

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 23 November 2016 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 2 November 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 43/16/0063 Erection of a dog kennel at The Byre, Westford, Wellington (retention of works already undertaken)
- 6 30/16/0029 Erection of a detached dwelling with associated works to incorporate a change of use of part of the agricultural field to domestic garden on land to the rear and side of The Stonehouse, Sellicks Green, Pitminster
- 7 24/16/0044 Proposed reconstruction of agricultural building to form dwelling house and change of use of land to residential curtilage at Higher Knapp Farm, North Curry (retention of part works already undertaken)
- 8 07/16/0013 Construction of a Gas Fired Energy Reserve facility and ancillary infrastructure on land adjacent to Hele Manor, Hele
- 9 Latest Appeals and Decisions received

Bruce Lang
Assistant Chief Executive

02 February 2017

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



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

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Planning Committee Members:-

Councillor R Bowrah, BEM (Chairman)
Councillor M Hill (Vice-Chairman)
Councillor M Adkins
Councillor C Booth
Councillor W Brown
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 – 2 November 2016

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

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal
Planning Officer), Martin Evans (Solicitor) and Tracey Meadows
(Democratic Services Officer)

Also present: Councillors Cavill, D Durdan, Miss K Durdan and Prior-Sankey in
connection with application No. 14/16/0031. Councillors Berry and
Coles. Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5 pm)

97. Apologies/Substitution

Apologies: Councillors Gage and Mrs Reed

Substitution: Councillor Sully for Councillor Mrs Reed

98. Minutes

The minutes of the meetings of the Planning Committee held on the 21
September and 12 October 2016 were taken and were signed.

99. Declarations of Interest

Councillors M Adkins and Wedderkopp declared personal interests as
Members of Somerset County Council. Councillor Mrs Hill declared personal
interests as a trustee to Hestercombe House and Gardens, a trustee to the
Somerset Building Preservation Trust and as a Director of Apple FM.
Councillor Martin-Scott declared personal interests as a trustee to Bishop
Fox's Education 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 Nicholls declared a personal interest as a member of
the Fire Brigade Union. Councillor Wren declared a personal interest as he
was Clerk to Milverton Parish Council.

100. Applications for Planning Permission

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

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

09/16/0006

Change of use and conversion from water treatment works to single storey dwelling with extensions to north and west elevations at The Old Waterworks, Chipstable

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 3429/03 Location Plan;
 - (A3) DrNo 3416/02/b Proposed Floor Plan;
 - (A3) DrNo 3416/04/b Proposed Layout;
 - (A3) DrNo 3429/05/b Elevations and Proposed Cycle store Plan and Elevations;
 - (A3) DrNo 3429/06/b Level Plan;
- (c) Prior to the construction of the extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) The dwelling shall not be occupied unless the parking areas and access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form;
- (e) The dwelling shall not be occupied unless the boundary treatments within the site have been provided in accordance with the approved plans. The boundary treatments shall thereafter be retained in the approved form. Details of the planting on the landscape bank shall be submitted and agreed with the Local Planning Authority prior to occupation.

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

The overall size and scale of the extension required in order to facilitate the conversion of the property into residential use demonstrates that the building is of a size suitable for conversion without significant extension in accordance with Policy DM2.7 (a) of the Taunton Deane Core Strategy.

Alternate uses for the building have been considered in accordance with the sequential test requirements of Policy DM2.7 (b) of the Taunton Deane Core

Strategy. It is considered that the proposal would result in the re-use of a redundant disused building and would lead to an enhancement to the immediate setting as required by paragraph 55 of the National Planning Policy Framework. Such is considered to constitute an exceptional circumstance allowing conversion of the building to residential use in accordance with Policy DM2.7 (b) of the Taunton Deane Core Strategy.

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

14/16/0031

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

Reasons

- (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 view 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 and Travel Plan and therefore would be contrary to Policies CP4, CP5 and CP6 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 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 has been refused.)

10/16/0008

Change of use of land and buildings from equine to commercial dog breeding business to include retention of mobile home for use as a temporary workers dwelling at Fairfield Stables, Moor Lane, Churchinford (retention of works already undertaken)

Reasons

- (a) The proposed dog breeding business, by virtue of its siting within close proximity of residential properties, would cause harm to the residential amenity of neighbouring occupiers by way of noise. In particular, it is considered that the identified 'adverse' noise impact would give rise to significant disturbance and nuisance to the occupiers of Fairhouse Farm. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Core Strategy and Paragraph 123 of the National Planning Policy Framework.
- (b) The proposed dog breeding business would give rise to increased levels of noise disturbance within an area of the Blackdown Hills Area of Outstanding Natural Beauty (ANOB). In particular, it is considered that the proposal fails to enhance or preserve the tranquillity of the area, which would cause harm to the special recreational and amenity value of this designated asset. The proposal is therefore contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy, Policy PD5/A of the Blackdown Hills AONB Management Plan and Paragraph 123 of the National Planning Policy Framework.
- (c) No evidence has been submitted to accompany the application to satisfy the requirements for a temporary workers dwelling to be situated on site. Fundamentally, as the proposed dog breeding business is considered to be unacceptable on noise grounds, the functional need for residential occupation of the site has not been satisfied. The proposal is therefore contrary to Policy DM2 of the Taunton Deane Core Strategy and emerging Policy H1b of the Taunton Deane Site Allocations and Development Management Policies.

(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 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.)

Also **resolved** that:-

- (1) Enforcement action be authorised to cease the use of the dog breeding business on the site at Fairfield Stables, Moor Lane, Churchinford and the removal of the dogs and the wire mesh runs of the kennels from the site;
- (2) Any enforcement notice served to have a six month compliance period from the date on which the notice took effect; 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.

101. Appeals

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

Resolved that the report be noted.

(The meeting ended at 6.40 pm)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Bishop Fox's 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
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

43/16/0063

MR J TUCKER

Erection of a dog kennel at The Byre, Westford, Wellington (retention of works already undertaken)

Location: THE BYRE, PAYTON ROAD, WESTFORD, WELLINGTON, TA21
ODT

Grid Reference: 312141.120414

Retention of Building/Works etc.

Recommendation

1. Refuse for the following reason:

The proposed development would result in the loss of car parking spaces and a turning area required under condition No. 4 of permission 43/08/008 dated 21st November 2008 for the use of The Byre as a residential dwelling and as a result would give rise to parking and manoeuvring on the adopted highway which would be likely to create safety issues and danger for all users of the road contrary to Policy DM1 of the adopted Taunton Deane Core Strategy.

2. Legal Services be authorised to **serve an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.**

The Enforcement Notice shall require:

- a) Remove the unauthorised building from the land
- b) Remove all the resulting materials and rubble from the land
- c) Restore the vehicular turning area and two parking bays as approved under planning permission 43/08/0080

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

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 retrospective permission for the retention of private dog kennels constructed within the rear courtyard of 'The Byre ' (a residential dwelling). The proposed building/kennel measures 5.45m long x 3.05m wide and 2.025m to eaves and 2.475m to ridge height respectively. The external walls are a mixture of brick and render with a slate pitched roof. The western elevation has two doors and a window between, with the remaining three sides being enclosed. The dogs utilise a secured yard area to the front of the kennels.

Site Description

The application site is within a courtyard area to the rear of 'The Byre', a single storey building converted from an outbuilding to a dwelling. The yard is enclosed on the other three sides by 2 storey dwellings of which No.s 1-3 Westford Court are Grade II Listed Buildings. The southwestern corner of the residential curtilage of the Byre falls within a flood zone 2 and 3.

Relevant Planning History

43/08/0080 - Conversion of redundant building to form dwelling - Conditionally approved November 2008.

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP -

No observations to make.

WELLINGTON TOWN COUNCIL -

Could not make comment as too little information available.

PLANNING ENFORCEMENT -

No comments received.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

No comments received.

Representations Received

Four letters of representation have been received. The letters received concentrate on

- 1) the loss of parking and manoeuvring space for the dwelling, and
- 2) the noise and smell from the dogs.

However, the following comments are also made -

- The kennel has been built on top of main water pipes for other properties denying access for servicing and maintenance
- Application does not reference a brick wall that has been built
- No mention of water disposal methods from the new hard surfacing surrounding the kennel and from the kennel itself
- Shows upvc windows in a structure that is within the curtilage of a listed building
- Discrepancies on and omissions from the application form.

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 - General requirements,

Local finance considerations

None

Determining issues and considerations

The proposed development is located within the settlement limits of Wellington where the principle of development is accepted. The proposed kennels are sited to the rear of the dwelling known as 'The Byre' within an enclosed courtyard area.

Planning permission 43/08/0080 granted in November 2008 allowed for the conversion of an 'outbuilding' and the associated courtyard area to a dwelling (The Byre). The outbuilding at the time was ancillary to No.2 Westford Court and was being used as a builders storage facility and the courtyard as the associated builders yard. The proposal to convert the outbuilding into a two bedroomed dwelling included the provision of off road parking and turning provision within the courtyard area which was conditioned to remain.

In assessing the development approved under 43/09/0080, the Highway Authority stated at the time that 'the development will utilise an existing access that derives direct access from/onto a classified unnumbered highway that is subject to a 30mph speed restriction'. Amended plans were submitted during the application process to address highway safety concerns identifying a turning area and parking for 2 cars to the rear of the dwelling on the site the subject of this application. Condition 4 of permission 43/08/008 stated that 'The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development permitted'. This was to ensure there was adequate space within the site for the parking of vehicles clear of the highway which was in accordance with Taunton Deane Local Plan 2004 Policy M4.

The proposed development clearly conflicts with Condition 4 of 43/09/008 and would result in the loss of the car parking provision and turning area required with this

dwelling. Vehicles would ultimately park on the public highway to the front of the dwelling and this would make the use of the property as a dwelling unacceptable on highway safety grounds. Policy DM1 'General requirements' of the Taunton Deane Core Strategy 2011- 2028 states that any development must not lead to road safety problems. In permitting the retention of the kennels and the subsequent loss of car parking provision and turning space with the curtilage of 'The Byre', it would lead to an unacceptable use of the site in highway safety terms and for this reason the application should be refused.

A number of issues have been raised by third party representations. The issue of the noise and smell of the dogs is a matter for Environmental Health rather than the planning system as there planning law cannot restrict dog ownership at a private domestic property. However, all of the other issues raised by the representations would be satisfactorily addressed by the removal of the kennel structure.

