In the interests of the visual amenity of the area and to ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Core Strategy Policy DM1.

3. The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties.

Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjacent access road, in accordance with Taunton Deane Core Strategy Policy DM1.

4. The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket.

Reason: To preserve the character of the area in accordance with Taunton Deane Core Strategy Policy DM1.

5. Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 1 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Core Strategy Policy DM1.

Notes to Applicant

## **Proposal**

The proposal comprises the variation of condition 24 from application 43/07/0163. The variation is to extend the time that deliveries can take place at the Waitrose food store in Wellington.

*Condition 24 reads No deliveries, other than bakery, dairy and other perishable products, shall be made between the hours of 2000 on any one day and 0800 on the following day unless otherwise agreed in writing by the Local Planning Authority. No delivery of bakery, dairy and other perishable products shall be made other than between the hours of 0700 and 2000.*

It is now proposed for all deliveries to begin from 0700 and for deliveries to continue until 2300.

## **Site Description**

Waitrose is a food store sited in the centre of Wellington, located off the High Street. The main public access to the store is from the High Street, leading to a car park surrounding the entrance to the store. To the rear of the store there is an overflow car park that is accessed from Scott's Lane. Deliveries to the store are also via Scott's Lane as the delivery bay is located to the rear of the store. Scott's Lane is predominately a commercial area of Wellington. The rear of the store/delivery bay backs onto Orchard Court a small group of 8 single storey residential dwellings, where the delivery bay is screened by a high wall.

## **Relevant Planning History**

A previous application (43/15/0135) was submitted and withdrawn to extend the opening hours to allow three deliveries between the hours of 2000 - 0700.

The food store was granted permission under application 43/07/0163.

## **Consultation Responses**

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

No observations.

### *WELLINGTON TOWN COUNCIL -*

Recommended that permission be granted subject to:

- All deliveries being off site between the hours of 11pm and 7am.
- The noise delivery plan within the planning application being implemented, adhered to and enforced.

### *ENVIRONMENTAL HEALTH - NOISE & POLLUTION -*

No comments received. Verbally, no comments.

## **Representations Received**

THREE LETTERS OF OBJECTION including one letter on behalf of 3 properties: -

- Existing noise from deliveries and loading bay.
- Ignoring Quiet Delivery Procedures - waiting for loading bay to open, not reversing into bay.
- Waitrose employees believe they can work on deliveries until 12am.
- Current breaches as lorries arriving before 0700
- Enforcement Officer at TDBC made aware of complaints.
- Lack of sleep from noise.
- More acceptable if between 0700 and 2100 with loading bay door closed by 2300.
- Some deliveries take over 2 hours before the lorry leaves.
- Lorries to reverse into loading bay as quieter.

ONE LETTER received raising

- No planning related observations/comments.

## **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**

### **Community Infrastructure Levy**

None.

### **New Homes Bonus**

None.

## **Determining issues and considerations**

The main consideration is the impact on the amenity of neighbouring properties.

### **Proposal**

The application is seeking an additional three hours of delivery time in the evening and an additional hour in the morning for deliveries of products, other than perishables (dairy, bread etc) that can already be delivered from 0700.

As some deliveries can already take place from 0700, extending deliveries by 1 hour for non - perishables to also be delivered from 0700 is not considered to be detrimental to the amenity of the adjoining properties within Orchard Court.

The main change to the delivery times is the proposed extension for deliveries to take place until 2300, currently 2000. During this extended period of time, any impact on the amenity of nearby residents would be minimised by the Quiet Delivery Management Plan that Waitrose has adopted. Measures within the plan are as follows: -

- Drivers contact the store prior to arrival to ensure service yard gates are open, therefore enabling lorries to enter the service yard without stopping and thus minimising the time taken to pass nearby residential properties. Similarly, gates

are left open during unloading activities such that lorries do not idle at the gates on departure;

- Deliveries are scheduled and agreed with the store to reduce to a minimum the time taken to deliver the goods and therefore limit potential for noise impact;
- Delivery doors, gates and shutters are well maintained to minimise noise when opening / closing;
- Lorries reverse up to the service yard doors such that loading/unloading activity occurs inside the store building;
- Lorry engine and refrigeration is turned off as soon as practicable and they are not left running during deliveries;
- Padlock chains for service yard gates are covered in plastic to reduce clanking noise;
- Loading bay is kept clear of obstructions to enable lorries to manoeuvre easily;
- An isolating mat is placed under the tail/scissor lift to reduce the noise of the plates on the pavement or the loading bay;
- The radio in the lorry cabin must be switched off / muted before arrival;
- The branch radios are switched off / muted before the service yard doors are opened;
- Most suitable time for moving dekit agreed between branch and the RDC Transport Manager;
- All employees speak in hushed voices;
- All employees avoid going over drains and loose paving when moving cages.
- There is a general requirement for all drivers to minimise noise at all times;
- Delivery vehicles are driven around the site in a considerate manner, e.g. speed being kept to a practical minimum and all items properly fastened in order to ensure rattles and bangs are kept to a minimum;
- If a complaint arises, Waitrose employees will follow a set of guidelines which set out how to deal with complaints quickly and effectively and to address any issues raised.

Whilst the content of the plan will minimise any impact to residential amenity, it is not considered practical or enforceable to condition the plan.

The proposed quiet working measures have been included within a Delivery Noise Impact Assessment that has also been submitted with the application. The



Assessment concluded that:

*An environmental noise survey was undertaken in order to establish the ambient noise levels incident at nearby residential dwellings overlooking the service yard at the Waitrose Store in Wellington.*

*The results of the survey were used to undertake an assessment of the likely noise impact from deliveries at the store. For the purposes of the assessment the methodology used in BS4142:2014 was utilized. Further assessments were undertaken taking into consideration guidance from the World Health Organization and BS8233:2014.*

*The results of the assessments show that there should be no time restrictions on deliveries at the store. It may be prudent to condition the number of staggered deliveries (say no more than 3 deliveries by large articulated lorries during the night-time) and adherence to a delivery management plan. If this is not acceptable to the planning authority, Waitrose at least requests that daytime deliveries (07:00-23:00hours), Monday to Sunday are considered to be acceptable and this can be conditioned.*

In addition to the noise details submitted, the agent has also indicated that Waitrose are not intending to increase the number of deliveries but to redistribute the existing deliveries throughout a wider delivery window. Furthermore, there is no expected increase in the number of deliveries at any one time as there is only sufficient space for one delivery at a time.

### **Other matters**

The agents submitted details show that the changes to delivery hours are to increase the efficiency of the stores operational management. As only one delivery can be made at one time there is increased pressure to move on the perishable delivery to allow the next delivery.

### **Conclusion**

On balance, increasing the delivery hours will benefit the store operations by staggering deliveries without detriment to the amenity of the nearby neighbouring properties within Orchard Court. The new condition will restrict deliveries until 2300, including unloading, so lorries would not be able to arrive at 22.55 and then unload. The proposed variation of condition is therefore considered to be acceptable and recommend permission be granted.

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

**Contact Officer: Mr D Addicott**

27/15/0025

MR MIKE PEACE

**Change of use from agricultural to agricultural and flexible use Class D2 ( Assembly and Leisure ) at Knapp Farm, Hillfarrance Road, Hillfarrance (retention of works already undertaken)**

Location: KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE,  
TAUNTON, TA4 1AN

Grid Reference: 317474.12467 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:

(A4) Barn Licensed Area

(A4) Knapp Farm Plan (received 01.03.2016)

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

2. The permission for the change of use hereby permitted relates solely to the building hatched yellow on the site plan drawing hereby approved. The hatched building may be used for purposes falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) except that the building shall only be used for purposes falling within Class D2 for a maximum of 5 events in any given calendar year and no more than two events shall be held in any given 7 day period. For the purposes of this condition, an event shall be defined as commencing no earlier than 10.00 on any given day and concluding no later than 00:30 the following day and the said hatched building to which this permission relates shall be clear of people by 00:30 at the end of the event.

Reason: To prevent an unreasonable impact upon the amenities of neighbouring properties.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 4 , Class B or any order revoking and re-enacting the 2015 Order with or without modification), the land edged red shall not be used for any purpose for more than 10 days in any calendar year without the further grant of planning permission, except that this restriction shall not apply to car parking or camping in connection with activities permitted in the barn hatched on the

approved plans and permitted in accordance with condition 2.

Reason: To prevent an unreasonable impact upon the amenities of neighbouring properties; the change of use is partly justified by the fallback position generated by permitted development rights, so it is reasonable to further restrict these rights.

Notes to Applicant

## **Proposal**

This application seeks full planning permission for the change of use of an existing agricultural barn to a mixed use for agriculture and D2 (Assembly and Leisure) use. The purpose of the proposal would allow the use of the site as a wedding reception venue and similar. A change of use is sought on the 'piggery' building adjoining the highway, which contains catering facilities and a newly installed bar; and on the adjoining modern portal framed building which would be the main 'public' events space. The bar is contained within the piggery, but the serving hatch is into the modern building.

The proposal indicates that the field adjoining the east of the main house could be used for overflow parking.

## **Site Description**

Knapp farm is a historic farmstead in the rural area. Overall, the site comprises a grade II listed farmhouse (recently renovated), historic and modern farm buildings, and surrounding agricultural land. The application relates to the former piggery which adjoins the highway to the west of the main house and an attached modern portal framed building. There are three vehicular accesses to the site – to the east and west of the buildings and a central one into the yard area which is no longer used. To the west, an agricultural building frames a yard area and to the east is the main access and parking area for the farmhouse.

To the north of the site is Higher Knapp Farm and boarding cattery, where permission has also been granted for kennels.

## **Relevant Planning History**

Listed building consent was granted for major refurbishment of the farmhouse in 2009. At that time, permission was also given for the enlargement of the existing access gateways to the east and west, creation of a new farmyard area to the west and domestic driveway and parking area to the east.

In 2013, permission was given for the change of use of part of the house to provide bed and breakfast accommodation. A new agricultural storage building to the west was also permitted at this time.

