

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 6 December 2017 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 October, 1 November (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 05/17/0047 Change of use of land from agricultural with the erection of 1 No. residential dwelling with garaging and associated works on land at Parsonage Farm, Bishop's Hull
- 6 10/17/0015 Erection of extensions to free range poultry shed with associated works and formation of access at Higher Willand Farm, Churchstanton
- 7 14/17/0020 Erection of 11 No. light industrial units (2 No. buildings) for Class B1/B8 usage on land at Walford Cross Depot, Walford Cross
- 8 26/17/0007 Erection of 1.8m high fence and replanting of native hedgerow along 55m of grass verge adjacent to 16 Farthings Close, Nynehead Hollow, Nynehead (retention of works already undertaken)
- 9 Latest Appels and Decisions received

Assistant Chief Executive

01 May 2018

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



The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 219736 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Planning Committee Members:-

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

05/17/0047

MR J BIFFEN

Change of use of land from agricultural with the erection of 1 No. residential dwelling with garaging and associated works on land at Parsonage Farm, Bishops Hull

Location: LAND AT PARSONAGE FARM, NETHERCLAY, BISHOPS HULL,
TAUNTON, TA1 5EE

Grid Reference: 320403.124862

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 2471-PL-01 Site & Location Plan
(A3) DrNo 2471-PL-02 Rev B Block Plan
(A3) DrNo 2471-PL-03 Indicative Section Views
(A3) DrNo 2471-PL-04 Floor Plan
(A3) DrNo 2471-PL-05 Elevations
(A3) DrNo CLD 186/01 Landscape Proposals

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

3. No wall construction, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No roof construction shall take place until samples of the roof 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.

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

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

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

6. The development hereby permitted shall be implemented in accordance with the mitigation in the wildlife report and approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The mitigation shall thereafter be maintained.

Reason: To protect wildlife.

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

Reason: To prevent harm to the amenity of neighbours and 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. All nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed.

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

Proposal

The proposal is to erect a detached dwelling with garage on land within the settlement limit. The building is one and a half storey with rooms set in the roof space and is an 'L' shaped property providing 3 bedrooms together with parking and turning space. The property will part stone and part red brick with a double roman clay tiled roof. The building is 6m to the ridge at its highest point where the first floor bedroom is proposed.

Site Description

This site, on the edge of Bishops Hull, is a broadly rectangular field which slopes down from south to north. The site has long reaching views to the north and west. The north side boundary is comprised of a post and wire fence, there is some hedge planting beyond and the land beyond this falls steeply away.

The western side is similar, although there are also a number of trees in this site boundary.

To the north, there is a low post and rail fence. Beyond this is Parsonage Court nursing home. It is a buff brick building, with numerous windows facing out towards the site on two stories at very close range. Adjacent to this, is the backside of a terrace of dwellings in Hill Terrace. A small window is visible in the first floor of the rear projecting section of the closest and the adjoining dwelling facing towards the access to the application site. Due to the projecting extractor fan visible, it is likely that this serves a bathroom. There is also a side window in the end terraced dwelling facing into the grounds of Parsonage Court.

The eastern site boundary is formed of a hedge. It has been allowed to grow to some considerable height. Beyond this, are dwellings in the converted Barns at Bishops Court, these are stone built buildings, with a pantiled roof. The closest dwelling, one Bishops Court, has a first floor window facing the site, although this is not currently visible easily from within the site due to the high hedge.

The access to the site is at the southern end of the eastern side boundary. It is a field gate accessed through the yard area to the front of Bishops Court. At this point, the site is noticeably higher than Bishops Court, and this appears to be the situation along the east side boundary. I am informed by a resident of Bishops Court, through

a discussion on site, that the buildings to the south of the courtyard are ancillary outbuildings/utility rooms to the main dwellings (1 each) and they are in constant use. Each dwelling has one garage and one utility room to the south.

Relevant Planning History

None

Consultation Responses

BISHOPS HULL PARISH COUNCIL - Bishops Hull Parish Council OBJECT to this application for the following reasons:- The change of use from agricultural to residential; a lack of substantial planting at the proposed dwelling as required by the Site Allocations Plan and the detrimental effect the proposed access to the development would have on the neighbouring properties.

LANDSCAPE OFFICER - The proposed landscape scheme showing 3 rows of native hedging on the western boundary and new tree planting is acceptable.