It is also noted that condition 6 of the original permission for the dwelling, removed permitted development rights. The kennel has been erected on the site without the necessary permission and therefore this application is retrospective. That in itself is not a reason for refusal, because all applications must be considered on their own merits. However, on the principle issue of loss of parking and manoeuvring facilities for the dwelling, the application does fail because it would result in parking and manoeuvring on the public highway which would lead to conditions of danger to other road users contrary to policy within the adopted Core Strategy. On this basis, permission should be refused. As this proposal relates to works already undertaken, it is also recommended that the necessary enforcement action should be taken to remove the kennels and restore the land to that required under permission 43/08/0080 to achieve the parking and turning area. As such a second recommendation is proposed to seek approval for an enforcement notice to be served to achieve these requirements.

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

Contact Officer: Mrs K Wray

30/16/0029

MR & MRS BRAMSTONE

Erection of a detached dwelling with associated works to incorporate a change of use of part of the agricultural field to domestic garden on land to the rear and side of The Stonehouse, Sellicks Green, Pitminster

Location: THE STONEHOUSE, SELLICKS GREEN, PITMINSTER, TAUNTON,
TA3 7SD

Grid Reference: 321246.118984

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

- (A3) DrNo 1514 - PL01A Site Location
- (A3) DrNo 1514 - PL03A Site Layout
- (A3) DrNo 1514 - PL13A South Elevation
- (A3) DrNo 1514 - PL12A North Elevation
- (A3) DrNo 1514 - PL11A East Elevation
- (A3) DrNo 1514 - PL10A West Elevation
- (A3) DrNo 1514 - PL09A First Floor Plan
- (A3) DrNo 1514 - PL08A Ground Floor Plan
- (A3) DrNo 1514 - PL07A Basement Plan
- (A3) DrNo 1514 - PL16 Roof Plan
- (A3) DrNo 1514 - PL14A Elevation and Section
- (A3) DrNo 1514 - PL20 East Elevation Section from Field
- (A3) DrNo 1514 - PL06A Section BB
- (A3) DrNo 1514 - PL05A Section AA

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

3. No construction of the exterior of the dwelling 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.

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

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

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

5. The area allocated for parking on the submitted plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

6. The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

7. The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats 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 roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect bats.

8. Prior to the commencement of development, other than demolition, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), there shall be no addition or extension to the building without the further grant of planning permission.

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

10. 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), there shall be no further building, structure or other enclosure constructed or placed on the site without the further grant of planning permission.

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

Notes to Applicant

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

2. With regard to the adjoining public footpath: -

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

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

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

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

It should be noted that the protection afforded to species under UK and EU

legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

4. Please be aware that comments received have identified that an area near to the site was once used as a garage. You are advised to take care during construction for any disused fuel tanks that may be present.

Proposal

The proposal comprises the erection of a new dwelling to the side of Stonehouse and the change of use of agricultural land to domestic curtilage. Off road parking is proposed. The proposed dwelling has a modern design with two components connected by a flat roof section; the two components have a sloping roof that does not meet in the centre. The dwelling will be constructed/finished with render, timber cladding, stonework and a grey metal roof.

The extended domestic curtilage will run along the rear of the proposed dwelling and The Stonehouse.

To allow access for the dwelling, the existing garage for The Stonehouse will be demolished.

The application is an amended scheme to a previous application that was withdrawn, mainly altering the design of the dwelling, and reducing its size.

Site Description

The property lies within the village of Blagdon Hill and sits at an end of a small run of properties that are set back from the road with a layby and grass verge forward of the properties at this point. The rear of the property backs onto agricultural land and there is a public footpath adjoining the site; this forms the break between the site of The Stonehouse and the next property.

Relevant Planning History

30/16/0008 - Erection of dwelling to the side of The Stonehouse and change of use of land to domestic curtilage. The application was withdrawn.

Consultation Responses

PITMINSTER PARISH COUNCIL - Objection: -

- Despite reduction in height, still consider proposed dwelling too large for the site and too high in relation to adjoining property, which it will overlook.

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SCC - RIGHTS OF WAY - None received, comments from 30/16/0008: -

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that abuts the site at the present time (footpath T 21/55). I have attached a plan for your information.

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

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

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

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If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

SCC - TRANSPORT DEVELOPMENT GROUP -
See Standing Advice.

DIVERSIONS ORDER OFFICER - Mr Edwards -

The public footpath T21/55 abuts the proposed development and does not affect it per se. However, adequate Health and Safety measures should be put in place advising users of the footpath should this application be approved.

BIODIVERSITY - Comments from 30/16/0008 apply: -

The proposal is for the erection of a detached dwelling with associated works on land adjacent to The Stonehouse, Sellicks Green, Pitminster.

Richard Green carried out an Ecological Assessment of the site in January 2016.

The site is approximately 0.12 ha consisting of a house (unaffected by the proposal) with a garage (to be demolished), amenity grassland, exotic shrubs and species poor hedgerows

Findings were as follows

Birds

Birds are likely to nest in vegetation on site. No removal of vegetation should take place within the bird nesting season.

Bats

The desk study revealed that four EPS licences have been granted within 2 km of the site. However the survey found no evidence of bats within the garage. However

I agree that the roof of the garage and the waney edge should be removed with caution.

Trees and hedges within and bordering the site are likely to be used by foraging bats. No trees on site were identified as having bat roosting potential. I support the provision of a bat roosting tube in the new dwelling.

Reptiles

The site has low potential for reptiles. However I agree that the amenity grass should continue to be managed to maintain a low sward height

Condition for protected species:

The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats 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 roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect breeding birds.

Informative Note

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

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.

WESSEX WATER -

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website

www.wessexwater.co.uk.

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

S105a Public Sewers

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

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

applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

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

DRAINAGE ENGINEER -

The application falls below the requirement for LLFA statutory consultation.

LANDSCAPE - Proposed dwelling too large for plot; would not like to see the domestic curtilage extended further into the open countryside.

Representations Received

TWELVE LETTERS OF OBJECTION: -

- Outside of village envelope, part on agricultural land; creeping urbanization; precedent for other properties to extend gardens.
- Building too big to fit in with surroundings; disproportionate to existing properties/neighbours; set too far back beyond building line; sited on prominent corner; not suitable for Blackdown Hills village.
- Inappropriate design with metal roof and large area of glass.
- Overlooking from dwelling and balcony.
- Dwelling closer to Holly Bank than 30/16/0008.
- Car port removed, but house could be extended in the future and dwelling could be moved forward.
- New building in village should respect privacy, be in keeping with appearance of village.
- 'Pitminster Past & Present' booklet shows site previously used as garage with petrol pumps in roadside position to front of property - contamination should be investigated as to whether petrol tanks have been removed.
- Concerns with sewerage system overflowing.

THREE LETTERS OF SUPPORT: -

- No building or architectural theme running through village; no need to replicate a house from 1800; there is a need for houses of architectural merit and interest; design should be progressive and innovative; most properties individual in nature and design, no common style.
- Within Howleigh Lane there are properties made of stone, wood, brick, render, rubble, upvc, aluminium showing mix of properties over five centuries.
- Positive contribution to village and community.
- Property is infill, primarily in village envelope.
- Set back from road and would pose no access problems.

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.

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
A1 - Parking requirements,
D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £58,000.00. With index linking this increases to approximately £68,500.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£1,079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

Determining issues and considerations

Principle

The proposed dwelling would be sited within the curtilage of The Stonehouse, though an additional area of garden for the dwelling is outside of the curtilage and

requires a change of use. Other than this additional 9m projection of curtilage to the rear of the proposal, the site is within the settlement limits of Blagdon Hill.

Given the majority of the site is within the settlement limits; there would not be a significant encroachment of built form into the countryside; close proximity to the settlement of Blagdon Hill, where the principle of infill development is acceptable, in accordance with policy SP1 of the Taunton Deane Core Strategy, the principle of the proposed dwelling here, taking into account other considerations such as visual impact and recent approvals in the village, is considered acceptable in this instance.

Character and appearance

The proposed dwelling follows the linear pattern of development within this part of Blagdon Hill, continuing development from the north in West View to the detached property of Green Crest to the south. All of these properties have varying set backs from the road, with West View properties close to the road, and the properties of Hollybank and Matson set further back. The proposed dwelling itself is set back from the front of The Stone House, though the frontage of the property would be in line neighbouring property of Milestone. Whilst part of the proposed dwelling would be set further back than other nearby properties, this is considered to be acceptable as overall the dwelling follows the pattern of development and is therefore in keeping with the surrounding area.

The dwelling has been designed with two sloping roof elements that are adjoined by a lowered flat roof section in the middle. As such, the roof design retains elements of a traditional pitched roof. The dwelling faces towards the front of the site and is similar in width to other properties, slightly wider by incorporating a garage into the design, with accommodation above. The proposal respects the heights of adjoining properties, including The Stonehouse, where the proposed ridge height is only 0.675m higher, and this is at a distance of 24m away from The Stonehouse. The low sloping roof of the proposed dwelling, closest to The Stonehouse allows for sufficient space between properties so each dwelling is seen individually, rather than competing with each other.

The site will be lowered to accommodate part of the dwelling that would be at a lower ground level. This lowering of the site is not visible from the frontage of the property, so there is no increased in height of the building by accommodating this extra space.

The proposed dwelling is sited next to The Stonehouse, that is constructed in stone, and adjoins onto a more modern dwelling, that is finished in render. The proposed dwelling is of a modern design, incorporating a mixture of materials; natural stone lower wall, rendered walls, timber cladding, aluminium windows and a grey metal roof. Whilst these materials have not yet been used on many modern dwellings within the village, these materials are used throughout the village; the use of timber cladding can be seen close by, and the use of a metal roof has also been granted recently in Sellicks Green. Overall, there is no objection to the use of the proposed materials that are in keeping with the design of the dwelling.

Residential amenity

The proposed dwelling is sited: 22m from the end gable of the nearest property of Hollybank and 18m off the boundary (closest point). Whilst there are first floor windows, glazing and a recessed balcony to one of the bedrooms, given the angle of the adjoining property and the distance between these properties, there is not considered to be any detrimental overlooking or loss of privacy to warrant refusal of this application.

As the proposed dwelling is sited to the North East of Hollybank there is not considered to be any detrimental loss of light or shadowing.

Given the distance between the proposal and Hollybank, the orientation of Hollybank, and that there is a difference of 0.345m in the overall heights of the buildings, the proposed dwelling is not considered to be overbearing on any neighbouring properties.