In 2014, permission was granted for the conversion of the Granary building to a single unit of self-contained holiday accommodation; this has not been implemented.

## Consultation Responses

*OAKE PARISH COUNCIL* - The Parish Councillors voted unanimously to object to the above planning application for the following reasons:

1. Traffic - access to the property is along a single track lane with few passing places. Pedestrians and horse riders use this road on a regular basis, and having this event venue would increase the volume of traffic along this narrow lane.
2. This lane is also part of the national Sustrans cycling route and therefore heavily used by cyclists.
3. Neighbours - thought should be taken into account with close neighbours in this quiet lane regarding noise disturbance late at night and privacy.
4. Economic impact - there are two local businesses which offer functions so a further business may have a financial impact.
5. Visitors will be passing through the small settlement of Hillfarrance.

The Councillors hope the above concerns are taken into account regarding this application.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – Comments as follows:

Thank you for consulting on the above application change of use from agricultural to D2 assembly and leisure.

The application form says that it is proposed to have weddings at the premises and, if the permission were granted, it may be that other events could be held there. There is the potential for noise, in particular amplified music, to disturb nearby neighbours and there is one residential property 25m away. However, it is difficult to comment further as the application does not provide details of the type of event, the times that they will be taking place and how often they may happen.

It is also not clear which buildings are to be used for events. The application refers to the “pigsty” building, however, there is an adjacent barn which is shown on plans as a “licenced area” and is referred to elsewhere as being used as a wedding venue.

The applicant should provide a noise assessment to determine the potential impact of any noise and explain how this will be mitigated to ensure that it does not cause unreasonable disturbance to people at any neighbouring properties. This should include details of potential sources of noise, the times and frequency that any events will be happening and the likely level of noise at nearby premises. It should also assess the structure of any building where noise could be generated and

determine what level of sound proofing or other noise controls will be required.

It may be that planning conditions could be used to control the noise. For example, by limiting the number of noisy events and having a restriction on the level of noise at other nearby premises. It would be better to have more detail about the proposed use of the premises before trying to draft any conditions.

*HERITAGE* - In conservation terms, the main issue is the potential impact on the setting of the listed building. No additional buildings have been introduced, nor are there changes to the existing buildings that would affect the setting. My main concern is the overflow car park to the east, where the car parking is shown very close to the listed building. Car parking here (even occasional) would detract from the setting of the listed building. Adequate screening and appropriate surfacing might mitigate this, provided there was sound justification and a demonstrable public benefit to having the car park that outweighed the harm.

Subsequently commented as follows:

Further to my consultation response of 25<sup>th</sup> January, regarding the car parking, I wish to add that provided there is no formal car parking with permanent surfacing proposed, occasional use of this area on a restricted basis would be acceptable in conservation terms.

*ECONOMIC DEVELOPMENT* – The Economic Development Service is supportive of enterprise in rural areas of the borough, so long as the activity is compliant with various legal standards and local plan policies. Rural enterprise is crucial to the Taunton Deane economy and makes up a high proportion of sustainable self-employment locally.#

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

## Representations Received

Letters of **objection** have been received from 5 different people raising the following issues:

- There is a lack of explanation regarding the exact proposed use or opening times.
- The relationship between the site and neighbouring dwellings is not shown.
- The potential environmental impact on neighbours is not identified.
- Reference to continuing agricultural use is an attempt to dodge a requirement for noise attenuation.
- This is the wrong location for any kind of mass entertainment.
- There will be an increase in traffic.
- There will be very loud music into the small hours.
- A noise assessment is required.
- This 'pop-up' pub is unnecessary and insensitive competition to nearby struggling local pubs.

- The property is currently on the market and the planning application could be a ploy to make the property more appealing.
- Prospective national or commercial organisations may wish to develop a major entertainment facility to the detriment of local residents.
- Query what it meant by 5 events.
- The modern steel framed barn is not listed, so could have the necessary noise insulation installed.
- Controls on amplified music do not necessarily control noise from crowds, vehicles etc.
- Planning Practice Guidance advises planners to avoid noticeable and disruptive levels of noise.
- Use of the gravelled car park will be disruptive to amenity – all parking areas require hard surfacing to mitigate this.
- The applicant will be able to undercut local establishments to the detriment of the local community.
- Visibility at the access is obstructed.

## **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**

None.

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of the development, the impact on neighbouring property, the impact on the highway network and the impact on the setting of the listed building.

## **Principle of development**

The site is in the open countryside, where development is strictly controlled. Policy DM2 provides exceptions and details permissible uses in such locations.

The policy permits 'recreational facilities', although this is under the banner of 'Holiday and Tourism'. It is, therefore, questionable whether the intended use should be classified as a recreational facility, although it could be in the broadest sense and it is probably reasonable to say that a fair number of guests at weddings and the like may be tourists to the area. Weighing in favour of this interpretation, the site is already authorised for bed and breakfast accommodation. The policy also permits the conversion of existing buildings to community uses – being the most highly favoured use in the sequential list of possibilities – and the use of the building for D2, assembly and leisure uses, could also fit into this category, given a generous interpretation.

The applicant has confirmed that they would willingly accept a restriction limiting the number of events to a total of 5 in any given calendar year. This being the case, the overall change of use is not a significant one and the building would effectively remain in a mixed use for D2 leisure uses and agriculture. Given the very low intended use, it is considered that the proposal is acceptable in principle.

## **Impact on neighbouring residents**

The closest neighbour is directly opposite, over the road, to the north. This neighbour has reported disturbance from previous events that have been held at the site and raises concerns about the potential for noise disturbance late into the night. These neighbours consider that measures should be employed to attenuate sound emanating from the building, but also raise concerns over the noise from departing guests and vehicles using the gravelled driveways late at night.

All of these are legitimate concerns and it is clear that the use of the building as proposed could very well lead to disturbance. It is also accepted that any restriction on the hours of amplified music (as can be controlled by a premises license) would not necessarily overcome these concerns as unamplified bands and general singing/partying can at times be noisy, as can the noise of guests leaving the venue.

The applicant has not undertaken any assessment of the acoustic properties of the building; there are no noise reports, so it is difficult to assess how much sound may leach into the local environment. In any case, attenuating sound from the building could not control the noise of guests outside the building (conditions could not be imposed to contain them inside) nor disturbance arising from the movement of vehicles.

As noted above, the applicant has agreed to a condition restricting the use to 5 events per year. An event would be defined as commencing after 10am on any given day and concluding by 00.30 the following. It is considered prudent to prevent more than two events occurring in any one week.

In light of the limited use proposed, it is considered that the actual disturbance would

be infrequent, so the potential harm to neighbouring amenity would be limited. It is also worth noting that it would be possible for the owner to site a marquee on their land for the same purpose for up to 28 days per year, which would give a far greater scope for a more intense use than is currently planned. A marquee is likely to have even lower sound attenuation properties than the agricultural building and, therefore, represents a reasonable comparison. In that situation, as with the current proposal, it would not be possible to control noise outside or the movement of vehicles.

With regard to this fallback position, the inability to control outdoor activities and in particular, the low number of events proposed per year, it is not considered reasonable to require substantial physical alteration to the building, nor the hard surfacing of the parking areas. However, the removal of permitted development rights to prevent the siting of a marquee (or similar) for further events is considered to be justified and will ensure that events remain at such a level that, taken in the round, would not have a harmful impact upon the amenity of neighbouring and nearby residents.

### **Highway impacts**

The proposed use will have the potential to generate significant amounts of traffic for short periods of time. At the time of writing, no formal comments have been received from highways, but as with the other considerations, your officers consider that this impact will be limited due to the infrequency of the proposed use.

### **Impact on the listed building**

The conservation officer considers that the barn proposed for the change of use is not curtilage listed as it is a modern, post 1948 structure. In any case, the small intervention of providing the bar into this area would not affect the character or any historic features. Therefore, listed building consent is not required. No external works are proposed to the site for the change of use to occur and the issue is, therefore, the impact on the setting of the listed building.

The conservation officer initially commented that large parking areas and the presence of parked cars would cause a detrimental impact upon the setting of the listed building. However, as with the amenity issues, this would be for a very small proportion of time overall. As there will be no hard surfacing of the overflow parking areas and this will, essentially, just be cars parking on the surrounding fields, it is not considered that the use would have a detrimental impact upon the setting of the listed building. The conservation officer has since confirmed his opinions on this matter and agrees with this position.

### **Conclusions**

It is considered that the use is acceptable in principle in terms of the requirements of policy DM2 and, especially, given the limited use that the building will be put to and that the agricultural use will be able to continue alongside the new use. Although some disturbance may be noticeable, given the very limited use it is not considered that the proposal would result in significant harm to the amenities of other nearby



property. The same is true of the impact on the highway network and potential intrusion of car parking into the setting of the listed building.

With regard to these matters, the proposal is considered to be 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: Matthew Bale**

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) No 2 LTD

**OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF 35 No DWELLINGS ON LAND TO THE SOUTH WEST OF CREECH ST MICHAEL MEDICAL CENTRE, HYDE LANE, CREECH ST MICHAEL**

Location: LAND TO SOUTH WEST OF CREECH MEDICAL CENTRE, HYDE LANE, CREECH ST MICHAEL, TAUNTON, SOMERSET, TA3 5FA  
Grid Reference: 326703.125781 Outline Planning Permission

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## **Recommendation**

### **Recommended Decision: Refusal**

- 1 The proposed development lies outside settlement limits of Creech St Michael and would add to the existing housing already granted impacting on the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and policy SB1 of the draft Site Allocations and Development Management Plan.
- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing and maintenance of on site leisure facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan and off site highway improvements and therefore would be contrary to policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

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

#### Notes to Applicant

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

## **Proposal**

The proposal seeks outline permission for the erection of 35 residential properties on agricultural land of 2.64ha with access through the western boundary hedgerow

of land to the east which has permission for 44 units.