BIODIVERSITY OFFICER - Quantock Ecology carried out an Ecological Assessment dated November 2017. Findings are as follows

Birds - There is a high possibility that nesting birds could be using the hedgerows and scrubby fringes on site. No loss of hedgerow will occur as a result of the proposed plans.

Reptiles - Reptiles may be using the site so I support the recommendations.

Badger - No evidence of badger was noted on site.

I suggest the following condition

The applicant shall undertake all the recommendations made in Quantock Ecology's report dated November 2017

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: to protect wildlife

Notes to the applicant:

1. All nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed.

2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

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

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.

Representations Received

County Cllr Hunt - **objects** for the reasons summarised as follows:

Access to the site

- The access is not a roadway, but a blockpaved courtyard used as a safe place for children's to play and the residents of Bishops Court to access their outbuildings positioned opposite their properties. The properties are in constant use as utility rooms and garages. The doors of the buildings are open for much of the day.
- There is an agricultural right of way which is rarely used and doesn't affect residents.
- The new property would cause a complete change to the current lifestyle enjoyed by the residents of Bishops Court.

Access to Netherclay

- The access is a problem and an SCC Small Improvement Scheme is being investigated to address the various issues. More vehicles accessing Netherclay will only worsen the problem.
- Access onto Netherclay is difficult, if not dangerous.
- The proposed dwelling may potentially generate $\frac{3}{4}$ vehicles, plus those visiting, resulting in a lot of additional pressure on the existing brick courtyard and the dangerous junction onto Netherclay.

Building works

- It is hard to see how the large building vehicles will gain access to the site. It is only 1.8m wide coming from Silk Mills and narrow through the village. Building work will cause chaos and inconvenience.
- The brick courtyard would not be able to stand up to the heavy vehicles.

Parsonage Court

- The well thought out objections of Parsonage Court residents are fully supported.

17 letters of **objection** raising the following comments: (to 16.10.2017)

- Wildlife habitat will be adversely affected. It forms part of the River Tone Wildlife corridor.
- The proposal is too large and too tall.
- The proposal would be another bite into the green wedge. It would not 'enhance the character of the green wedge and help improve biodiversity' as suggested in the application.
- The site remains part of a special landscape feature.
- The proposal will reduce privacy and light to Hill Terrace.
- There may be a detrimental effect on traffic and parking on Netherclay.
- Parsonage Court is a complex for elderly residents who live here because of its peaceful and clean environment.
- Views from Parsonage Court would be lost.
- Dust and pollution will affect residents' health. Several residents suffer from COPD.
- Some resident's homes are only 5m from the boundary. Living rooms overlook the site. Additional trees would reduce light entering their property.
- The loss of outlook would be detrimental to elderly residents' health.
- The planned turning area is little more than 10m from residents' homes.
- There will be noise and disturbance from the use of the site, especially as the proposed driveway surface is compacted stone.
- Car maintenance work or use of power tools within the garage would be disturbing to neighbouring residents.
- Smoke from log burners (if installed) would be blow into neighbouring properties.
- The greenbelt should protect the village and provide an undisturbed corridor for wildlife.
- Once the change from agricultural land is approved the plans could be changed to be for more dwellings.
- The access to buildings within Bishop's Court has been designed as a private courtyard rather than a thoroughfare. This is a safe environment, utility buildings and outbuildings open out onto the courtyard. Children and pets are regularly present.
- 7 properties already use the poor access onto Netherclay. Increased traffic will increase the likelihood of an accident.
- The drive to the site is not visible from the parking spaces at 1 Bishops Court.

- Proposed hedge planting across the entrance to the garden to 1 Bishops Court is not acceptable.
- Not all accidents are recorded on the Crash Map database that the applicant has used to demonstrate that Netherclay is safe.
- Netherclay Lane is narrow with parked cars and no pavements making working the village difficult.
- The previous new dwelling in Parsonage Drive is different and cannot be used as a precedent.
- The courtyard at Bishops Court has been recently repaired and should not be damaged again.
- Laying of services across the courtyard would cause significant disruption to Bishops Court residents.
- There is an access path over the land to the rear of Bishops Court, which is not shown on the application drawings.

1 letter of comment

The developer should be required to contribute to repair and maintenance of the lane and rectify damage caused by construction works.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP4 - Housing,
 CP8 - Environment,
 DM1 - General requirements,
 A1 - Parking requirements,
 SB1 - Settlement boundaries,
 ENV1 - Protection of trees, woodland, orchards, and hedgerow,
 ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed dwelling measures approx. 260sqm.