Visual amenity

The site is bound by a hedgerow to the front and side of the site, and the rear of the site shares a boundary with the adjoining field. It is proposed to incorporate some of this field into domestic curtilage, projecting a distance of 9m. The new garden area would be enclosed by a hedge and permitted development rights would be removed to ensure no further buildings or structures would be placed on this land.

Given the extended curtilage is within a corner of a field and does not project out into the middle of the field, the extended curtilage is not considered to be detrimental to the visual amenity of the area.

The dwelling would be visible from the surrounding area, and from the public footpath. Though as the overall height of the dwelling is not significantly greater than the adjoining properties, and that the dwelling would be seen in the context of the other properties, it is considered the dwelling would not contribute any significant harm to the visual amenity of the area.

Highways

The proposed dwelling will utilize an existing underused access that served a garage to The Stonehouse, that will be demolished. The new dwelling has an attached double garage and there is sufficient space for parking and turning within the site. As the access to the garage is existing and this access adjoins the wide entrance to the public right of way, there is not considered to be any harm to users of the footpath. Furthermore, vehicles leaving the site would have visibility when leaving. Vehicles enter/leave the site via a layby/service road to a few properties, not the main highway.

Whilst the garage of The Stonehouse will be demolished, the property still has sufficient parking and turning.

Wildlife

The application was submitted with an Ecological Assessment that found no evidence of bats, birds or reptiles. Notwithstanding these findings, any vegetation should be removed outside of bird nesting season, and the garage roof and waney edge boarding should be removed with caution.

Other matters

Wessex Water, when previously commented, did not raise any concerns with the proposed dwelling or connection to Wessex systems.

The public footpath is sited outside of the site, and its current boundaries, and is unlikely to be affected by this proposal, an advisory note with the Rights of Way comments has been attached.

A condition requiring investigation into the previous use of the site has been included following comments received from the public concerning possible contamination.

Conclusion

The proposed dwelling can be accommodated within the extended site without harm to the visual or residential amenity of the area; the dwelling would be within the settlement boundary of Blagdon Hill and not within an isolated location. Design of the dwelling, though different to existing properties, is an acceptable modern addition to the village. The proposal is therefore considered acceptable and is recommended for approval.

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

Contact Officer: Mr D Addicott

MR & MRS A DARE

Proposed reconstruction of agricultural building to form dwelling house and change of use of land to residential curtilage at Higher Knapp Farm, North Curry (retention of part works already undertaken)

Location: HIGHER KNAPP FARM, KNAPP ROAD, KNAPP NORTH CURRY,
TAUNTON, TA3 6AY

Grid Reference: 330336.125296

Retention of Building/Works etc.

Recommendation

Recommended decision: Refusal

- 1 The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the site is not suitable for housing as the proposal does not constitute a genuine agricultural or other appropriate need and the proposal would result in a dispersed pattern of development in a rural area which would be reliant on the need to use the private car to access employment and services. The proposal is considered contrary to Adopted Core Strategy Policies CP1, CP8, SP1, SP4, DM1, DM2 and the Emerging Draft Site Allocations and Development Management Plan Policy SB1.

Recommended Conditions (if applicable)

Notes to Applicant

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

Proposal

Planning permission is sought for the erection of a two storey dwelling at Higher Knapp Farm. The ground floor will provide a kitchen/diner, living room, study, utility and two WC's. The first floor will provide two bedrooms, bathroom and a snug. Materials will comprise a mixture of render, natural stone, brick and timber cladding to the walls with clay tiles and fibre cement sheeting to the roof.

The external appearance of the barn is to replicate the permitted alterations to the agricultural barn (under application 24/15/0013), which has since been demolished apart from one section of brick wall.

Site Description

The site lies within the hamlet of Higher Knapp. It is outside of defined settlement limits, approximately 2km from North Curry.

The site is located between the road and the remainder of the farm buildings with the existing farmhouse sited within close proximity to the northwest.

The agricultural barn, previously sited on the land, represented a traditional stone and brick agricultural barn which had been extended over the years with various materials, including a corrugated section to the south, a large corrugated flat roof extension to the east and a block and tiled section to the north.

Relevant Planning History

24/14/0058/CMB - Prior approval for proposed change of use from agricultural building to dwelling house (use class C3) and associated building operations. REFUSED.

24/15/0013/CMB - Prior approval for change of use and conversion of agricultural building to one private dwelling house (use class C3) including partial demolition, formation of garden curtilage and parking provision. APPROVED.

Consultation Responses

NORTH CURRY PARISH COUNCIL –

Support application;

As the proposed barn will be identical to the development approved under permitted development rights, which the Parish Council originally supported, the Parish Council wish to continue their support. It has been noted that the reconstruction has been undertaken sympathetically, reflecting the original structure.

SCC - TRANSPORT DEVELOPMENT GROUP –

“Refer to standing advice”. Standing advice requires:

- Visibility splays of 2.4 x 43m in either direction, measured to the nearside carriageway edge.
- Pedestrian visibility splays of 2 x 2m to the rear of the footway.
- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted

highway.

- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.
- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.

LANDSCAPE – The site would benefit from some landscaping in the form of native hedging along the northern and eastern boundaries.

Representations Received

12 Letters of support received;

- The Dare family have farmed for many generations at Knapp;
- The barn is already there and can only be seen by one other property which is not family owned;
- Barn has a lovely appearance and will become an attractive home;
- Mr & Mrs Dare have been sympathetically restoring the old barn;
- Appeal to considered this application in light of the circumstances in which Mr & Mrs Dare find themselves;
- When completed it will look the same as it would have done on the original consent;
- Will enable Mr Dare's son to move into the farmhouse;
- Design is tasteful;
- The development will enhance the area;
- The proposed change from a metal clad farm building to a restored barn is a significant improvement;
- Works are in keeping with the original stone work of the barn;
- Mr & Mrs Dare are always supporting and assisting with anything that goes on in the village;
- Looking at other less sympathetic developments that are occurring in the village it would be a travesty if this were turned down;
- Barn does not overlook anyone and will enhance area;
- Barn is not visible from the road and is using existing access;
- Applicants have been stalwarts of the local community for years;
- There will be no additional traffic;
- The conversion will enable Mr & Mrs Dare to remain living in the Parish;
- It will not change our outlook and is not isolated.

Ward Councillor supports application - It will only enhance the area and for Mr & Mrs Dare to enjoy their retirement in a more suitable home.

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.

SP1 - Sustainable development locations,
DM1 - General requirements,
DM2 - Development in the countryside,
CP8 - Environment,
SP4 - Realising the vision for rural areas,
CP1 - Climate change,
SB1 - Settlement boundaries,

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.

Dwelling measures approx. 214.5m².

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £27,000.00. With index linking this increases to approximately £32,000.00.

This application replaces 24/15/0013/CMB where the CIL process has been completed and existing floor area is in lawful use and greater than proposed floor area. Therefore there was no CIL liability in respect to the previous application.

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)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
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Determining issues and considerations

Unauthorised works

In 2015 Prior Approval was granted for change of use and conversion of an agricultural building to a dwellinghouse. The works involved minor alterations to the building, installation of windows and doors, formation of parking and curtilage area and partial demolition of corrugated sections. The Prior approval process is clear in that the works must accord with the approved plans. In this instance the approved plan was clearly marked with existing walls which would remain.

Following a complaint from a member of the public the site was inspected to see if the development was proceeding in accordance with the prior approval that had been granted. On site it was noted that the majority of the barn (that was to be retained) had been demolished, only a small proportion of the walls remained. Approximately 75% of the building had been removed and it appeared that what was remaining of the building had been demolished and rebuilt. The only obvious section of the original barn remaining was a section of brick wall. As such the development constitutes the demolition and the erection of a new dwelling in the countryside and the owner of the site can no longer rely on the prior approval that has been issued.

The unauthorised works were reported to Committee on 13th July 2016. The committee decided to defer enforcement to allow a valid planning application to be submitted with two weeks. This application seeks consent for the unauthorised works and for the reconstruction of the barn to form a dwelling.

Visual and residential amenity

The site is in a rural location and forms part of the small hamlet of Higher Knapp. The nearest property is the farmhouse to the north west of the building. There is considered to be no adverse impacts upon the amenities of the occupants of the farmhouse or any other nearby residential properties.

Whilst the proposed building is designed to replicate the previous barn, once converted, it is a new building in the open countryside and as such there will be a visual impact from the proposal. The proposed building will sit between the existing farm buildings and the road, within close proximity to the existing farmhouse and will have the appearance of a traditional rural building, which reduces its visual impact upon the surroundings .

Creation of new dwelling in open countryside

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The site is outside of defined settlement limits. The creation of an additional dwelling in this location would increase the amount of traffic to and from the site. The Core Strategy Policy SP4 justification states; "The Core Strategy aims to avoid creating a dispersed pattern of development in rural areas which then increases the need to use the private car to access employment and services". Policy CP1 of the Core Strategy aims to reduce the need to travel through locational decisions. Policies SP1, CP8 and DM2 of the Core Strategy also restrict new developments in open countryside. Policy SB1 of the Draft Site Allocations and Development Management Plan reinforces the Councils position on development in open countryside. Due to the remote location, any future occupiers of the proposed dwelling would be dependent on private vehicles, to access any local services and facilities. This would foster growth in the need to travel in comparison to the existing use of the site, resulting in an unsustainable form of development. Although it is acknowledged that the applicants wish to move into the proposed dwelling, the application would still be creating an additional dwelling in the countryside, likely to result in an overall increase in traffic.

The applicants are currently residing in the Farmhouse. The farm has been leased out and the applicant is now retired. There is no agricultural need for the proposed dwelling. The proposal would not, in effect, enable the family to continue farming.

There are many comments in the representations received which imply the dwelling should get consent to enable the applicants to remain in the Parish. However, as the applicants are already living in the Parish in the farmhouse this point does not have merit. The dwelling is not proposed as an annex, nor designed specifically for dependant relatives. It is proposed to be built over two floors with the bedrooms and main bathroom upstairs. If the applicants consider their existing property to be too large or not suitable for their requirements they should seek alternative accommodation in the Parish or a new dwelling within the designated settlement boundaries.

Conclusion

The proposal is considered to neither benefit economic activity or maintain and enhance the environment. The proposal is considered contrary to the Core Strategy and the Draft Site Allocations and Development Management Plan which aim to avoid creating a dispersed pattern of development in rural areas which then increases the need to use the private car to access employment and services.

Granting planning consent for a development of this nature would set an undesirable precedent, where these arguments could be used all too often. Regardless of the prior approval allowed on the previous building the application must be considered in line with current planning policy, which does not support unsustainable forms of development.