The application includes a Design & Access statement, a Flood Risk Assessment, an Ecological Survey and an Affordable Housing Statement.

## Site description and history

The site is an agricultural field surrounded by hedgerows, other than with the canal to the south, and lies outside the settlement limit of Creech St Michael. There is no planning history on the site. The land to the east was put forward as a possible site under the Site Allocations and Development Management Plan and an outline application for the site for 44 units was submitted in December 2012 ref 14/12/0043 and permission was granted with a legal agreement on 2 December 2013. A detailed reserved matters approval 14/15/0013 was subsequently submitted and approved on 15 June 2015.

## Consultation responses

### Consultees

*WEST MONKTON PARISH COUNCIL* – No comments received.

*CREECH ST MICHAEL PARISH COUNCIL* - The CSM PC unanimously voted at its meeting held on 7th Dec 2015 to strongly object to this development, based on the following observations;

TDBC has already designated CSM as an urban extension with 3500 homes expected to be built.

In addition CSM was designated by TDBC as a minor rural centre for planning purposes in the Core strategy and as a result , despite have just had the Hollingsworth Park Estate recently built, three further developments have also been given permission in Hyde Lane.

The new estates have very good access roads, footpaths and cycle routes which have been designed and built into the schemes, Hyde lane has none of these. Hyde Lane has no schemes for adequate roads, foot paths and cycle routes and is deemed to narrow for directional traffic - its too narrow for the proposed development and increased traffic in the area . The proposal does not allow for pavements along both sides of the road and is in need of widening to allow for cycle lanes and directional traffic, presently it is only good for single lane traffic.

Based on the fact the SCC have removed local bus routes from the area, then that can only add to transport difficulties in Hyde lane through increased use of motor vehicles, because there is little if any public transport and that means sustainable transport systems must be incorporated in the development and must be included in the scheme to allow and reduce traffic around Hyde Lane.

The scheme does not allow for sufficient street lighting in the area in terms of road use along its length from St Michaels Road to Hyde Lane Cottages.

This additional housing is an over development of the village amenities and does not provide sufficient green field space to add any enhancement to the wellbeing of the community based on Policy SP1.

The development does not provide the bungalows and first time starter homes that are required in the village which would provide the necessary housing for the local youth community and the ever increasing ageing community, It does not need more larger houses that are aimed at larger families with will bring the additional costs and burden on an over stretched local schools.

So to reiterate CSM parish Council strongly appose the development based on

- 1) Lack of public transport
- 2) Hyde Lane too narrow and only sufficient for single lane traffic
- 3) lack of footpaths on both sides of the route, pedestrian access
- 4) Inadequate street lighting
- 5) Insufficient green space and community leisure areas
- 6) lack of connected cycle routes to the existing developments and existing byways.

#### *SCC - TRANSPORT DEVELOPMENT GROUP –*

The proposal relates to an outline application for 35 dwellings in Creech St Michael.

#### **Traffic Impact**

The applicant has provided a Transport Assessment to accompany the planning application. The Highway Authority has assessed the document and has the following comments to make.

In terms of the vehicle trip rates the applicant has envisaged that it will be similar to the previous residential developments along Hyde Lane. The applicant has indicated that there would be 25 two way movements in both the AM and PM peaks. The Highway Authority has assessed this information and it's of the opinion that it is highly unlikely that the AM & PM Peak flows would be mirrored. However from our interpretation of the submitted document it is apparent that this trip rate had been previously agreed with the Highway Authority as part of the previous proposals.

Regarding actual traffic impact it is likely that the proposal will result in an increase in vehicle movements although it is unlikely that the proposal would be considered to be severe in terms of Section 4 of the National Planning Policy Framework (NPPF). As a consequence it would be unreasonable to object to this proposal on traffic impact grounds.

It is noted that the applicant goes onto state that in terms of the trip distribution there will be a 50/50 split along Hyde Lane. The Highway Authority believes that although at the time when the previous proposals were decided this may have been a realistic representation of the distribution. However since then the Monkton Heathfield development has seen the vehicular link from Hyde Lane to A38 via Brittons Ash has been severed as such this route cannot be seen as an attractive route. Therefore it is the Highway Authority's opinion that it is more likely that this

split will be 60/40 or 70/30 with the majority of the traffic turning right into Creech St Michael.

In conclusion in terms of traffic the proposal will result in an increase in traffic however it is unlikely to be considered severe in the terms of the NPPF. However the Highway Authority believes it is unlikely that the proposed trip rates in the AM and PM peak will be mirrored whilst in terms of the trip distribution the applicant has set this as a 50/50 split. However the Highway Authority believes that is not necessarily would be the case with a 70/30 or 60/40 split being more accurate.

### **Travel Plan & Highways Contribution**

It is noted whilst reviewing the TA that the applicant makes reference to the submission of a Travel Plan. As yet the Travel Plan has not been submitted for consideration. The Highway Authority would ask that this occurs as soon as possible. Please note that this document would need to be secured via a S106 agreement.

The Highway Authority would require a contribution from the applicant in regards to delivering the off-site works package for Creech Saint Michael.

### **Internal Layout**

Turning to the internal layout the Highway Authority has reviewed the submitted information and has the following observations to make.

Firstly the Design and Access Statement indicates that the proposal will derive access onto the adopted highway network via the adjoining development site to the east. The road within the adjoining development which this proposal will connect to is proposed to be a shared surface road. However a shared surface road will no longer be appropriate due to the proposed connection with the proposed development site. Consequently a type 4 bitmac carriageway with footways will now be required. As a consequence the applicant will need to contact the adjoining developer to discuss this matter further.

Where the proposal will tie into the existing carriageway allowances shall be made to resurface the full width of the carriageway where it is disturbed by the extended construction and to overlap each construction layer of the carriageway to a minimum of 300mm. Cores will need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. The applicant should also be made aware that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980 it will be subject to the Advance Payments Code (APC).

The applicant should be made aware of the fact that the adjoining development site to the east of the application site is currently not a publicly maintained highway. Therefore the application site at present will not have a direct access to the public highway.

The following comments relate points that need to be addressed prior to any further detailed submission.

Adoptable 2.0m wide footways will be required along the length of the access road

in lieu of the 1.8m wide footways proposed. Adoptable 1.0m wide hardened margins will be required at the ends of all turning arms within shared surface roads. The shared surface roads should be constructed in block pavements. Bitumen macadam shared surface roads will not be acceptable. The longitudinal gradients of block paved carriageways should be no slacker than 1:80 to aid surface water drainage.

The applicant will need to confirm whether the length of carriageway serving bays 19-23 to remain within private ownership or will be offered for adoption. If it is to remain private then a suitable cut off point will need to be agreed.

Where private access paths crossover the prospective public highway margins they should be constructed as per typical Somerset County Council specification. Paving slabs will not be permitted. Grass margins should not be laid up to vertical faces. The last 200mm should be of a hardened surface (mowing strip). Grass margins should not taper off into nothing with the last being bitmac.

Somerset County Council as the Highway Authority has a policy whereby only two dwellings can be served via a private drive. Therefore, can the applicant please look at extending the limits of adoption up to and including plots 5, 9 and 29 with appropriately dimensioned turning heads provided.

If the parking bays serving plots 19-23 are to but up against any form of structure, including plants or any other type of street furniture they should provide a minimum length of 5.5m.

Turning to drainage where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are available from the Streetworks Team on 01823 357521. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy of the consent forwarded to the Highway Authority. Please note that surface water from all private areas, including drives and parking bays, will not be permitted to discharge out onto the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening.

From reviewing drawing 2156/500 it is noted that it states that an attenuation basin will be maintained by a private management company. Somerset County Council the full details of this company for our records.

Finally, the Design and Access Statement indicates that permeable surfaces will be used as part of the overall surface water drainage strategy. 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 onto the highway. There should also be a form of 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.

## **Drainage**

The applicant has submitted, as part of the proposal, a drainage strategy which

broadly consists of all highway and rooftop being discharged into the Bridgwater and Taunton Canal with a discharge rate restricted to a maximum of 3.0l/s. As this proposal will look to discharge into the canal the acceptability of this drainage proposal will need to be agreed with the organisation that maintains this water way.

## **Conclusion and Recommendation**

Therefore to conclude in traffic impact terms it is unlikely that the proposal will result in a significant increase in traffic on Hyde Lane although the Highway Authority is of the opinion that it is unlikely that the proposal will result in a mirroring of traffic movements in the AM & PM peak periods. In addition we are also of the opinion that the previous understanding of an even 50/50 split is now unlikely with the closure of Hyde Lane instead it is likely to be either a 60/40 or 70/30 split. At present no Travel Plan has been submitted as part of the application although the applicant has indicated that one will be provided.

Turning to the internal layout it is appreciated that this application is for outline permission but the applicant is urged to take account of the above information prior to any further detailed submission if permission were to be granted. Finally in terms of drainage the applicant will need to speak to gain permission from the organisation that manages the water way which they have proposed to discharge into.

Taking into account the above information the Highway Authority raises no objection to this proposal and if permission were to be granted then the following conditions would need to be attached.

- S106 to include a Travel Plan and contribution to the pedestrian improvement link.
- 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 development and thereafter maintained until the use of the site discontinues.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

- A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- 
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 plans and sections, indicating as appropriate, the design, layout, levels, gradient, 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 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.
  - The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
  - In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections have been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
  - No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing with the Local Planning Authority.

*DIVERSIONS ORDER OFFICER* – The proposed access to the site exits the lane carrying the footpath T10/26. Subject to planning consents adequate health and safety measures should be put in place during the construction process to raise public awareness of increased volume of construction traffic.

*HOUSING ENABLING* - 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.