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 £32,500.00. With index linking this increases to approximately £39,500.00.

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

The main considerations with this proposal are the principle of development, the impact on highway safety, wildlife and public amenity.

The site lies within the settlement limit of the village, a sustainable location, and while it is an existing field the principle of some form of development here is considered acceptable. The site also is within the edge of the green wedge, and while policy seeks to maintain the open character of such areas, policy CP8 seeks to protect land outside of settlement boundaries. The site is well defined and the provision of a single dwelling here in the settlement limit is not considered to harm the openness of the green wedge. The site does not lie within the Special Landscape feature.

The access to the site is over an existing private lane which already serves a number of dwellings. The utilisation of the access is a private matter and not a reason to object to the development. While an additional dwelling would add further traffic using the lane this is not considered significant in terms of safety given the existing use levels by seven properties and the re-use of an agricultural access. The access onto the Netherclay road has recently been improved with junction improvements as a result of a new dwelling and consequently the visibility available is considered adequate to serve the provision of a single dwelling. Adequate parking and turning is provided on site to meet the necessary standard of policy A1 and the highway matters are considered suitable to serve the development.

The applicant has submitted a wildlife survey which indicates that there are no protected species directly affected by the proposal. A mitigation scheme is proposed and would be a condition of any approval as would the landscaping. The proposed landscaping scheme submitted will enhance biodiversity as well as mitigating the impact of the new dwelling in landscape terms.

The development will be visible from surrounding properties and so will impact on the visual amenity of the area. However the design of the property ensures that there will be no adverse overlooking with the main first floor windows serving a bedroom looking west. The site lies to the north and at a lower level than Hill Terrace and will not impact on privacy and light. There is no right to a view and the fact that existing properties can see the site is not a reason to refuse the scheme. Any disturbance during construction is not considered sufficient reason to object to the development.

In summary the development of a single dwelling is considered to be a rounding off of development within the settlement limit. It would not cause significant harm to the landscape, highway safety, wildlife or amenity and is recommended for approval.

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

Contact Officer: Mr G Clifford

10/17/0015

MR R BATCHELLOR

Erection of extensions to free range poultry shed with associated works and formation of access at Higher Willand Farm, Churchstanton

Location: HIGHER WILLAND FARM, WILLAND ROAD, CHURCHSTANTON,
TAUNTON, TA3 7RL

Grid Reference: 319649.11375

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 PA-001 Rev A Site Location Plan
(A3) DrNo PA-002 Rev A Block Plan - Landscaping & Planting Scheme
(A3) DrNo PA-100 Rev A Elevations 1
(A3) DrNo PA-101 Rev A Elevations 2
(A3) DrNo PA-200 Rev A Floor Plan
(A3) DrNo PA-201 Rev A Roof Plan
(A3) DrNo PA-300 Rev A Site Sections
(A3) DrNo PA-400 Rev A Indicative Perspective
(A3) DrNo PA-500 Rev A Proposed Entrance From Existing Farm Access Way

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

3. There shall be no external lighting of the site without the prior written consent of the Local Planning Authority.

Reason: To protect the visual amenity of the locality in accordance with the requirements of policies DM1 and CP8 of the Core Strategy.

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and

numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 5. There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access.

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

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

- 6. Before the proposal hereby permitted is first occupied 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 be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety.

- 7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before works commence on site and thereafter maintained at all times.

Reason: In the interest of highway safety.

- 8. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interest of highway safety.

9. The development hereby permitted shall not be commenced until details of a wildlife enhancement scheme to enhance the site for bats has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details and timings of works unless otherwise approved in writing by the Local Planning Authority and thereafter permanently maintained.

Reason: To enhance the site for wildlife in accordance with policy CP8 of the 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.

Proposal

The application proposes the construction of extensions to a poultry shed with associated works and formation of access. The original building was permitted as a prior notification approval reference 10/17/0010/AGN. The building is proposed for a new egg production unit. The overall building will measure approximately 71m long by 27m wide, with a height of 7.6m to the top of the ridge. The proposed materials would be green corrugated profile metal cladding for the walls with grey corrugated profile roof sheeting. The building will be able to accommodate up to 16,000 free range laying birds.

The application also involves the creation of a new vehicular access onto the existing farm track, which provides access to the highway.

The application is referred to Committee for a decision as the application was considered to require an Environmental Impact Assessment (EIA), which has been submitted for assessment with the application.