It is therefore recommended that the application is refused and that enforcement action is taken to remove the unauthorised structures.

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

Contact Officer: Ms F Wadsley

07/16/0013

STOR 112 LTD

Construction of a Gas Fired Energy Reserve facility and ancillary infrastructure on land adjacent to Hele Manor, Hele

Location: LAND TO THE SIDE OF HELE MANOR, HELE

Grid Reference: 318875.124747

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 9660-0002-05 Site Location Plan
(A3) DrNo 9660-0001-06 Illustrative Site Layout
(A1) DrNo 9660-0007-01 Illustrative Site Elevations (External)
(A1) DrNo 9660-0006-01 Illustrative Site Elevations
(A3) DrNo 9660-0005-01 Illustrative Landscape Proposals

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

3.
 - (i) Before any part of the development hereby permitted 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 include increased landscape planting to the north and north-west of the site.
 - (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.

Reason for pre-commencement: Without an approved landscaping scheme, the siting of the development would need to be re-assessed in the interests of visual amenity and its setting within the landscape.

4. No works shall be undertaken on site (other than those required to fulfil this condition) unless details for surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule of implementation for the surface water drainage works. The works shall be carried out in accordance with the approved details and schedule of implementation and shall thereafter be retained in that form.

Reason: To ensure the development does not give rise to any increased flood risk in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Reason for pre-commencement: The application site is not situated within an identified flood risk area but it is situated within very close proximity of Flood Zones 2 & 3. It is therefore necessary to ensure adequate drainage measures are in place to ensure any surface water run-off would not exacerbate flood risk within the area.

5. A condition survey of the existing public highway shall be carried out and agreed in writing with the Local Planning Authority prior to the commencement of any works on site. Any damage to the highway occurring as a result of the development hereby permitted shall be remedied to the satisfaction of the Local Highways Authority once all works have been completed on site.

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

Reason for pre-commencement: The Local Highways Authority need to be satisfied as to the condition of the existing public highway so that any damage created as a result of the development can be rectified before the development is first brought into use.

6. A Banksman shall be employed at the access point to control all vehicles accessing and exiting the site throughout the duration of the construction works.

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

7. Before the development hereby permitted is first brought into use a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall thereafter be maintained as such at all times.

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

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

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The area allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

10. Prior to the installation of the gas containers, details of the container cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of visual amenity to ensure the proposed development does not harm the character and/or appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. Before the development hereby permitted is first brought into use an acoustic barrier shall be installed in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority and thereafter retained as such.

Reason: In the interests of residential amenity and to ensure the development does not give rise to excessive levels of noise in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 1 hour Leq, at any time when measured

alongside the road adjacent to Bridge House to the west of the site.

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

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

Reason. In the interests of residential amenity and to ensure the development does not give rise to excessive levels of noise in accordance with Policy DM1 of the Taunton Deane Core Strategy.

13. The development hereby permitted shall be carried out in accordance with all the recommendations, details and timings made in RPG's Preliminary Ecology Appraisal report dated August 2016.

Reason: In the interests of wildlife in accordance with Policy CP8 and DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. You are reminded that it will be necessary to complete a temporary Traffic Regulation Order (TRO) application form and this should be applied for as soon as possible. Please be aware that the application for a temporary Traffic Regulation Order is a separate process and will need to be in place prior to the commencement of development. For further information please visit our web site www.somerset.gov.uk or alternatively call 0300 123 2224.
3. The alteration of the existing agricultural access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area, The Crescent, Taunton, Tel No. 0300 123 2224. They will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980.
4. Please note that temporary signage should be provided warning drivers of a 'Concealed Works Access' (or similar) along the highway.
5. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. A

precautionary approach should be followed during the stripping of longer vegetation.

Proposal

Permission is sought to construct a new gas fired energy reserve facility along with ancillary infrastructure. The proposed development would generate up to 20 megawatts (MW) of electricity (enough energy to power approximately 4,861 homes) to provide secure energy supply to the local electricity distribution network during times of peak demand. The engines would be operated as a 'peaking plant' meaning that they can quickly respond to peaks in energy demand. Typically, the station would be switched off, waiting for an instruction via National Grid to power-up. The plant would not be used for base load operation, being limited to 1,500 running hours per year.

The proposed development would comprise 10 containerised engine units, each with a maximum footprint of 15m x 3.6m with a maximum height of 3.7m. Attached to each containerised unit would be an emission stack 7m in height (i.e. 3.3m above the container). Ancillary buildings would include: a welfare unit 8.4m long, 3.05m wide and 3.5m high; a DNO Substation/Meter room 8.4m long, 7m wide and 3.35m high and a controls container 12.2m long, 3.15m wide and 2.6m high. There would also be other ancillary plant. The ancillary plant and equipment would be situated on hard-standings enclosed by a 2.4m high steel security fence.

Access to the site is proposed via an existing field entrance to the west off the application site off the rural road that runs through Hele. Post construction, access is required primarily for routine maintenance checks (1 visit per week), as the facility itself would be unmanned. As the fuel source is gas, provided by a direct connection to the local gas network, no fuel delivery or storage is required.

Landscape planting is proposed around the northern, western and southern boundaries of the application site.

Site Description

The application site concerns an area of land immediately adjacent and to the west of the existing Taunton electricity substation within Hele; a small hamlet situated approximately 2 miles west of Taunton.

The application site itself is currently used as an agricultural field measuring approximately 0.49 hectares in size. The site is rural in nature with an established hedgerow situated along the northern field boundary; the road that runs through Hele is situated to the north of this boundary. Established electricity infrastructure is positioned immediately to the east of the site, where overhead electricity cables cross land to the immediate north of the site. The existing electricity site is very well screened by tree planting and other vegetation.

Hele Manor Farm is positioned approximately 280m to the west of the site and comprises of a mix of agricultural buildings and traditional residential farm buildings.

Other private residential dwellings are situated to the north of the farm.

The application site is situated within Flood Zone 1. The land to the north of the site, on the opposite side of the road is situated within Flood Zones 2 & 3.

There is a public footpath that runs through the fields to the south of the site, approximately 300m south of the application site.

Relevant Planning History

The site is currently an agricultural field and there is therefore no specific planning history associated with the site itself. However, an application for a solar farm was previously refused at committee on land to the south of the site. This was subsequently dismissed at appeal 5th August 2014 on the grounds of visual/landscape impact:

07/13/0016 – Installation of solar PV arrays and associated works with a capacity of up to 9.5 megawatts of power at land north-west of Ritherdens Farm.

Consultation Responses

BRADFORD ON TONE PARISH COUNCIL - Comments as follows:

The Parish Council met on site on 24 September 2016 together with the landowner, applicants, agent and two members of the public. The Parish Council have no objection to the structure and planned placement.

However, on other related matters the Parish Council have the following comments for the Borough Council to consider.

1. Strong objection to the proposed access on the inside of a bend and opposite access from Hele bridge, which in itself is quite a difficult junction.
2. Reduction of fine agricultural land because of the new roadway to be constructed.
3. Heavy construction traffic should use the A38 and access the site by coming off at Three Bridges (Stoford). The lorries should not use the Heatherton Park junction and come through the village, nor go through Bishops Hull. Appropriate signage by Somerset Highways would be appreciated.
4. The applicants should consider financing the resurfacing of a section of the Hele Road (because of constant use by heavy lorries) near access to the water treatment works and the low spot. County Highways are aware that remedial works are required but do not have the finance to pay for it.
5. Overall is the site the most suitable one for this facility?
6. This application will be a change of use from agricultural to industrial.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments as follows:

With regard to traffic impact from the details provided in the design and access statement the site will produce a limited amount of traffic movements per day; the applicant envisaged an average of one movement per week. On this basis it is unlikely that this proposal would result in an adverse impact on the highway network.

However, it is apparent that the construction phase would result in a higher level of vehicle movements. The applicant envisages that it would average 20 vehicle movements per day, which would consist of large heavy duty vehicles. These movements would also consist of abnormal loads. The Highway Authority would usually have concerns over any proposal that would lead to a significant increase in vehicle movements on the local highway network. It is apparent from the information provided that this proposal would see a significant increase in vehicle movements on the local highway network. However, the Highway Authority appreciates that the construction phase is only for a limited period. Consequently on balance the Highway Authority raises no objection in traffic impact terms to this proposal.

It is noted that the application will upgrade an existing farm gate access to be able to serve the proposal. The Highway Authority would require the access to be a minimum of 5.0m wide to allow two vehicles to pass with suitable junction radii. The access would also need to be properly consolidated and surfaced. With regard to visibility, vehicle speeds pass the site are approximately 30mph. As a consequence the design guidance set out in Manual for Streets is considered to be acceptable in this location. As such splays of 2.4m x 43m in either direction. It is likely that this can be achieved to the left hand side although the splay to the right does not meet this standard. From scaling off the submitted plan, Drawing No. 9660-0001-06, it's apparent that the proposal can only provide a splay of 15.0m to the nearside carriageway edge. This level of visibility is not considered to be sufficient and would usually result in an objection from the Highway Authority. However as previously indicated the intensification of the access would be associated with the construction phase which is for a limited time. Coupled with this the applicant has provided additional information stating that a Construction Management Plan would be provided prior to the commencement of development on the site. This has highlighted that the following points will be included:

- Provision of temporary signage warning drivers of 'Works Access' (or similar) with associated access warning sign.
- Provision of temporary signage warning drivers of 'Concealed Access' (or similar) with associated access warning sign.
- Provision of interactive speed signs and / or interactive hazard signs to warn drivers of forthcoming access.
- Progression of a Temporary Traffic Regulation Order to impose a reduced speed limit on the approach to and through the site access.
- Employment of Banksman at the access to control all vehicles accessing and exiting the site.

- Provision of four-way signal controlled shuttle working through the access works area, on an on-demand basis to minimise queuing and delay.

The Highway Authority is broadly happy with the points that have been proposed.

Turning to the internal layout this is broadly considered to be acceptable as the level of parking associated with the end use is considered to be acceptable whilst the turning area is considered to be sufficient to allow a vehicle to turn and leave the site in a forward gear. The access road would need to be properly consolidated and surfaced.

Therefore based on the above information the internal layout is considered acceptable whilst in terms of traffic impact the proposal will generate a significant level of movements, however this would only be during the construction phase after this has been completed the level of movement would equate to one vehicle per month. The main issue for the Highway Authority relates to the sub-standard visibility to the right hand side of the access. This would usually result in an objection as the proposal would result in an increase in traffic movements. However after further discussion with the applicant the Highway Authority is satisfied that although the splay is considered to be sub-standard it can be managed appropriately through the construction phase.