The proposed scheme incorporates:

Social Rented - Plots 15, 16, 21, 22, 23 (2 x 1 b flats, 2 x 2b bungalow and 1 x 2b house)

Shared Ownership - Plots 17, 18, 19, 20 (2 x 2b bungalows, 1 x 2b house, 1 x 3b house)

*(NB – This is taken from Drg No 15.37.01D. The affordable housing statement refers to plot 12 instead of plot 21, which does not tie up with the Site Layout Plan. I have taken this to be an error and used the details set out on the Site Layout Plan.)*

This was discussed at pre-application stage and is considered broadly acceptable but I would flag up the following points. Potential concerns regarding the service charge of the shared surface areas that serve the bungalows and the parking court arrangement not being ideal owing to this being remote from the properties it serves, particularly the southernmost terraced properties (plots 21, 22 and 23).

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning 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.

*POLICY OFFICER* – Comments as follows:

The application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy policies CP8, SP1 and DM2). Despite being in the open countryside, the application site is located on the edge of the settlement of Creech St Michael and has good levels of access to a range of services and facilities in the village. The site is also well-related to transport infrastructure, which includes an hourly service to Taunton with a journey time of approx. 30 minutes.

Creech St Michael is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. Creech St Michael is therefore identified as a sustainable settlement to accommodate further growth. In line with the adopted TDBC Core Strategy, new housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered. It is

anticipated that through the SADMP each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13<sup>th</sup>. The appointed Planning Inspector has prepared an initial questions and observations on the submitted SADMP. An initial hearing sessions were held on 1<sup>st</sup> and 2<sup>nd</sup> of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrowe. Further hearing sessions concerning the soundness of the rest of the SADMP are likely to take place at end of March 2016.

The SADMP is proposing to allocate three sites in Creech St Michael; Land at Hyde Lane for around 40 dwellings, Land north of the school for around 55 dwellings and land off Hyde Lane for around 44 dwellings. The land at Hyde Lane already benefits from outline and full planning consent for 35 dwellings with an amendment for a further 6 units. The site north of school already benefits from a full planning consent for 55 dwellings. The site off Hyde Lane also already benefits from outline planning consent for 44 dwellings. All three sites will deliver 25% affordable housing in line with adopted Core Strategy policy CP4.

The proposal is contrary to the emerging Site Allocations and Development Management Policies Plan. The draft SADMP has already identified enough land in Creech St Michael (around 139 dwellings in total through the three allocations) to meet a significant proportion (over 50%) of the adopted Core Strategy housing requirement for Minor Rural Centres. This would equate to over 12% of growth over the current settlement size.

Although the adopted Core Strategy does not set a ceiling for the number of dwellings to be accommodated within each Minor Rural Centre, the Council anticipated through the SADMP that growth in the Minor Rural Centres should be in the region of 10% without comprising the role and function and the capacity of local infrastructure, services and facilities as well as taking into account the availability of suitable and achievable development sites.

As the Council's housing trajectory demonstrates, even without any allowance for further allocations in the Major and Minor Rural Centres it appears likely that the Core Strategy requirement for 1,500 dwellings in the rural areas would be met. On this basis the Council proposed that only a minimum number of new units for allocation through the SADMP, this will help to ensure that the Core Strategy and the Council's approach to focusing development in Taunton in the first instance is not undermined. As the three allocated sites already benefit from outline and some full planning consents there is certainty regarding the likelihood of these sites coming forward.

The latest Strategic Housing Land Availability Assessment (SHLAA) 2014 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. The Council is in the process of updating the SHLAA, and the 2015 SHLAA is likely to be published in March 2016.

Although the SADMP has not yet been adopted, the draft Plan has reached an advanced stage and the Plan has been subject to extensive community engagement prior to being submitted for examination. Therefore, from a planning policy point of view it would not seem preferable to see development come forward on this site as it has not been identified through the Plan making process.

*DRAINAGE ENGINEER* - The applicant has provided an outline proposed drainage plan indicating the use of an attenuation pond within the site boundary however, this does not include any detailed designs or calculations for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

**Condition:** No development shall be commenced until details of the surface water drainage design together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Those details shall include: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes, both on and off site, note: no part of the site must be subjected to flooding unless specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements, including notification of riparian ownership and associated responsibilities where applicable, to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and

11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

**Condition:**

No part of the development shall take place within 5m of the top of bank of the Taunton and Bridgwater Canal.

Reason: To protect and promote the biodiversity value of the Canal and ensure no development within Flood Zone 2.

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

This site is part located within Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year). The equivalent probability figure for tidal/coastal sources is between 1 in 200 and 1 in 1000 years (i.e. between 0.5% and 0.1% chance in any given year).

The Environment Agency has not reviewed the surface water proposals for this site as it is now the responsibility of the Lead Local Flood Authority (LLFA). However, when we dealt with the site to the west (14/12/0043), we were concerned about surface water discharging to the Canal. We would now recommend that the Local Planning Authority seek full details for the surface water discharge and outfall. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

*WESSEX WATER* - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

We support the LLFA's surface water drainage condition and also request a foul water drainage condition in view of development numbers exceeding those which had originally been proposed:

**Foul Water - Planning Condition**

The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing
- the drainage scheme shall be completed in accordance with the approved details

and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

Water supply arrangements will require review, the applicant is invited to contact this office for further details.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings. The development proposal comprises 35 dwellings, 32 of which are family sized 2 bed+ dwellings. Both equipped and non-equipped on-site children's play should be provided of 20sqm per family sized dwelling at total of 460sqm. The equipped play area should be a LEAP of a minimum of 400sqm suitable for use of children aged up to 8 years. The LEAP should contain at least 5 pieces of play equipment, seating, signage and a bin. Play spaces should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. TDBC Open Spaces should be asked to comment on the design and content of the equipped play area. Open Spaces should also be asked to comment on the proposed landscape structure and planting layout.

#### *LANDSCAPE OFFICER -*

It will be prominent in the landscape when viewed from the canal and the railway line to the south. The existing hedge to the east forms a logical boundary to the former development. This new development appears to be jutting out into the open landscape to the west and so appears less contained.

Tree species in the POS are satisfactory. I would like to see some trees planted within the housing area.

*BIODIVERSITY* - The application is outline for the erection of 35 dwellings on land to the south west of Creech St Michael medical centre, Hyde lane, Creech St Michael. Richard Green Ecology carried out an Ecological appraisal of the site in October 2015.

Findings were as follows

#### **Habitats**

The proposal would result in the loss of approximately 1.8 ha of improved grassland and a small section of species poor hedgerow for access.

The proposal includes a buffer area of meadow grass and tree planting to the canal, as well as a new attenuation pond.

I agree that, during construction, measures should be put in place to avoid potential pollution of the canal.

#### **Bats**

There are no trees with bat roosting potential on site.

Bats are likely to forage around the hedgerows, trees and canal. I support the recommendation for sensitive lighting to avoid light spill.

## **Birds**

Birds are likely to nest within the hedgerows on site so vegetation should only be removed outside of the bird nesting season.

## **Dormice**

Dormice may be present in the hedgerows so clearance of the short section of hedgerow should be undertaken in a precautionary manner. If any dormice or active nests are found then works must stop and the applicant will need to apply to Natural England for a licence. Alternatively a two stage clearance can be undertaken

### **Water Vole and otter**

The canal adjoining the site may be used by water vole and otters. The proposed buffer adjacent to the canal will give increased cover for these animals. The attenuation pond may provide additional habitat for water vole.

### **Reptiles**

If the site is left unmanaged it could be colonised by reptiles. To prevent this the grass should be cut

## **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice Richard Green Ecology's Ecological Appraisal dated October 2015, and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of lighting
5. An Landscape and Ecological Management Plan (LEMP)for the site

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

## **Informative Note**

1. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

*SOMERSET WILDLIFE TRUST* - In general we would support the comments of the Biodiversity Officer and request they form part of the conditions if it should be decided to grant permission. In addition we request any landscaping consists of mainly native species, particularly those beneficial to local wildlife. We also request the provision of bat boxes and also bird boxes, including sparrow terraces, some of which could be constructed integrally to the buildings.

*CANAL & RIVERS TRUST* - After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, subject to the imposition of suitably worded conditions.

### **Drainage**

We note that the applicant intends to send surface water drainage from this site into attenuation basin for the land adjoining. Surface water then appears to run into the canal via the Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge rate and water quality will not have an adverse impact on the canal.

### **Landscaping**

Landscaping adjacent to the Canal can affect how a development is perceived from the waterspace and towpath and needs to be designed and located to ensure it has no structural impact on the waterway and that the species are suitable for a waterside location. We therefore suggest that further details of the landscaping adjacent to the Canal are provided and that the Canal & River Trust is given the opportunity to comment on its suitability. We would request that the existing canalside hedge is retained.

### **Pollution**

During the construction phase of the development there is the possibility of pollutants entering the waterway, either through spillage, surface water run off or wind blow. This will be covered by our third party works process which controls works adjacent to a waterway.

In run of contamination from car parking areas can also cause pollution and so suitable Oil interceptors traps should be provided to prevent pollution entering into ground or surface water.

### **Lighting**

In order to protect the appearance of the canal and reduce the impact of the development on habitat no lighting should be provided adjacent to the waterway.

### **Conditions**

1. Details of a landscaping and boundary treatments scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. Any such planting which within a period of 5

years of implementation of the landscaping die, removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be submitted, approved and carried out in accordance with the approved plans prior to the first occupation of the buildings.

Reason: To comply with paragraph 58 of the National Planning Policy Framework and to improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived.

2. Details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact the Principal Waterway Engineer on 03030 404040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

## **Representations received**

10 letters of objection on grounds of

- Hyde Lane cannot cope with more traffic,
- development should occur at northern end of village,
- no safe route to school,
- increase in traffic a risk to children and other pedestrians,
- more traffic on bend not conducive to safety,
- unrestricted parking on lane and speed of traffic unsafe,
- lighting and walkway needed on route to school,
- not sustainable as SCC withdrawn support for bus service,
- will destroy character of the village,
- bus service cut to 3 hourly,
- should be refused unless village facilities/road improvements form part of granting permission,
- will impact on equestrian schooling arena noise and movement likely to spook horses,



- no need for housing,
- facilities cannot sustain more housing,
- increase in flooding problem,
- already has over 120 houses approved half that required in such areas,
- need control over construction traffic,
- need for bungalows and flats or retirement village.