Site Description

The site is located in an area of open countryside, in the Blackdown Hills AONB, within the agricultural holding of Higher Willand Farm. Access is via an existing track from the farm yard, running north to the road.

Relevant Planning History

10/11/0025 - Erection of agricultural building to house cattle - Approved - 10 October 2011

10/12/0034 - Erection of agricultural building over cattle feeding area - Approved - 20 December 2013

10/17/0010/AGN - Prior notification for the erection of agricultural building for the purposes of free range egg production - Approved - 7 April 2017

Consultation Responses

CHURCHSTANTON PARISH COUNCIL -

- Concern regarding contaminated water, carrying disinfectant from change over and clean out procedures and also water used for cleaning vehicle wheels. Where will this be stored/collected and how will this be disposed of? Concern that it may enter into main ground water system. It is not acceptable to allow disinfectant to enter the ground water, particularly as this is used for domestic water supply by houses lower down the valley. All contaminated water needs to be collected and stored safely for proper disposal.
- No indication of where feed towers will be situated
- Accelerated water run off - how will this be captured. What protection is in place for Stapley?

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal sits off a private no through road which adjoins a classified unnamed road. The speed limit of the classified road is derestricted, although observed speeds appeared to be approximately 30mph.

It is in the opinion of the Highway Authority that the proposal will generate a material increase onto the local highway network mainly through recruiting additional employees and seeing an increase in egg production.

Visibility to the west from the proposed access point is acceptable, although looking east visibility appears restricted by the hedgerow. However, given that the hedgerow seems to be under the applicants control, visibility splay could be improved to a suitable scale using appropriate design guidance.

The current access consists of loose material and entrance gates sited a little under 5m back from the highway. Given that there will be a material increase in traffic movement including HGVs and for the interest of highway safety the Highway Authority would like to see the first 5m of the access from the highway is consolidated and the entrance gates repositioned further back from the highway.

On balance of the above, the proposal would not appear likely to result in a significant increase in vehicle movements to the site, nor would it appear to have a detrimental effect on the existing highway network

NATURAL ENGLAND - Natural England has no comments to make on this proposal other than to support a condition requiring the planting of native species and fruit trees to enhance biodiversity and provide a screening effect in the long term.

LANDSCAPE OFFICER - The proposed building appears quite isolated in the landscape. Could it not be positioned closer to the existing agricultural building on site? It will not be easily viewed from the public road to the north due to existing banks and existing mature ash trees but it will be viewed from the public road to the west. Orchards are not characteristic of the area but the proposed orchard will help to soften the building. In addition I consider some native tree and hedge planting along the track to the west will help screen the site further.

ENVIRONMENT AGENCY - As this farm is planning on keeping less than 40,000 chickens, it does not need an Environmental Permit. So its largely Code of Good

Agricultural Practice (COGAP) advice and guidance that relates to them:
<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>.

This farm is not immediately close to a river so there shouldn't be any diffuse pollution concerns, provided the chickens are kept on the east of the nearby road and stream. Buffers and fencing would be preferred if they go nearer to the stream.

Any oil storage, slurry wastes, farmyard manure etc. should be properly contained, compliant with Storing Silage and Agricultural Fuel Oil (SSAFO) regulations and CIRIA if built:
<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>.

It is recommended that any wash water from the cleaning of the buildings be properly contained.

This proposal is not within a Nitrate Vulnerability Zone.

BIODIVERSITY - i agree that the proposal is unlikely to impact greatly on wildlife (especially if lighting is restricted) and that proposed landscaping will result in biodiversity benefits. I support the erection of the bat boxes.

BLACKDOWN HILLS AONB SERVICES- Although large, the siting of the building within a well-defined field setting makes use of local topography to reduce overall height and minimise wider landscape and visual impact. This part of the plateau has intermittent farms with large modern agricultural buildings, locally with well-established hedges and mature hedgerow trees, and the proposed building would be seen in this context. Physically, there are only limited local vantage points. Matters such as materials and colour and attention to existing and proposed trees and hedgerows around the building and wider farm will be critical factors in how readily the proposal will be assimilated into the wider landscape.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

Representations Received

No comments received

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP1 - Climate change,
CP2 - Economy,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
ENV1 - Protection of trees, woodland, orchards, and hedgerow,
SD1 - Presumption in favour of sustainable development,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The proposal does not attract an infrastructure levy.

Determining issues and considerations

The main issues with the proposed new poultry units are the impact on the character of the area, the amenity of nearby properties, the surface water provision and any impacts on SSSI's and wildlife.