As a consequence when taking into account the above information on balance the Highway Authority raises no objection to this proposal.

Conditions and informative notes have been recommended to the LPA should permission be granted.

BIODIVERSITY - Comments as follows:

The River Tone and its tributaries LWS is located 200m north of the site.

RPS carried out a Preliminary Ecology Appraisal survey dated August 2016. Findings were as follows:

Bats

The field offers very limited foraging habitat for bats but the plantation on the eastern boundary is likely to be used as a flight line for bats.

The River Tone and woodland offers more favourable foraging habitats.

Badgers

No active setts were found within the application site. The surrounding area provides good foraging habitat for badgers.

Birds

The semi improved grassland offers very limited opportunities for nesting birds. Birds may nest in the field boundary hedgerows and adjacent plantation woodland.

Reptiles

The semi improved grassland offers some opportunities for reptiles.

Otters and Water Voles

There are numerous records of otters and water voles within the search area. The River Tone is separated from the site by Fideoak Lane.

Once operational the electricity plant will produce noise during times of operation. This noise may affect fauna in and around the site. A precautionary approach should be followed during the stripping of longer vegetation.

Conditions and Informative Notes are recommended for any permission granted.

LANDSCAPE - Comments as follows:

The application is supported by a landscape and visual impact assessment, which is sound.

The facility will bring an additional industrial feature to this locality. However, it will be screened from the east by an existing tree belt and the proposed planting to the north, south and west will screen the facility further.

The landscaping of the site should be extended so that it does not reflect the exact size and shape of the facility.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Comments as follows:

A number of large engines of this size does have the potential to affect air quality in the area and to be noisy enough to disturb neighbours. The applicant has submitted reports with the application.

- Air Quality Assessment, 4 August 2016. RPS Group

- Noise Assessment for Peaking Plant, 25 August 2016. RPS Group

The application says that the generators will be used at times of peak demand rather than in constant use. It estimates that they will run for around 1500 hours a year.

Air Quality

The RPS Assessment states that the gas engines will comply with the 'EU Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants'. For new engines fuelled by natural gas, the only pollutant for which the Directive provides a limit is nitrogen oxides (NOx). It also says that the technology suppliers have advised that there are no other significant pollutant emissions.

To predict the potential level of pollutants the consultants have used the limit value in the Directive as the emission rate for their modelling. This was because they were not sure which make or model would be used, and so assumed a worst case situation, as the limit value would be the maximum at which the plant could operate.

The assessment compares the predicted NO2 levels to the existing background levels (based on a national data base). The assessment confirmed that the emissions from the gas engines will lead to an increase in NO2 levels over the

background level and to the Air Quality Objectives that are in the Air Quality (England) Regulations 2000. It is not surprising that the background levels are exceeded as they are low as the area is rural. There are two national air quality objectives for NO₂, one is an annual mean and one an hourly mean not to be exceeded 18 times a year. For long term predictions (annual means) the modelling estimates that the highest level of pollutants from the generators will be 7% of the annual mean objective level. For short term concentrations the modelling predicts that the highest levels of pollutants would be 69% of the hourly objective level. The report refers to guidance that states that the impacts are not considered significant if the predicted levels are below the action/objective levels.

The report concludes that the pollutants from the proposed generators will meet all relevant air quality standards and objectives and that no mitigation is proposed.

Based on the information submitted by the applicant, it is agreed that while the generators will have an impact on air quality in the area when they are running, it is not likely that pollutant levels would be close to exceeding the air quality objectives.

Noise

The Noise Assessment uses data provided by manufactures of different types of gas engine, as the applicant had not specified a particular model. The assessment estimated noise emissions from the engines and predicted the potential noise level at nearby residential properties. It then followed British Standard BS4141:2014 to rate the predicted level of noise from the site and compare it to the background noise level that had been measured by RPS in the vicinity of the site.

The assessment found that during the day, when background noise levels were higher, the rated noise level was below the background level. However, at night the rated level could exceed background levels by 7dB. The assessment notes that according to BS4142:2014 a difference of around +10dB or more is likely to be an indication of a significant adverse impact and a difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.

The assessment refers to an acoustic barrier 3.5m high around the generators. (it also mentions a 5m high barrier around a cooler area, although the consultants have since confirmed that this paragraph should not be in the report, as the coolers will be integral to the generator units and not in a separate area).

Taunton Deane Borough Council would normally expect that noise from a new commercial development would not exceed background levels by 3dB. I have contacted the consultants regarding the report. They did say that the applicant did not expect that the generators to be running at night as they would be operating at peak times (daytime and evenings). However, there is still the potential for the generators to run at night on occasions. The consultants contacted the equipment suppliers and confirmed that there is a model that is quieter than the ones that they used in their assessment. They re-ran the noise modelling and confirmed that they could meet the 3dB above background level.

The plans with the application do not show a 3.5m acoustic barrier around the generators. There is a perimeter fence, but this is some distance from the generators, which would mean that even if it was higher and more solid it would not

be effective as a noise barrier. However, the consultants confirmed that a barrier could be installed within the site.

If the application is approved I would recommend that conditions are used to ensure that noise levels do not exceed background levels by more than 3dB and that the acoustic barrier recommended in the assessment is built. Suggested conditions are given.

DRAINAGE ENGINEER - Comments as follows:

This application falls below the requirement for LLFA statutory consultation. SCC does not provide drainage engineering support to the LPA.

BISHOPS HULL PARISH COUNCIL - Comments as follows:

This application is just over the boundary with Bishops Hull parish. Bishops Hull Parish Council supports the views of Bradford-on-Tone Parish Council and would request that conditions be imposed with regard to noise limits, landscaping and no construction traffic to be routed through Bishops Hull.

NORTON FITZWARREN PARISH COUNCIL - No response received at the time of writing.

Representations Received

A site notice was erected 30th September 2016 and neighbours notified 9th September 2016. Five **objections** have been received, their comments summarised as follows:

-

Principle of development

-
- There is available brownfield land within close proximity of the site, which would be preferable in accordance with the requirements of Policy DM1 of the Taunton Deane Core Strategy.
- The existing brownfield site would alleviate Parish Council concerns regarding access, increased traffic and loss of agricultural land.
- The existing brownfield site is already well screened by mature vegetation.

Visual amenity/landscape

- 7m high chimney stacks would be visible within landscape, even with increased planting.
- Screen planting would take years to grow and would be ineffective during winter months.
- Impact upon West Deane Way and other footpaths, with sightlines available from the footpath to the south of the field.
- View toward Quantock Hills would be blocked.

Highways

- Increased traffic/HGV movements unsafe.
- Proposed access point in unsuitable and very dangerous – It is situated on a double blind, cross road which at peak time travel is impossible to use.
- Increased vehicle movements will cause further damage to road – who would be responsible for their repair?
- Minor road does not support the infrastructure required for such a development.
- Council should consider extending the 30mph speed limit from Bishops Hull to the other side of Hele.

Noise

- Noise impact, particularly when prevailing wind comes from the north.
- Noise tests were carried out during the summer months (26th July – 3rd August). The result would have been different if carried out during winter months.
- Tests do not take into account the whole village.
- Engine units will create noise within a naturally tranquil and quiet area, which will travel. Eg. The tannoy for Pontispool Equine Sports Centre (1.5miles away) can be heard. Such disturbance within this area would be contrary to the NPPF.
- The 1,500 hours per year, as stated in the application, could be brought into additional use at peak times. Operational times are not enforceable.
- Lack of foliage cover to shield some of the noise.
- Equipment could be subject to change, which would alter the noise measurements.
- Mitigation measures would be subject to cost – who would enforce these if the application is successful?
- Noise report needs to consider winter measurements, additional locations and alternative generating sets.
- Acoustic screen should be taller and situated closer to the noise source.
- Applicants' website stipulates that these power stations must be 250m away from neighbouring homeowners – why does this not apply to this application?

Air quality

- Adverse impact on local air quality.
- Unclear whether tests were actually carried out within Hele. Data is taken from Dunkeswell. The background levels from these measurements are likely to be substantially higher than the clean air environment around Hele.
- Report does not appear to take account of the 10 chimney stacks. Instead, the data has been scaled up from 1 to 10 chimney stacks, which is a flawed methodology.
- Additional HGV traffic will affect local air quality.
- The use of solid oxide fuel cells offer a more effective form of technology.

Flooding

- Increased flood risk due to increased surface water run-off, particularly around the bridge.
- Increased run-off water will flood the road running through Hele, potentially

- cutting it off.
- Area already has problems with blocked drains – who would maintain this?

Other

- Impact upon wildlife
- Not clear if the proposed site would include the option of either a pipeline or gas tankers.
- Site does not currently have any gas connections – the closest is 0.5miles away.
- An application for a solar panel farm was previously rejected.
- Precedent for further industrial development.
- Wider public consultation should have been carried out.

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.

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
CP1 - Climate change,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,

Local finance considerations

Community Infrastructure Levy

The development would not be liable for any Community Infrastructure Levy (CIL) payments.

Determining issues and considerations

The main issues to consider in the determination of this application are the principle of development, impact upon visual amenity/landscape, impact upon highways, noise, air quality, biodiversity and flood risk/drainage.

Principle of development

The application site is situated outside defined settlement limits, where in accordance with Policy SP1 of the Taunton Deane Core Strategy (TDCS), the development is situated within an area defined as 'open countryside'. Development outside settlement limits is strictly controlled, however, Policy DM2 (TDCS) does identify various land uses that could be supported outside settlement limits, including development for essential utilities infrastructure.

The National Grid has clearly identified that there is a need for additional energy reserves. The proposed development would generate up to 20 megawatts (MW) of electricity (enough energy to power approximately 4,861 homes) to provide secure energy supply to the local electricity distribution network during times of peak demand. This energy 'peaking' plant is therefore considered to constitute an important part of the National Grids energy strategy to ensure it can continue to balance the demands of the electricity network, whilst also providing greater resilience to deal with increased energy demand at peak times. Subject to the assessment of other key issues identified within Part 8 of Policy DM2, there is considered to be an 'in principle' policy reason which supports the development.