## **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.

NPPF - National Planning Policy Framework,  
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
 M4 - TDBCLP - Residential Parking Provision,

Policy SB1 - Settlement Boundaries of the Draft Site Allocations and Development Management Plan.

## **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 and possible house types and floor areas shown on drawing no 15.37.01D, the CIL receipt for this development is approximately £467,000.00 (index linked).

### **New Homes Bonus**

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

Homes Bonus.

#### *1 Year Payment*

Taunton Deane Borough Council (Lower Tier Authority)	£37,767
Somerset County Council (Upper Tier Authority)	£9,442

#### *6 Year Payment*

Taunton Deane Borough Council (Lower Tier Authority)	£226,604
Somerset County Council (Upper Tier Authority)	£56,651

## **Determining issues and considerations**

The main considerations with the proposal are the policy issues, sustainable location, landscape and biodiversity impact, community issues, affordable housing, drainage, access and highway safety.

### **Policy**

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Core Strategy (policies CP8, SP1, DM2). While the application site is close to the settlement boundary of Creech St Michael, a Minor Rural Centre which has good access to a reasonable level of services and facilities, it is in the countryside and beyond the housing allocations identified in the Site Allocations and Development Management Plan. It is not a site identified in the SHLAA and the 3 sites identified for housing extension of Creech St Michael in the draft plan have now all had planning permission in detailed form and the increase in housing for Creech St Michael totals 140 dwellings. This would equate to over 12% of growth of the current settlement size.

A plan-led route would be most appropriate way for this site to be assessed, however the application has been submitted and must be considered now and on its own merits in light of its sustainable location and policy guidance.

The application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The NPPF states there is a presumption in favour of sustainable development and that for the purpose of decision taking (where the development plan is absent, silent or relevant policies are out of date) local planning authorities should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

In this instance it is considered that the development plan is not silent as it recognises Creech St Michael as a sustainable location for development. The Site Allocations and Development Management Plan (SADMP) is also well advanced and is in the process of being considered at Inquiry and all the identified sites to be

allocated for residential development in the village have received planning permission. The site lies outside of that identified in policy SB1 of the SADMP. The Core Strategy policy SP1 indicates allocation of small scale sites and ideally on sites within the development boundary. However the site lies outside of existing and proposed settlement limits.

The following sections consider the impacts of the proposed development.

### **Sustainable Development and Accessibility**

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements. The proposal is for 35 units and would add to the 140 dwellings already granted which meets over 50% of the adopted Core Strategy housing requirement for Minor Rural Centres. There are existing local facilities within the village and the school and doctors are within easy walking distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to the cycle route along the canal. Access to the secondary school is possible via Hyde Lane but is considered dangerous in its current state and the Highway Authority are seeking a contribution to secure improvements. Other than this the site is generally considered accessible and sustainable.

### **Landscape and Biodiversity Impact**

The site is a sloping pasture field bounded by hedgerows to the west, east and north and lies between an approved residential development and doctor's surgery to the east and fields to the west. The site will be visible from the residential properties to the east and north and it will be prominent in the landscape when viewed from the canal and the railway line to the south. The existing hedge to the east forms a logical boundary to the former development. This new development appears to be jutting out into the open landscape to the west and so appears less contained particularly from views from the south across the canal. The land falls away to the south and while the development of the site has been designed to restrict development to the northern part of the field it would be visible in short and in long distance views. There is scope to enhance the existing planting to the west and south however this would have limited impact in screening new housing. Planting would also be required to landscape the attenuation pond and the Canal and Rivers Trust consider there needs to be control over any planting close canal as well as control over lighting in proximity to the canal. A condition to address this could be imposed and is considered appropriate.

There are no protected species identified as using the site and its agricultural use has limited the biodiversity benefits. Habitat improvements will be sought through condition which would include the provision of tree and shrub planting to the western boundary and a condition to protect and preserve wildlife could also be proposed if other matters were acceptable.

### **Community Issues**

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the illustrative layout it is considered that such facilities should partly be provided on site and this could be conditioned as part of any approval. A play area can be provided on site and the provision for outdoor active recreation will need to be sought through CIL towards facilities off site. The maintenance of any on site play area will need to be secured through a Section 106 agreement.

### **Affordable Housing**

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has agreed to. This will equate to 9 dwellings which will need to be secured through a legal agreement with a local connection clause and ensure priority is given to local people in housing need.

### **Drainage**

A Flood Risk Assessment has been submitted with this application which is located in flood zone 1 which is an area of least risk. Proposals are set out for the disposal of foul and surface water drainage. The foul drainage will link to the existing sewer system directly via the site to the east. Wessex Water has confirmed the existing treatment works has capacity and a condition to ensure an appropriate drainage strategy is recommended by Wessex Water and the Lead Flood Authority.

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed. This utilises an attenuation pond which will feed into the attenuation pond previously approved and then links to Wessex Water storm sewers but with additional on site infiltration and storage capacity. The Lead Flood Authority and Environment Agency has raised no objection to this scheme and recommends a condition to ensure an adequate strategy is provided on site.

### **Access and Highway Safety**

The access to the site lies off an existing adopted highway where there is adequate visibility in both directions given the road speed limit. The applicant is proposing a footpath link from the site to the existing residential development on Hyde Lane. The Highway Authority is satisfied with access and capacity of the road to take the additional traffic generated. A previous concern and potential objection was in terms of pedestrian safety over the stretch of road between the M5 bridge and the junction with Hyde Lane Cottages to the west where the road will be closed and a footpath cycle link to the school provided. Highway safety concerns have also been raised by the Parish Council and a number of objectors. The Highway Authority recommend contributions from this site to address the highway safety concerns and it is considered that this is a reasonable and specific request related to the development and this should be applied to this scheme. The contribution for improvements would amount to £1000 per dwelling and would need to be sought through a legal agreement. This would provide potential improvements to safety along the road to the west as set out in the Highway Authority response. A Travel Plan is also a

requirement of the Highway Authority and has only recently been submitted and this would need to be agreed by the Highway Authority and also need to be secured through the legal agreement.

The Highway Authority recommend conditions, however it is considered that a number of these are either unnecessary or unenforceable and consequently if the proposal is otherwise acceptable, conditions could be imposed in respect of visibility, highway details, parking, turning, drainage and footpath/cycle links.

### **Other Issues**

The receipt of the New Homes Bonus is noted, as is the likely CIL contribution, however it is considered that this matter carries limited weight in this instance.

### **Conclusion**

The proposal has been considered against the relevant development plan policies in the Core Strategy as well as the principles identified in the NPPF. The application is not genuinely plan led in that it is contrary to the well advanced Site Allocations and Development Management Plan and the adopted Core Strategy and there is an identified 5 year housing supply. While it would deliver 35 additional homes and provide community benefits in terms of affordable homes, it would have an adverse landscape impact beyond an existing clearly defined hedgeline. It is considered that the landscape impact of the new housing here in a village which has already taken a considerable increase in housing as part of the Local Plan proposal would not be warranted given local housing need in this rural location and therefore planning permission is recommended for refusal.

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

**Contact Officer: Mr G Clifford Tel: 01823 356398**

06/16/0002

TAUNTON DEANE BOROUGH COUNCIL

**Change of use from Class D2 (part of children's play and recreation area) to Class Sui Generis (car park) and provision of improved children's play area on remainder of site at Broadgauge Business Park, Westridge Way, Bishops Lydeard**

Location: CHILDREN'S PLAY AREA, BROADGAUGE BUSINESS PARK,  
WESTRIDGE WAY, BISHOPS LYDEARD, TAUNTON  
Grid Reference: 316535.12878 Full Planning Permission

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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:

(A3) Equipment Layout Plan  
(A3) DrNo SPP1965P007 Proposed Play Area Layout  
(A3) DrNo SPP1965P006 Planning Proposal Overflow Car Park with Play Area  
(A3) DrNo SPP1965P005 Layout Plan  
(A4) Location Plan

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

3. (i) Before any part of the permitted car park 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. No development shall take place on the play area until details of the proposed play equipment 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.

Reason: To ensure that the proposed development is in compliance with relevant European legislation and in the interests of safety and amenity of future users of the play space.

#### Notes to Applicant

- . 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

Alterations to existing play area, change of use of part of the site from children's play area (use class D2) to car-park (sui generis) for the West Somerset Railway (WSR), alterations to vehicular entrance, additional pedestrian entrance from Westridge Way and from proposed carpark area, and associated landscaping

## Site Description

Existing play area bordered by hedgerows, trees, and existing landscape bank, mainly laid to lawn, sited next to railway yard and Broadgauge Business Park, with double five-bar wooden gates and pedestrian wooden gate

## Relevant Planning History

None

## Consultation Responses

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Parish Council supports the granting of permission in respect of the car park element of this planning application but continues to have the view that the children's play area is in the wrong location to enable it to be a well used community facility.

*PARKING SERVICES* - No comments received

*LANDSCAPE* - Notes that design is too rigid and formal for the site and that established landscape bank should be retained and some of the trees, supports works to childrens play area

*SCC - TRANSPORT DEVELOPMENT GROUP* - standing advice, highways access, parking and turning requirements in compliance with advice

## Representations Received

West Somerset Railway PLC submitted comments requesting that the application should include secure gates and a barrier to stop caravans and travellers and others using the site overnight, and install fencing with anti-trespass notices, and lighting

## 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,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
C3 - TDBCLP - Protection of Recreational Open Space,



## **Local finance considerations**

### **Community Infrastructure Levy**

The proposed development is not liable for the Community Infrastructure Levy

### **New Homes Bonus**

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

## **Determining issues and considerations**

The main issues in consideration of this planning application are the Principle of Development, highways, parking and pedestrian accessibility, and the impact on the landscape.

### **Principle of Development**

The proposed development for the creation of a car park and works to alter an existing children's play area would result in a net loss of space dedicated to recreation and children's play. The retained policy C3 'Protection of Recreational Open Space' of the Local Plan 2004 states that proposals involving the loss of children's play areas will not be permitted except C3(c) if "equivalent provision ....is made to at least an equal standard and with equal community benefit". The proposed development would create a better play area whilst retaining the existing train-shaped climbing frame but setting it into a turntable play piece with gravel and mulch surround, and with additional facilities of a sandpit with mini basket swing, a net spinner, a basket swing, a mini zipline and a boat-shaped seasaw. It is considered that this qualitative improvement to the play area is a sufficient mitigation to the quantitative loss of land to carparking. Overall, it is considered that there would be a net benefit to play and recreation open space.

Policy CP6 Transport and Accessibility of the adopted Core Strategy, states that "new development" will support the "expansion of local and regional rail services, including the West Somerset Railway" which increased carparking provision adjacent to the Bishop's Lydeard station of the WSR would enable. Policy CP5 'Inclusive Communities' of the adopted Core Strategy, aims to provide play spaces and recreational opportunities serving the community, the proposal is therefore in conformity with this policy

### **Highways, Parking and Pedestrian Accessibility**

The proposed development would provide 30 additional car parking spaces, and the proposed car park could be leased to the West Somerset Railway in the future however the proposal is from Taunton Deane Borough Council who are the landowners and developers. Currently the WSR has dedicated parking opposite the site on the northern side of Westridge Way. The site is located at the end of a

cul-de-sac with a highways spur leading into the site which can currently be accessed via five-bar field gate. The proposal would slightly shift the access over and remove the field gate.

A new pedestrian entrance to the play area would be created through the hedge, this would serve to provide access for wheelchair users and buggies, prams and push-chairs. The highways access meets safety requirements and the new pedestrian access is suitable for purpose.

The comments of the West Somerset Railway are noted with regard to the request for secure gates and barriers to the carpark. However, it is considered that this is a potential management issue rather than something that should be controlled by a planning permission. Should Taunton Deane or West Somerset Railway decide to proceed with the proposal for the car park, they would need to come to some form of agreement of how the land is managed and access controlled to the car park area.

## **Landscape**

The proposal would represent a significant change in the existing landscaping and would make considerable alterations to the extant arrangement of soft landscaping within and on the boundaries of the site. The Landscape officer TDBC has commented that the design is "too rigid and formal" for the site and that it should be redesigned to retain the established landscape bank and potentially some of the trees on the site, however she has supported the proposed improvements to the children's play area. There is a public footpath running to the south-east of the site at approximately 150m distance however views to the site would be limited and the proposed development would retain some of the existing trees and landscaping and include new planting which would minimise visual impacts of the proposal.

Whilst it is acknowledged that there would be some negative visual impacts of the proposal due to the reduction in numbers of trees and removal of the existing landscape bank this has to be balanced out by recognising the benefits of improved visitor facilities to the area (increased parking capacity and significant improvements to the children's play area). In practical terms it would not be possible to provide a reasonable number of parking spaces and retain the existing landscape bank and some of the trees on the site, unless this was to be at the expense of taking more land away from the children's play area. Therefore on balance the benefits to tourism and for visitors in general outweigh the potential landscape impacts. To ensure that landscape impacts are minimised, a condition could be attached to any permission to ensure that a suitable landscape scheme is submitted and implemented. This would only relate to the implantation of the car parking element, which is the part of the proposal that would require the partial removal of the bank.

## **Conclusion**

The proposed development whilst a departure from policy C3 is acceptable because of the improved facilities for visitors, although there would be some minor impacts on the landscape these are acceptable due to the balance of public benefits arising from the proposal.

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**

**E/0242/30/15**

**ALLEGED UNAUTHORISED WORKS WITHIN THE CURTILAGE OF A LISTED BUILDING TO THE REAR OF THE LAMB AND FLAG INN, BLAGDON HILL**

**OCCUPIER:**

**OWNER:** PEGGE HOLDINGS LTD  
12A THE VILLAGE WALK, ONCHAN, ISLE OF MAN  
IM3 4EB

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**Purpose of Report**

To consider if it is expedient to take enforcement action in relation to the unauthorised removal of a historic wall.

**Recommendation**

The Solicitor of the Council be authorised to serve a Listed Building Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Listed Building Enforcement Notice shall require:

- a) Reinstatement of the wall using the original stone material or if sufficient original stone is not available stone of same type.
- b) The wall shall be reconstructed in the same style (including coursing, pointing and mortar) as the rest of the wall.
- c) Remove the new post and metal fencing erected in the car park between Curdleigh Lane and the stone wall.

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.

**Relevant planning history**

30/16/0004/LB - Removal and relocation of section of wall to allow for access to the rear of The Lamb and Flag, Blagdon Hill (retention of part works undertaken).  
REFUSED

30/15/0058 - Outline application for the erection of a detached dwelling in the garden of The Lamb and Flag Inn, Blagdon Hill Road, Blagdon Hill. REFUSED

## **Development Plan Policies**

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 (2004), 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

NATIONAL PLANNING POLICY FRAMEWORK - PARA 207 – ENFORCEMENT

## **Determining issues and considerations**

The site forms part of a garden and car park to the existing public house, a grade II listed building. The walls are approximately 2m high of natural stone. Part of the boundary wall to the car park is in a state of disrepair. A section of garden boundary wall has been removed without consent.

A complaint was received regarding works that were being carried out in the rear garden of the Lamb and Flag Public House in November 2015. Following an investigation of the works it was established that the rear garden and part of the car park of the site had been sold off to a separate land owner. A gap of approximately one metre had been created in the wall. Furthermore a wooden fence had been erected in the rear garden to separate the site from the main building and a fence had been erected in the car park of the site. The owner stated that the hole had been created to allow them access into the site.

A Listed Building application for retention of the works was submitted and subsequently refused in early March 2016. An outline planning application for a dwelling on the site was also refused in early March 2016.

The wooden fence in the rear garden has subsequently been removed, however the fencing in the car park and the gap in the stone wall remain.

The main issue here is the loss of historic fabric and the impact on the character of the listed building.

The wall has been removed to allow the formation of an access to a building plot that has been refused planning permission and constitutes part of the historic curtilage of the public house which is grade II listed. The wall is recognised by the Conservation Officer as being of particular importance to the setting and character of the listed building. It is therefore recommended that formal enforcement proceedings should be instigated.

**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

## **Appeal Decisions**

**Site: 24 PORTLAND STREET, TAUNTON, TA1 1UY**

**Proposal: ERECTION OF PROJECTING BALCONY TO REPLACE JULIET BALCONY ON SOUTH WEST ELEVATION AT 24 PORTLAND STREET, TAUNTON**

**Application number: 38/15/0286**

### **Reasons for refusal**

1. The balcony, by reason of its size, prominent location and design, represents an incongruous addition to the traditional form and appearance of the terrace property and as such adversely affects the character and appearance of the building and has an unacceptable impact on the street scene. The proposal is contrary to Policy DM1 D of the Taunton Deane Core Strategy.

**Appeal decision: DISMISSED**

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**Site: HEYWOOD COTTAGE, CHURCH ROAD, STAWLEY, WELLINGTON, TA21 0HP**

**Proposal: ERECTION OF A SINGLE STOREY EXTENSION WITH GARAGE TO THE FRONT AND RELOCATION OF ACCESS AT HEYWOOD COTTAGE, CHURCH LANE, STAWLEY**

**Application number: 35/15/0006**

### **Reasons for refusal**

The proposed development, by reason of its height relative to the public highway and projection from the front of the dwelling will be visually intrusive in the street scene and will be overbearing on the amenity of the neighbouring property to the east. The proposed new access does not provide adequate visibility splays in the interests of highway safety and if provided would require the removal of the established hedgerow which would be detrimental to the visual amenities of the area. It is, therefore contrary to policy DM1 of the Taunton Deane Core Strategy, retained Policy H17 of the Taunton Deane Local Plan and emerging policy D5 of the Site Allocations and Development Management Plan.

**Appeal decision: ALLOWED**

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## Appeal Decision

Site visit made on 12 February 2016

**by B J Sims BSc(Hons) CEng MICE MRTPI**

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

**Decision date: 19 February 2016**

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**Appeal Ref: APP/D3315/D/15/3138359**

**24 Portland Street, Taunton, Somerset TA1 1UY**

- 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 Kevin Shearn against the decision of Taunton Deane Borough Council.
  - The application Ref 38/15/0286, dated 3 July 2015, was refused by notice dated 9 September 2015.
  - The development proposed is the installation of a projecting balcony to replace existing Juliet balcony at first floor level on south west elevation facing Clarence Street.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect the proposed projecting balcony would have on the appearance and character of the house at 24 Portland Street and on the local street scene, including that of Clarence Street adjacent.

### Reasons

3. The balcony would jut out from the gable end of the house, as far as the outside edge of the boundary wall of the property, at the very back of the public footway of Clarence Street. Compared with the existing, discreet Juliet balcony it would replace, the propose structure, with its modern glazed parapets, would be thus seen as a disproportionate and incongruous addition to the gable end of the building. The balcony would be wholly out of keeping with the traditional, vernacular architecture of 24 Portland Street and the terrace of which it forms part.
  4. Although unseen from much of Portland Street, the balcony would be particularly visible in public views along Clarence Street from the direction of French Weir and from an area of much-used public open space beside the River Tone opposite the appeal site. These views would be only partly screened by intervening trees and shrubs, especially in winter.
  5. The vista along Clarence Street is affected by the large, modern telephone exchange building forming a backdrop to the traditional terrace of dwellings which make up its frontage. However, the telephone exchange building stands apart from the Clarence Street frontage, which retains a pleasing visual rhythm
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- despite later additions including satellite dishes. The intrusion of the proposed projecting balcony would conflict markedly with this street scene.
6. As a result, although largely unseen from within most nearby properties, the proposed development would have a quite unacceptably adverse impact on the appearance and character of the house at 24 Portland Street and the local street scene within Clarence Street in particular. The proposal is thus contrary to Policy DM1-d of the adopted Taunton Dean Core strategy, cited by the Council in refusing the application as requiring all development to avoid unacceptable harm to any building or street scene. This policy is essentially consistent with the National Planning Policy Framework (NPPF)
  7. It is recognised that features such as glazed balconies to dwellings and other buildings are becoming increasingly commonplace in Taunton. The Appellant points to many such examples, including a substantial glazed balcony to a building almost opposite the appeal site in Upper Wood Street. However that is a commercial building of modern design and is not comparable. Other examples quoted are similarly different in design and context. Fundamentally, this case is determined on its individual merits in any event.
  8. The proposed balcony would not amount to sustainable development in terms of the NPPF and any social or economic benefit to the Appellant would be significantly and demonstrably outweighed by the environmental harm to the host dwelling and the street scene.
  9. For these reasons the appeal fails.