Public comments regarding the availability of other more suitable 'brownfield' land sites have been noted. However, the exact location or availability of such land is unknown and unverified. Consideration has clearly been given to the proposed siting of the development, taking into account its proximity to an existing electricity substation; setting within a predominantly rural and isolated location; and siting outside defined designated areas (eg. heritage designations, floodzones etc). Whilst the LPA would be willing to consider the siting of the proposed development in alternative locations, the planning issues associated with such a development have to be considered on the site identified within the submitted 'red-line' area. The planning issues associated with alternative sites have not been tested and it is therefore considered unreasonable to refuse the application on the basis of alternative sites being available. Instead, the proposed application site is considered acceptable in land use terms, where the development plan supports the principle of development subject to other planning considerations.

Visual amenity/Landscape

The development would be situated toward the north-eastern corner of an existing agricultural field adjacent to an existing electricity substation, which is situated toward the east. Whilst its corner position within close proximity of existing electrical plant is preferable, the development would be situated within the open countryside and careful consideration therefore needs to be given to the impact the development would have on the visual amenity of the area and its setting within the landscape.

There is an existing tree belt situated toward the east of the site, which screens the existing electricity plant and any views from the east. To the north is a well-established hedgerow situated along the boundary of the field and adjacent to the road. This in part helps to screen the development, however, given the height of the container stacks proposed, the development would be visible above the existing hedgerow. The site is more open to the south and west where sightlines of the

development would exist from a distance from nearby residential properties to the west and a public footpath situated within a field to the south.

The application is supported by a landscape and visual impact assessment, which has been considered by the TDBC Landscape Officer who considers the information submitted to be sound. Landscape planting is considered to be key in helping to integrate the development with its rural location and planting has been proposed to the north, west and south of the site. As the development itself is relatively small in scale, landscape planting is considered to be an acceptable method in reducing any potential impact. However, the Landscape Officer has confirmed that additional landscaping should be provided over and above that currently proposed. This would help soften the appearance of the development within the landscape to ensure the planting does not reflect the exact size and shape of the development.

The closest public sightlines of the development would be from the road to the north. It is noted that the development would be situated approximately 36m back from the edge of the northern hedgerow, which does help reduce the impact to some degree. However, it is recommended that additional planting be provided to the north of the site, in-between the application site and existing hedgerow, to reduce the impact further. A suitably worded condition would therefore be attached to that effect to any permission.

Whilst it is noted that screen planting would take time to grow and be less effective during winter months, it is considered that with the careful selection of suitable plant species, the vegetation screening of the site would be quite effective. The existing screening of the adjacent electricity substation is tantamount to this. The development would also utilise an existing highway access, which would prevent further openings being created within the established hedgerow to the north.

There would be some sightlines of the development from close range receptors including nearby residential properties and the public footpath within the fields to the south. However, given the relatively small scale of the development, its siting close to existing electricity plant and enhanced landscaping of the area, the development is not considered to give rise to any visual or landscape concerns significant enough to warrant refusal. The development is therefore considered to be acceptable on these grounds subject to additional landscaping being agreed to the north of the site.

Highways

It is proposed to utilise an existing redundant farm access to the west of the site, linked by a new internal access road. The access is adjacent to an existing agricultural building and lies opposite the Hele bridge junction to the north. An existing access point was chosen to prevent the need to create a new access opening within the established hedgerow to the north of the site

Vehicle movements associated with the site post construction are expected to be very low, as the site itself would be unmanned and operated remotely. Access would only therefore be required for weekly maintenance checks where necessary. On this basis, the Local Highways Authority are of the view that the development would not result in an adverse impact upon the highway network.

Notwithstanding the above, the vehicle movements associated with the construction of the site would be far greater, with an average of 20 vehicle movements per day consisting primarily of HGVs. However, as these movements would take place for a limited period during the construction phase, highways have no objection in terms of traffic impact.

Regarding visibility, a splay of 2.4m x 43m would usually be required for the 30mph road that runs through Hele. Whilst this would be achievable to the left hand side, the splay to the right would not meet this standard. Instead, Highways have indicated that it is only possible to provide a splay of 15m to the nearside carriageway edge. Whilst this would normally result in a Highways objection, it is acknowledged that the intensification of the access would only be associated with the construction phase, which is for a limited period. Coupled with this, the applicant has provided additional information stating that a Construction Management Plan would be provided prior to the commencement of works on site (details of which are outlined in the Highways consultation response). Highways have indicated that the details contained within the report are acceptable and appropriately worded conditions should be attached to any permission. Appropriate conditions are made in the recommendation to Members. Other elements which are governed by the Highway Authority under works within the highway are added as notes, as they are inappropriate to add as conditions as they don't comply with the tests applied to conditions.

The internal layout of the site is considered to be acceptable and adequate independent parking and turning space is proposed.

In conclusion, whilst the visibility splay associated with the access is considered to be substandard, the Highway Authority are satisfied that this can be managed appropriately through the construction phase subject to conditions. On this basis, the development is considered to be acceptable on highways grounds.

Noise

A Noise Impact Assessment (NIA) has been submitted to accompany the application, which has been considered by the TDBC Environmental Health Officer

The assessment found that during the day, when background noise levels were higher, the rated noise level were below the background level. However, at night the rated level could exceed background levels by 7dB. The assessment notes that according to BS4142:2014 a difference of around +10dB or more is likely to be an indication of a significant adverse impact and a difference of around +5dB is likely to be an indication of an adverse impact, depending on the context. The assessment also refers to a 3.5m high acoustic barrier around the generators.

TDBC would normally expect that noise from a new commercial development should not exceed background levels by 3dB. The TDBC Environmental Health Officer has had confirmation from the applicants that they did not expect the generators to be running at night, as they would be running at peak times only (daytime and evenings). That said, there is still the potential for the generators to run at night on occasions. As such, the applicant has contacted the equipment suppliers, who has confirmed that there is a generator model that is quieter than the ones used in the

submitted NIA. The noise modelling has therefore been re-run and it has been confirmed that it would now be possible to accord with a 3dB noise restriction. As such, it is considered that a suitably worded condition should be attached to any permission to ensure noise levels remain within acceptable limits

The proposed acoustic barrier described within the report is not clearly shown on plan. There is a perimeter fence, but this is some distance from the generators, which would mean that even if it was higher and more solid it would not be effective as a noise barrier. The applicant has confirmed that a suitable acoustic barrier could be installed. It is therefore deemed reasonable to attach a suitably worded condition to that effect to the permission.

For the reasons outlined above, the development is not considered to give rise to any significant noise concerns subject to conditions.

Air quality

An air quality assessment has been submitted to accompany the application, which confirms that the gas engines would comply with EU Directive standards. The only pollutant for which the Directive provides a limit is nitrogen oxides (NO_x). The report also specifies that the technology suppliers have advised that there are no other significant pollutant emissions.

To predict the potential level of pollutants the consultants have used the limit value in the Directive as the emission rate for their modelling. This was because they were not sure which make or model would be used, and so assumed a worst case situation, as the limit value would be the maximum at which the plant could operate.

The assessment compares the predicted NO₂ levels to the existing background levels (based on a national data base). The assessment confirmed that the emissions from the gas engines would lead to an increase in NO₂ levels over the background level and to the Air Quality Objectives that are in the Air Quality (England) Regulations 2000. There are two national air quality objectives for NO₂, one is an annual mean and one an hourly mean not to be exceeded 18 times a year. For long term predictions (annual means) the modelling estimates that the highest level of pollutants from the generators will be 7% of the annual mean objective level. For short term concentrations the modelling predicts that the highest levels of pollutants would be 69% of the hourly objective level. The report refers to guidance that states that the impacts are not considered significant if the predicted levels are below the action/objective levels

The report concludes that the pollutants from the proposed generators will meet all relevant air quality standards and objectives and that no mitigation measures are proposed. The TDBC Environmental Health has confirmed that whilst the development will have some degree of impact to the air quality of the area whilst the generators are running, it is unlikely that the pollutant levels would be close to exceeding the air quality objectives. The development is therefore considered to be acceptable on these grounds.

Biodiversity

An ecology report has been submitted to accompany the application and the TDBC Biodiversity Officer has not raised any significant wildlife concerns. Instead, a condition has been recommended to ensure the recommendations contained within the ecology report are adhered to. A condition to that effect would therefore be attached to any permission.

Flood risk/ drainage

The application site is situated within Flood Zone 1, which has been identified by the Environment Agency as an area that is not at significant risk of flooding. Nevertheless, the site is within close proximity of identified flood zones and consideration should therefore be given to increased surface water run-off that may be generated as a result of the development.

The application has indicated that Sustainable Urban Drainage (SUDS) measures would be incorporated into the proposed development to help mitigate against flood risk. No details have been provided to accompany the application and it is therefore considered pertinent to attach a suitably worded planning condition to any permission to ensure adequate drainage provision is provided.

Conclusion

It is evident from the details submitted that there is a justified need for an energy 'peaking plant' to alleviate the increased energy pressures of the National Grid. In this respect, the development is considered to constitute essential utilities infrastructure, which the development plan supports subject to the assessment of other related planning issues. Such issues have been assessed within this report and for the reasons outlined above, the proposed development is considered to be acceptable and it is therefore recommended permission be granted subject to conditions.