*B J Sims*

Inspector

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## Appeal Decision

Site visit made on 11 February 2016

**by B J Sims BSc(Hons) CEng MICE MRTPI**

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

**Decision date: 24/02/2016**

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**Appeal Ref: APP/D3315/D/15/3138558**

**Heywood Cottage, Church Lane, Stawley, Wellington, Somerset TA21 0HP**

- 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 A Ford against the decision of Taunton Deane Borough Council.
  - The application Ref 3/5/15/0006, dated 14 April 2015, was refused by notice dated 9 September 2015.
  - The development proposed is the erection of a single storey extension to dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension to dwelling at Heywood Cottage, Church Lane, Stawley, Wellington, Somerset TA21 0HP, in accordance with the terms of the application, Ref 3/5/15/0006, dated 14 April 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1208/1 Revision B, 1208/4 Revision A, 1208/5 Revision A, 1208/7 Revision A.
  - 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.
  - 4) The garage spaces hereby permitted shall be used solely for the parking of vehicles and for no other purpose whatsoever.

### Main Issues

2. The main issues relate to the effects of the proposed development on the appearance and character of the existing dwelling and of Church Lane, as the approach to the listed St Michael's Church, the living conditions at the neighbouring property, Newlands, and the suitability of the proposed access arrangements.

### Reasons

3. The single storey extension, comprising a pitched roofed double garage, would stand prominently forward of the present house but would remain visually
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- subservient to the two-storey main building, whilst its design and finishing materials would be in keeping with the existing construction.
4. Following the closure of the current vehicle entrance, to be replaced with a new driveway further along the frontage, and the establishment of new boundary hedging, both the extension and vehicles manoeuvring at the front of the appeal property would be better screened from Church Lane. Despite its elevated position relative to the Lane, therefore, the development would have no unacceptably adverse impact on the appearance or character of the existing dwelling or Church Lane and would be too far removed from the listed Church to affect its setting.
  5. Neither would the extension unduly dominate or overshadow the neighbouring property, Newlands, taking into account their southerly aspect and the distance separating the buildings.
  6. The development would generate no additional traffic and the new entrance would, as a matter of judgement, pose no greater threat to road safety, with respect to visibility or vehicle turning movements, than the existing driveway to be closed.
  7. For the avoidance of doubt, and in the interests of proper planning and highway safety, conditions can be imposed to ensure compliance with the approved plans, the use of matching materials and the retention of adequate parking and turning space.
  8. Subject to those stipulations, the proposed extension would comply with the relevant provisions of the development plan cited by the Council, in particular Policy DM1(d)-(e) of the adopted Taunton Deane Core Strategy and saved Policy H17 of the Taunton Deane Local Plan. Together these require extensions to be subservient to their host dwellings and not to harm the appearance or character of any building or street scene or the amenity of other property, while also providing for adequate car parking and turning. These requirements are carried forward in the emerging Site Allocations and Development Management Plan and are also essentially consistent with the National Planning Policy Framework.
  9. The appeal succeeds for the reasons and in the terms explained above.

*B J Sims*

Inspector

## **APPEALS RECEIVED**

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

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

**Application number:** 14/15/0034

**Appeal reference:** APP/D3315/W/15/3138360

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**Site:** 6 MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RE

**Proposal:** CONSTRUCTION OF A DORMER TO THE REAR ELEVATION AT 6 MOOR LANE, CHURCHINFORD

**Application number:** 10/15/0024

**Appeal reference:** APP/D3315/D/16/3144357

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**Site:** 59 PRIORSWOOD ROAD, TAUNTON, TA2 7PS

**Proposal:** DISPLAY OF 3 No NON ILLUMINATED SIGNS AT 59 PRIORSWOOD ROAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)

**Application number:** 38/15/0455A

**Appeal reference:** APP/D3315/ Z/16/3144437

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### **Enforcement Appeal**

**Site:** HYDE EGG FARM, HYDE LANE, BATHPOOL, TAUNTON, TA2 8BU

**Alleged breach of planning control:** UNAUTHORISED B1 / B8 BUSINESS USE OF AGRICULTURAL LAND AT HYDE EGG FARM

**Reference number:** E/0042/48/15

**Appeal reference:** APP/D3315/C/16/3144507

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## **Planning Committee – 16 March 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors M Adkins, Mrs Adkins, Cavill, Gage, C Hill, Martin-Scott,  
Mrs Reed, Townsend, Watson and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Julie Moore (Monkton  
Heathfield Project Team Leader), Tim Burton (Assistant Director -  
Planning and Environment), Maria Casey (Planning and Litigation  
Solicitor) and Andrew Randell (Democratic Services Officer)

Also present: Councillor Parrish and Mrs A Elder, Chairman of the Standards  
Advisory Committee.

(The meeting commenced at 5.00 pm)

### **29. Apologies/Substitutions**

Apologies: Councillors Brown, Morrell, Nicholls and Wren

Substitutions: Councillor Mrs Adkins for Councillor Wren  
Councillor Cavill for Councillor Brown

### **30. Minutes**

The minutes of the Planning Committees held on the 6 January, 27 January  
and 24 February 2016 were taken read and were signed.

### **31. Declarations of Interest**

Councillors M Adkins, Coles and Wedderkopp declared personal interests as  
Members of Somerset County Council. Councillor Mrs Adkins declared that  
she was Vice Chairman of the West Somerset Railway Partnership  
Development Group in connection with application No.06/16/0002. Councillor  
Coles declared that he had had a conversation with West of England  
Developments in relation to application No. 14/15/0034. 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 Townsend declared personal interests as Vice-  
Chairman of Kingston St Mary Parish Council and Chairman of the Kingston  
St Mary Village Hall Association. Councillor Cavill declared that he was the  
Ward Councillor for application No. 48/15/0053. Councillor Watson declared  
that he was Ward Councillor for application No. 06/16/0002.

### **32. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on

applications for planning permission and it was **resolved** that they be dealt with as follows:-

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

**43/15/0152**

**Variation of Condition No 24 (to extend the stores delivery times window) of application 43/07/0163 at Waitrose Food Store, High Street, Wellington (amended scheme to 43/15/0135)**

**Conditions**

- (a) No deliveries, including loading and unloading of the delivery vehicles, shall be made between the hours of 2300 on any one day and 0700 on the following day;
- (b) Any alteration to the external lighting or car park lighting shall be undertaken so as not to cause inconvenience from glare whether directed or reflected, to any other premises;
- (c) The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties;
- (d) The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket;
- (e) Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 1 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purpose of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90<sup>th</sup> percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

**27/15/0025**

**Change of use from agricultural to agricultural and flexible use Class D2 (Assembly and Leisure) at Knapp Farm, Hillfarrance Road, Hillfarrance (retention of works already undertaken)**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) Barn Licensed Area;
  - (A4) Knapp farm Plan (received 01.03.2016);
- (b) The permission for the change of use hereby permitted relates solely to the building hatched yellow on the site plan drawing hereby approved. The hatched building may be used for purposes falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) except that the building shall only be used for purposes falling within Class D2 for a maximum of five events in any given calendar year and no more than two events shall be held in any given seven day period. For the purposes of this condition, an event shall be defined as commencing no earlier than 10.00 on any given day and concluding no later than 00:30 the following day and the said hatched building to which this permission relates shall be clear of people by 00:30 at the end of the event;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 4, Class B or any Order revoking and re-enacting the 2015 Order with or without modification), the land edged red shall not be used for any purpose for more than 10 days in any calendar year without the further grant of planning permission, except that this restriction shall not apply to car parking or camping in connection with activities permitted in the barn hatched on the approved plans and permitted in accordance with condition (b).

**06/16/0002**

**Change of use from Class D2 (part of children's play and recreation area) to Class Sui Generis (car park) and provision of improved children's play area on remainder of site at Broadgauge Business Park, Westridge Way, Bishops Lydeard**

### **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) Equipment Layout Plan;
  - (A3) DrNo SPP1965P007 Proposed Play Area Layout;
  - (A3) DrNo SPP1965P007 Planning Proposal Overflow Car Park with Play Area;
  - (A3) SPP1965P005 Layout Plan;
  - (A4) Location Plan;

- (c) (i) Before any part of the permitted car park 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 development shall take place on the play area until details of the proposed play equipment 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;

(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 refused** for the under-mentioned development:-

**14/15/0034**

**Outline application with some matters reserved for the erection of 35 No. dwellings on land to the south west of Creech St Michael Medical Centre, Hyde Lane, Creech St Michael**

### **Reason**

- (a) The proposed development lies outside the settlement limits of Creech St Michael and would add to the existing housing already granted impacting on the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to Policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and Policy SB1 of the draft Site Allocations and Development Management Plan;
- (b) The proposal does not provide a suitable means for securing the appropriate affordable housing and maintenance of on-site leisure facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan and off site highway improvements and therefore would be contrary to Policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan.



(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with applicants and looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**33. Erection of local centre including 5 No. retail units with 18 No. apartments above plus 69 No. dwellings with associated works and access including highway works to the adjacent A38 on land off Bridgwater Road, Monkton Heathfield (48/15/0053)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement for the provision of a suitable number of affordable housing units within the development, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman / 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) Dr No LC101 Site Location Plan;
- (A1) DrNo LC100 Rev G Planning Layout;
- (A1) Dr No LC102-1 Rev C Street Scenes;
- (A1) Dr No LC 102-2 Rev B Street Scenes;
- (A1) DrNo LC103 Rev E Materials Key Plan;
- (A3) DrNo LC104 Rev A Fencing and enclosure details;
- (A3) DrNo LC104-2 fencing and enclosure details;
- (A1) DrNo LC106 Rev D Affordable Housing key plan;
- (A1) DrNo LC105 Rev C Building Heights Key Plan;
- (A1) Dr No LC107 Rev C Bin Storage and Refuge Vehicle Tracking key plan 200LC Rev C Engineering Layout;
- (A0) Dr No JBR 1851 251 Rev C Section 278 Legal Agreement;
- (A3) DrNo 010-2 House Type Design Sheets;
- (A3) DrNo LC120-1 Rev House Type Ha. Brick;
- (A3) DrNo LC121-1 House Type Ru Brick;
- (A3) DrNo LC122-1 House Type Ht Render to Front Elevation;
- (A3) DrNo LC124-1 Rev A House Type Ro. Brick;
- (A3) DrNo LC125-1 House Type Mo. Brick;
- (A3) DrNo LC126-1 House Type Al Brick;
- (A3) DrNo LC127 1 House Type CH Brick;
- (A3) DrNo LC128-1 Rev A House Type CI Corner (brick);

- (A3) DrNo LC129-1 Rev B Retail and Commercial Units Ground Floor Plan;
- (A3) DrNo LC129-2 Rev B Retail/Commercial Units and Apartments First Floor Plan;
- (A3) DrNo LC129-3 Rev B Retail and Commercial Units and Apartments Second Floor Plan;
- (A3) DrNo LC129-4 Rev B Retail and Commercial Units and Apartments elevation;
- (A3) DrNo LC129- 5 Rev B Retail/ Commercial Units and Apartments Elevation;
- (A3) DrNo LC129-6 Rev B/ Commercial Units and Apartment Elevation;
- (A3) DrNo LC 129-7 rev B Retail/Commercial Units and Apartments Elevation;
- (A3) DrNo LC130-1 Affordable House Type 2B Brick;
- (A3) DrNo LC 131-1 Affordable House Type 3B Brick;
- (A3) DrNo 140-1 Garages;
- (A3) DrNo JBR1851 010-1 garage floor plan and elevations;
- (A3) DrNo JBR 1851 010-2 garage floor plan and elevations;
- (A3) DrNo JBR 1851 002-1 Rev A Evesham floor plans;
- (A3) DrNo JBR 1851 002-2 Rev C Evesham elevations;
- (A3) DrNo JBR 1851 002-3 Rev B Evesham elevations;
- (A3) DrNo JBR 1851 003-1 Rev B Warwick floor plans and elevations;
- (A3) DrNo JBR 1851 004-1 rev B Stratford floor plans and elevations;
- (A3) DrNo JBR 1851 005-1 Kenilworth/Kenilworth 4 floor plans;
- (A3) DrNo JBR 1851 005-2 Kenilworth/Kenilworth 4 floor plans;
- (A3) DrNo JBR 1851 005-3 Kenilworth/Kenilworth 4 elevations;
- (A3) DrNo JBR 1851 006-1 Rev A Kenilworth floor plans;
- (A3) DrNo JBR 1851 006-2 rev A Kenilworth elevations;
- (A3) DrNo JBR 1851 007-1 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-2 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-3 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-4 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-5 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-6 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-7 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 008-1 Rev A Warwick cnr Floor plans and Elevations;

- (A3) DrNo JBR 1851 007-1 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-1 Rev A House Type Apartment and Retail Block Floor Plans;
- (A0) DrNo 300 Rev e Landscape Proposals;
- (A3) DrNo 301 Plant Schedule and Landscape Specification;
- (A0) DrNo 302 Rev C Landscape Proposals;
- (A3) DrNo 303 Plant Schedule and Landscape Specification;
- (A1) DrNo 304 Tree Pit in Hard Works;
- (A2) DrNo 305 Tree Pit in Soft Works;
- (A0) DrNo 306 Tree Pit Detail Tee Pits between Parking Bays;
- (A0) DrNo 310 Rev Q Cricket Green and Dyers Book Corridor North POS Landscaping Layout;
- (A1) DrNo 311 rev D Landscape Proposals;
- (A0) DrNo 321 Rev J Strategic footway/cycle Network Plan;

- (c) No development other than the highway works along Bridgwater Road between the proposed local centre and new primary school (covered under condition (e)) shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The proposed estate roads, footways footpaths, tactile paving, cycleways, bus stops, 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 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;
- (e) None of the dwellings or retail units hereby permitted shall be occupied/ used until the proposed highway works, including the alterations to and junctions onto Bridgwater Road are constructed generally in accordance with plan number JBR1851 251 rev C. Prior to the construction full details of the layout and surface materials to be used for the road and junctions shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) 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;

- (g) The proposed public parking area between the front of the retail units and Bridgwater Road shall remain available for the parking of cars by the general public at all times;
- (h) No development, other than the highway works along Bridgwater Road between the proposed local centre and new primary school, shall be commenced until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. Those details shall include:-
1. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (t metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  2. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwall or removal of unused culverts where relevant);
  3. Flood water exceedance routes, both on and off site;
  4. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development;
- (i) Prior to the occupation of any of the dwellings hereby permitted full construction details of the proposed footpath and cycleway links shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of any of the dwellings hereby approved the 3m wide bitmac footpath running to the south of the application site shall be provided on site and available for public use. Prior to the occupation of 50% of the dwellings hereby permitted the footpath and cycle link running west to east across the site and located to the north of the retail units and the 3m wide bitmac link running north-south through the Dyers Brook wildlife corridor shall be constructed on site and available for use by the general public;
- (j) No dwelling shall be occupied until space had been laid out within the site in accordance with the approved plan for cars and cycles to be parked;
- (k) (i) The landscaping/planting scheme shown on the submitted plans 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;

- (l) The applicant shall undertake all the recommendation made in EAD's Wildlife Management Sub Plan for Phase 2 Monkton Heathfield dated September 2014 and the overarching Landscape and Wildlife management Plan for the site and provide mitigation for wildlife as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses had been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.
- (m) Prior to the commencement of the development, other than the highway works along Bridgwater Road between the proposed local centre and new primary school, a Landscape Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The approved Landscape Management Plan shall thereafter be implemented;
- (n) Prior to the commencement of construction work on site for the residential buildings hereby permitted a programme for the delivery of the proposed open spaces, including Dyers Brook, shall be submitted to, the Local Planning Authority for approval. Once approved the open spaces shall be provided in strict accordance with the approved programme and thereafter remain available for public use at all times;
- (o) 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;
- (p) No development, other than the highway works along Bridgwater Road between the proposed local centre and new primary school, 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;
- (q) Prior to their installation on site, full details for the proposed lighting, seats, litter bins, Parish notice board and other furniture (as defined in the Taunton Deane Areas of Open Space note for guidance of developers

attached to the Unilateral Undertaking) shall be submitted to, and approved in writing by the Local Planning Authority. The lights, seats, litter bins and other furniture shall then be installed prior to the completion of the area of open space within which it lies, in strict accordance with the approved details and shall thereafter be maintained in a safe and useable condition;

- (r) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- (s) 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 development and thereafter maintained until the use of the site discontinues;
- (t) No work shall commence on the development hereby permitted until details of the proposed off-site highway works have been submitted to, and approved in writing by, the Local Planning Authority;
- (u) There shall be an area of hard standing at least 6m in length (as measured for the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (v) No development shall commence unless a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular route to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
- (w) 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 of the nearside carriageway edge 43m either side of the access. Such

visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

- (x) Before the dwellings are occupied the noise mitigation measures outlined in the submitted Entrant letter dated 19 February 2016 shall be fully provided on site and shall thereafter be maintained;
- (y) The commercial/retail unit (114 sq m) located below the shared equity flats shall at no times be used for any use contained within Classes A3, A4 and A5 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to those classes in any statutory instrument;

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife required a mitigation proposal favourable status for these species that are affected by this development proposal; Most resident nesting birds were 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 was irrespective of the planning system and the developer should ensure than any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was also advised that in accordance with paragraphs 186 and 187 of the National Planning Policy framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (3) Applicant was also advised that no work shall commence on the development site until an appropriate right of discharge for surface water had been obtained ).

**34. E/0242/30/15 – Alleged unauthorised works within the curtilage of a listed building to the rear of the Lamb and Flag Inn, Blagdon Hill**

Reported that a complaint had been received in November 2015 regarding unauthorised works which had taken place within the curtilage of a listed building to the rear of the Lamb and Flag Inn, Blagdon Hill.

The public house was set within boundary walls which were approximately 2m high of natural stone. Part of the boundary wall to the car park was in a state of disrepair and a section of garden boundary wall had been removed without consent.

This unauthorised work had taken place following the sale of the rear garden and part of the car park to a separate land owner in connection with a proposal to erect a new dwelling.

A listed building application for the retention of the works to the stone boundary wall and an outline planning application for a dwelling on the site had been submitted in early March 2016, both of which were refused.

**Resolved** that:-

- (1) A Listed Building Enforcement Notice be served to requiring the owner of the relevant land at the Lamb and Flag Inn, Blagdon Hill, to:-
  - (a) Reinstate the boundary wall using the original stone material or, if sufficient original stone was not available, stone of the same type;
  - (b) Reconstruct the wall in the same style (including coursing, pointing and mortar) as the rest of the wall;
  - (c) Remove the new post and metal fencing erected in the car park between Curdleigh Lane and the stone wall;
- (2) Any enforcement notice served to 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.

**35. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 6.40pm.)