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

Contact Officer: James Culshaw

APPEALS RECEIVED – 23 November 2016

Enforcement Appeal

Site: SOUTH SIDE OF PAYTON ROAD, WESTFORD, WELLINGTON

**Alleged breach of planning control: Removal of hedgerow on south side of
Payton Road, Westford**

Reference number: E/0072/43/16

Appeal reference: APP/HGW/16/416

Appeal Decisions – 23 November 2016

Enforcement Appeal

Site: 39A Mantle Street Wellington

Alleged Breach of planning control: DEVELOPMENT ALLEGEDLY NOT IN ACCORDANCE WITH APPROVED PLANS AT 39A MANTLE STREET, WELLINGTON

Reference Number: E/0056/38/15

Appeal decision: ALLOWED



Appeal Decision

Site visit made on 7 September 2016

by Melissa Hall BA (Hons), BTP, MSc, MRTPI

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

Decision date: 3 November 2016

Appeal Ref: APP/D3315/C/16/3146712

39a Mantle Street, Wellington, Somerset TA21 8AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr R Bird against an enforcement notice issued by Taunton Deane Borough Council.
 - The Council's reference is E/0056/43/15.
 - The notice was issued on 12 February 2016.
 - The breach of planning control as alleged in the notice is '*Without planning permission the erection of 2 dwellings in the approximate position marked with black cross hatching on the attached plan marked Plan 2*'.
 - The requirements of the notice are:
 - (i) *Demolish the 2 unauthorised dwellings; and*
 - (ii) *Remove from the property all building materials and rubble arising from compliance with requirement 5(i) above.*
 - The period for compliance with the requirements is 12 months from the date the Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. I allow the appeal, and direct that the Enforcement Notice ('the EN') be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of two dwellings at 39a Mantle Street, Wellington, Somerset TA21 8AX referred to in the Notice, subject to the following condition:

The development permitted shall be removed within 12 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:

- (i) Prior to the occupation of the dwellings hereby permitted bin storage facilities shall be provided in accordance with a scheme previously submitted to and approved in writing by the local planning authority, and shall be retained thereafter.
 - (ii) Prior to the occupation of the dwellings hereby permitted covered and secure spaces for no less than 4 bicycles shall be provided in accordance with a scheme previously submitted to and approved in writing by the local planning authority. The approved spaces shall be retained for parking of bicycles for as long as the development hereby permitted remains in existence.
-

- (iii) A bollard to prevent the parking of vehicles within the development shall be provided in accordance with details previously submitted to and approved in writing by the local planning authority before the occupation of the dwellings hereby permitted. The bollard shall be retained for as long as the development hereby permitted remains in existence.
- (iv) Prior to the occupation of the dwellings hereby permitted, the windows installed in the first floor of the dwellings shall be obscurely glazed and fitted with restrictive opening stays in accordance with details which have first been submitted to and approved in writing by the local planning authority. The windows shall thereafter be retained as fitted.
- (v) If within 2 months of the submission of such details the Local Planning Authority refuses to approve the schemes submitted under (i)-(iv) or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (vi) If an appeal is made in pursuance of (v) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- (vii) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Procedural and Preliminary Matters

2. Planning permission was granted for the demolition of a function room and erection of 2 dwellings on the site in January 2013¹. Planning permission was subsequently granted in December 2013 for an additional dwelling attached to the northern end of the 2 dwellings to form a row of 3 terraced dwellings².
3. In commencing work on site, I understand that the appellant became aware of constraints which led him to re-site the three dwellings further north of the position shown on the approved plans. The appellant suggests that the difference is in the order of 1 metre north of the approved position.
4. The Council commenced enforcement investigations in light of the concerns raised by neighbours regarding the height of the development and the overlooking impact that had occurred as a consequence. Nevertheless, the Council states in its appeal statement that their examination of the site revealed that the dwellings had not been built in the correct location, albeit their height and first floor window positions were broadly correct.
5. I am told that the investigations also revealed that the boundary wall between the site and 37 Mantle Street was incorrectly detailed in the schemes that were granted planning permission. The Council contends that as the submitted drawings indicated that the wall had a height of 4.3 metres, it was satisfied that any overlooking impact would be avoided. However, it is also alleged by neighbours that the wall along the eastern boundary was only ever a little over 3 metres high at its northern end. I will return to this item later in my decision.

¹ Planning permission Ref 43/12/0081 refers.

² Planning permission Ref 43/13/0127 refers.

6. The appellant contends that the dwellings have been constructed with a shallower pitch than that originally approved, thus lowering their ridge height by approximately 1 metre. He adds that the distance between the houses and the eastern boundary wall is the same as that approved. However, I am not convinced that this can be the case, since the boundary wall is angled towards the development at its northern end and it is therefore inevitable that any re-siting further north would bring the development closer to the boundary wall.
7. I am also told by the appellant that two subsequent applications were made to retain the development as built. An application for the variation of Condition 2 (approved plans) of planning permission Ref 43/12/0081 which related to the two dwellings was refused in January 2016³, contrary to officer recommendation, on the grounds that the development is unacceptably overbearing in relation to the neighbouring garden of 37 Mantle Street. A further application for the variation of Condition 2 (approved plans) of planning permission Ref 43/13/0127 which related to the third additional dwelling was approved in January 2016⁴. The consequence of these decisions is that the Council allowed the retention of the re-sited third dwelling even though it was attached to the two dwellings which it did not allow to be retained in the re-sited position.
8. The Council issued its EN in February 2016. It states in its reasons for issuing the EN that the two dwellings (approved under Ref 43/12/0081) and the additional dwelling (approved under Ref 43/13/0127) have not been built in the correct location, even though it allowed the third dwelling to be retained in its re-sited position under the subsequent application. Be that as it may, the EN does not attack the additional dwelling and states that it is marked on the Plan attached to the EN for identification purposes only.
9. The Council also states in its EN that the unauthorised development is excessive in height (notwithstanding that it has conceded in its appeal statement that the height is broadly correct) and has an unacceptable adverse impact on the amenities of the occupants of the neighbouring properties. It subsequently confirms that the neighbouring properties to which these concerns relate are 3 Tottles Court Road in respect of the adverse overlooking impact and the garden of 37 Mantle Street regarding the unacceptable overlooking and overbearing impact.
10. Whilst the Council acknowledges that planning permission was previously granted for the construction of two dwellings, it considers that as they have not been built in accordance with the approved plans (which were, in any event, based on incorrect survey information), and that the permission has expired, this is not a fallback position that should be given significant weight.

Deemed planning application / ground (a)

11. The appeal on ground (a) is that planning permission should be granted for what is alleged in the EN.

³ Planning application Ref 43/15/0082

⁴ Planning application Ref 43/15/0083

Main Issue

12. Against the background that I have described, the main issue is the effect of the development on the living conditions of the occupants of 37 Mantle Street and 3 Tottles Court.

Reasons

13. The appeal site is located on land to the rear of the former Ship Inn public house which has been converted to two dwellings fronting Mantle Street. I am told that a two storey function room, single storey skittle alley and toilets associated with the former public house previously occupied the site.
14. However, as this had already been demolished at the time of my site visit, I cannot be certain of its precise scale, form or relationship with the neighbouring properties or any subsequent alterations that were made to the fabric that remained during or after its demolition.
15. What I understand from the limited detail on the submitted plans is that the two storey pitched roof element was situated immediately adjacent to the rear of the public house and adjoined both side boundaries, albeit it did not have any windows in the gable ends facing the neighbouring properties. The skittle alley ran along the length of the eastern boundary with No 37 beyond the two storey element and had a pitched roof which adjoined the boundary wall.
16. As already noted, there is disagreement between the parties and the occupants of neighbouring properties as to the former height of the boundary wall between the site and 37 Mantle Street. The appellant states that the wall was previously 4.3 metres high at its northern end, where the skittle alley had been; I have been provided with statutory declarations from the appellant, the appellant's wife and the occupants of 41 Mantle Street to this effect and confirming that its height was reduced to 3.1 metres between December 2013 and January 2014. The occupant of No 37 states that the height of the boundary wall closest to the pub may have been 4.3 metres high where it formed part of the gable end to the building (which has subsequently been reduced in height in part), but it was never that height at the top, northern end of the garden. The occupants of 3 Tottles Court concur that the wall had a height of some 3 metres.
17. Clearly, given the differences of opinion, I cannot be certain of the actual height of the boundary wall at the time planning permission was granted in January 2013. Hence, the Council's claim that the development was considered favourably on the grounds that the wall was of a sufficient height so as not to result in unacceptable overlooking from the first floor windows is, at best, assertion. Be that as it may, it did not attach a condition to the planning permission requiring the height of the wall to be retained at 4.3 metres even if that were so.
18. In this context, and notwithstanding that the re-siting of the dwellings results in the development being unauthorised, I do not agree with the Council that I should not attach weight to the position established by the earlier permission in coming to my decision. I accept that as planning permission was granted for the development in January 2013, with a three year time limit for the commencement of development, the permission has expired. However, at the time the appellant made the application for the retention of the re-sited

dwellings under Ref 43/15/0082, the permission was extant. That is, the appellant could have built the development approved under the earlier permission which was of a similar scale, form and design as that the subject of the appeal. The Council acknowledges in its delegated report in relation to application Ref 43/15/0082 that *'planning permission has been granted for three dwellings on this site in broadly the same position and design'*.

19. Hence, I am of the view that I must have regard to the previous planning permissions in coming to my decision. That is, whether the occupants of 37 Mantle Street and 3 Tottles Court are in a materially worse position as a result of the development that has been constructed that they would otherwise have been had the development been implemented in accordance with the approved plans.
20. The development as approved had first floor windows facing towards 37 Mantle Street and 3 Tottles Court, albeit the presence of a higher boundary may have obscured these windows from view from within the neighbouring properties. Even if the wall were of a height of 3 metres, the Council approved the development on this basis, albeit believing the boundary wall to be higher.
21. However, I accept that the dwellings have been re-sited further north than the position shown on the approved plans. That is, the windows are a distance of between 2 metres and 4 metres from the common boundary and directly overlook the garden of No 37 Mantle Street, together with the dwelling and garden of 3 Tottles Court, adversely affecting the privacy that their occupants should reasonably expect to enjoy.
22. The use of obscure glazing is proposed by the appellant. I understand that in its delegated report in respect of application Ref 43/15/008, the Council considered such measures to be acceptable to overcome the overlooking impact. I would not normally consider that this solution would create satisfactory living conditions for the future occupants of the dwellings; these windows provide the sole means of outlook to the bedrooms and the use of obscure glazing would result in a gloomy and unattractive internal living environment.
23. Nevertheless, notwithstanding my findings that the occupiers of No. 37 would not be in a materially worse position, I consider such a condition to be necessary to safeguard the privacy of the occupants of 37 Mantle Street and 3 Tottles Court. I note the neighbour's concern that this would be insufficient as the glazing could be changed at a later date. I consider that a condition requiring the obscure glazing to be provided and retained would address this concern.
24. Turning to the alleged physically overbearing impact on the occupant of No 37. I observed that there is a considerable difference in ground levels between the appeal site and No 37 such that the first floor of the development roughly aligns with the garden level of this neighbouring dwelling. Given the siting relationship that I have already described, I do not dispute that the proximity of the dwellings is such that their scale and bulk is very apparent from the small garden to the rear of this neighbouring property. However, there is little difference between the current situation and that approved under the 2013 permission. Rather, the Council itself acknowledges that the height of the dwellings is broadly correct.

25. I note the Council's view that the northern end of the garden of 37 Mantle Street was more open and received afternoon sun and that the re-siting of the dwellings in a more northerly position now blocks the sunlight and puts the garden in shade. However, the Council's approval of a third dwelling at the northern end of the pair, already altered the relationship between the development at the site and the garden of No 37 that it describes. The re-sited dwellings merely occupy, in part, an area of the site that would otherwise have been occupied by the attached third dwelling.
26. Hence, I do not consider that the re-sited dwellings would have any additional adverse effect that could justify withholding planning permission.
27. The Council adds that the presence of windows in the east elevation '*increases the overbearing nature of the development as it gives rise to the feeling of overlooking...*' I simply do not understand how the presence of windows can affect the physical impact of the development in terms of its scale and massing, and I find this position to be untenable. The matter of whether the windows have an overlooking impact has already been addressed.
28. I note the concerns of residents regarding the effect of the development on the living conditions of the occupants of 39b, 41 and 43 Mantle Street. However, the Council has not taken issue with this matter in relation to these neighbouring properties. There is no substantive evidence before me that leads me to any different conclusions in this regard.
29. Consequently, I do not find conflict with Policy DM1 of the adopted Taunton Deane Core Strategy 2012 which requires *inter alia* new development to have no unacceptable harm on the character or appearance of an area or the amenity of individual dwellings.

Conditions

30. The Authority has suggested conditions relating to compliance with the approved plans, bin storage facilities, the provision of bicycle spaces, a parking bollard and obscure glazing.
31. I have had regard to whether the suggested conditions meet the tests outlined in the Framework and the National Planning Practice Guidance.
32. As the development has already been carried out, it would be inappropriate to require the development to be carried out in accordance with a set of plans.
33. The requirement to provide cycle parking spaces and a parking bollard are necessary to ensure that safe and convenient access to alternative modes of transport and prevent unauthorised parking within the development.
34. A condition requiring details of refuse storage facilities are necessary to ensure that adequate arrangements are made for future residents of the development.
35. A condition requiring the windows at first floor to be obscurely glazed are necessary to protect the privacy of the occupants of neighbouring dwellings.

Conclusion

36. For the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Melissa Hall

Inspector

Planning Committee – 23 November 2016

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor Booth, Brown, Coles, Gage, Hall, C Hill, Morrell, Sully,
Mrs Reed, Townsend, Watson and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal
Planning Officer), Martin Evans (Solicitor) and Tracey Meadows
(Democratic Services Officer)

Also present: Councillor Stone in connection with application No. 24/16/0044.
Councillor Berry. Mrs A Elder, Chairman of the Standards Advisory
Committee.

(The meeting commenced at 5 pm)

102. Apologies/Substitutions

Apologies: Councillors M Adkins, Martin-Scott, Nicholls and Wren

Substitutions: Councillor Hall for Councillor M Adkins
Councillor Coles for Councillor Nicholls
Councillor Sully for Councillor Martin-Scott

103. Minutes

The minutes of the meetings of the Planning Committee held on the 2
November 2016 were taken and were signed.

104. Public Question Time

Councillor Ross raised concerns regarding a number of long running planning
issues in the Wiveliscombe Ward. His current concerns related to the secure
hospital to be built at the Gateway to Wiveliscombe.

The planning permission which had been granted in 2013 was due to expire in
mid-December. The permission was subject to conditions, some of which
were condition precedent.

However, it had come to his attention that work had begun on site despite a
Highway condition not being discharged first. He had queried why this had
happened.

There was apparently no policy here at Taunton Deane to put discharge
notices on the website despite the fact that many other local authorities did so.

Councillor Ross said he had a lengthy list of questions which he would submit to the Committee and the Planning Department for a response. He gave the following as an example of the questions he would be asking:-

- Why were local residents not afforded the same openness and transparency in the planning process as elsewhere in the country?
- Was the Council having problems resourcing discharging of conditions? and
- Why was the Council allowing the developers to breach the condition?

He stated that he would be particularly interested in the Committee's views as to how open and transparent we were in Taunton Deane.

The Chairman thanked Councillor Ross for drawing this matter to the attention of Members.

105. Chairman's response to a Public Question asked at the October meeting of the Committee

Councillor Morrell had previously raised concerns regarding the completeness of the Minutes of the Committee.

The Chairman reported that he had subsequently met with the Vice-Chairman, the Democratic Services Manager, the Solicitor and the Area Planning Manager to discuss the issue.

Whilst the format and the content of the Minutes was ultimately a matter for the Committee to decide upon, it was noted that the current format had been established for many years and were consistent with the Minutes of the Planning Committees of other Councils in that they generally only recorded the final resolution of an agenda item.

It was also noted that if a dispute arose over what had been said at a particular Committee meeting, the entire proceedings were now recorded and the audio could be checked.

106. Declarations of Interest

Councillors Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared a personal

interest a Member of Devon and Somerset Fire and Rescue Service. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. Councillor C Hill declared a personal interest on application No. 30/16/0029 as the applicant was known to him. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association.

107. 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:-

24/16/0044

Proposed reconstruction of agricultural building to form dwelling house and change of use of land to residential curtilage at Higher Knapp Farm, North Curry (retention of part works already undertaken)

Conditions

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

- (A3) DrNo 2173-PL-101 Rev A Location Plan & Site Plan
- (A3) DrNo 2173-PL-102 Block Plan
- (A3) DrNo 2173-PL-103 Proposed Floor Plans
- (A3) DrNo 2173-PL-104 Proposed Elevations
- (A3) DrNo 2173-PL-105 Proposed Cross Sections

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Permission had been previously granted for an identically designed building. There was one remaining wall and this ensured that this was not entirely a new build in the open countryside.

07/16/0013

Construction of a Gas Fired Energy Reserve facility and ancillary infrastructure on land adjacent to Hele Manor, Hele

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 9660-0002-05 Site Location Plan;
- (A3) DrNo 9660-0001-06 Illustrative Site Layout;
- (A1) DrNo 9660-0007-01 Illustrative Site Elevations (External);
- (A1) DrNo 9660-0006-01 Illustrative Site Elevations;
- (A3) DrNo 9660-0005-01 Illustrative Landscape Proposals;

(c) (i) Before any part of the development hereby permitted 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 include increased landscape planting to the north and north-west of the site; (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 works shall be undertaken on site (other than those required to fulfil this condition) unless details for surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a schedule of implementation for the surface water drainage works. The works shall be carried out in accordance with the approved details and schedule of implementation and shall thereafter be retained in that form;

(e) A condition survey of the existing public highway shall be carried out and agreed in writing with the Local Planning Authority prior to the commencement of any works on site. Any damage to the highway occurring as a result of the development hereby permitted shall be remedied to the satisfaction of the Local Highways Authority once all works have been completed on site;

(f) A banksman shall be employed at the access point to control all vehicles accessing and exiting the site throughout the duration of the construction works;

(g) Before the development hereby permitted is first brought into use a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall thereafter be maintained as such at all times;

- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;
- (i) The area allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (j) Prior to the installation of the gas containers, details of the container cladding shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (k) Before the development hereby permitted is first brought into use an acoustic barrier shall be installed in accordance with details that shall have been previously submitted to, and approved in writing by, the Local Planning Authority and thereafter retained as such;
- (l) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 1 hour Leq, at any time when measured alongside the road adjacent to Bridge House to the west of the site; Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above; For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (m) The development hereby permitted shall be carried out in accordance with all the recommendations, details and timings made in RPG's Preliminary Ecology Appraisal report dated August 2016;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that that it would be necessary to complete a temporary Traffic Regulation Order (TRO) application form and this should be applied for as soon as possible. Please be aware that the application for a temporary TRO is a separate process and will need to be in place prior to the commencement of development; (3) Applicant was advised that the alteration of the existing agricultural access will involve construction works within the existing highway limits. These works together with routes from the A38 to the site must be agreed in advance with the Highway Service

Manager for the Taunton Deane Area. They will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980; (4) Applicant was advised that temporary signage should be provided warning drivers of a 'Concealed Works Access' (or similar) along the highway; (5) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. A precautionary approach should be followed during the stripping of longer vegetation.)

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

43/16/0063

Erection of a dog kennel at The Byre, Westford, Wellington (retention of works already undertaken)

Reason

The proposed development would result in the loss of car parking spaces and a turning area required under condition No. 4 of permission 43/08/008 dated 21 November 2008 for the use of The Byre as a residential dwelling and as a result would give rise to parking and manoeuvring on the adopted highway which would be likely to create safety issues and danger for all users of the road contrary to Policy DM1 of the adopted Taunton Deane Core Strategy;

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

108. Erection of a detached dwelling with associated works to incorporate a change of use of part of the agricultural field to domestic garden on land to the rear and side of The Stonehouse, Sellicks Green, Pitminster (30/16/0029)

Reported this application.

Resolved that subject to receipt of an amended plan showing the revised treatment of the northern side elevations of the balconies, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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 1514 - PL01A Site Location;
 - (A3) DrNo 1514 - PL03A Site Layout;
 - (A3) DrNo 1514 - PL13A South Elevation;
 - (A3) DrNo 1514 - PL12A North Elevation;
 - (A3) DrNo 1514 - PL11A East Elevation;
 - (A3) DrNo 1514 - PL10A West Elevation;
 - (A3) DrNo 1514 - PL09A First Floor Plan;
 - (A3) DrNo 1514 - PL08A Ground Floor Plan;
 - (A3) DrNo 1514 - PL07A Basement Plan;
 - (A3) DrNo 1514 - PL16 Roof Plan;
 - (A3) DrNo 1514 - PL14A Elevation and Section;
 - (A3) DrNo 1514 - PL20 East Elevation Section from Field;
 - (A3) DrNo 1514 - PL06A Section BB;
 - (A3) DrNo 1514 - PL05A Section AA;
- (c) No construction of the exterior of the dwelling 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;
- (d) (i) Before the dwelling hereby approved is occupied, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The area allocated for parking on the submitted plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such;

- (g) The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats 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 roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (h) Prior to the commencement of development, other than demolition, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (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), there shall be no addition or extension to the building without the further grant of planning permission;
- (j) 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), there shall be no further building, structure or other enclosure constructed or placed on the site without the further grant of planning permission;

- (k) The living room window in the northern side elevation shall be glazed with obscure glass to a height of 1.7m to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;

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

- A PROW being made less convenient for continued public use.
 - New furniture being needed along a PROW.
 - Changes to the surface of a PROW being needed.
 - Changes to the existing drainage arrangements associated with the PROW;
- If the work involved in carrying out this proposed development would
- make a PROW less convenient for continued public use (or)
 - create a hazard to users of a PROW;

then a temporary closure order will be necessary and a suitable alternative route must be provided; (3) Applicant was also advised that most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (4) Applicant was also advised to be aware that comments received have identified that an area near to the site was once used as a garage. You are advised to take care during construction for any disused fuel tanks that may be present.)

109. Appeals

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

Resolved that the report be noted.

(The meeting ended at 7.30 pm)