The farm has an established poultry production unit which has been in operation for a number of years. The existing poultry unit at Higher Willand Farm consists of 8,500 layers, with a second unit of 11,500 layers at Highland Farm. Both units are operating at capacity and the eggs are sold under wholesale contract. The proposed building will accommodate approximately 16,000 free range layers and operate on a similar model to the existing poultry buildings.

There have been no objections on amenity grounds from neighbours. The new poultry house will be located some distance from the nearest residential property. Landscaping around the building is proposed which would help to screen the building from wider views. Natural England has requested the inclusion of a condition requiring the planting of native species and fruit trees. Details are required regarding the hedge planting and bank at the access point.

No comments have been raised by the Environmental Health Officer. The Environment Agency has indicated that given the size of the unit an Environmental Permit is not required. However, they have indicated that the proposed use should comply with the Code of Good Agricultural Practice (COGAP) and has required measures relating to the containment of wash water. It is considered that the issues raised by the Parish Council would be satisfactorily addressed by compliance with COGAP. The applicants submission indicates that no wash water is considered to be contaminated material.

The feed will be stored in purpose built bins within the building.

The proposed poultry house would comply with the requirements of policy DM1 and

DM2 of the Core Strategy. The site is for an agricultural use near an existing road. Conditions are proposed regarding the construction of the vehicular access. The design and scale are compatible with the rural area and it is considered that any pollution in terms of noise, odour and dust would not unacceptably harm public health, safety or the amenity of nearby dwellings, given the environmental controls on the site. Consequently the application 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: Denise Grandfield

14/17/0020

WALFORD CROSS LTD

Erection of 11 No. light industrial units (2 No. buildings) for Class B1/B8 usage on land at Walford Cross Depot, Walford Cross

Location: WALFORD CROSS DEPOT, WALFORD CROSS, TAUNTON

Grid Reference: 327775.128022

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:

(A4) DrNo 5046_PL_01 Location Plan

(A1) DrNo 5046_PL_02 Proposed Site Plans UNITS 1-10 & 11

(A1) DrNo 5046_PL_03 Proposed Plans & Elevations UNIT 11

(A1) DrNo 5046_PL_04 Proposed Plans & Elevations UNIT 1-10

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

3. There shall be no exterior storage around the building 11 other than specified in areas on plan 5046_PL_02B and only parking in the locations indicated on plan 5046_PL_02B.

Reason: To protect nearby trees and limit noise levels.

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

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.

5. 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, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 0800 hrs to 1800 hrs
Sat 0800 hrs to 1300 hrs

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

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: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

6. The car parking shown on drawing No.5046_PL_02 shall be provided prior to the units being brought into use and shall thereafter be retained for the use of the approved units.

Reason: In the interests of highway safety.

7. Prior to the development being brought into use, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

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.

Proposal

The proposal is to construct 11 light industrial/storage units on two sites within this existing industrial site at Walford Cross. One building is 65.6m x 10.2m, profiled steel clad and will be subdivided into 10 units. It is located centrally, on the site of existing fuel tanks that will be removed. The other site is a storage yard area south of the A361 but between existing buildings including a dwelling to the west and will consist of a single building 20m x 32.5m that will be block built with a profiled steel

roof.

Site Description

The site for the new buildings is set back off the A361 and is screened from the road by a stand of trees that are protected by a TPO. The site is screened from the west by the former Langdons building and to the east by further trees. The M5 motorway runs to the east.

Relevant Planning History

14/86/0010 - Erection of Warehouse on land at Langdon Industries Ltd, Walford Cross, Taunton - CA 3/7/86

14/89/0014 - Erection of extension to warehouse at Langdon Industries Ltd, Walford Cross, Taunton - CA 18/5/89

Consultation Responses

DURSTON PARISH MEETING - After consultation with Parishioners in Durston the following details were requested to be evaluated prior to any decision being taken:

1. With 13 Personal Injury accidents being logged at Walford Cross within the last five years; combined with the ever increasing pressures of traffic flow and speeding (ref: officially recorded Speed Indicator Devices (SID's) data) along the A361 any proposed development which causes vehicles to be parked anywhere other than designated car parks can only be viewed as hazardous.
2. The site is suitable for HGVs; light vehicles and cars as has been seen historically be previous incumbents. It must be acknowledged though that it is essential the access road for the site is kept clear of obstructions at all times to permit the free and safe movement of said vehicles as well as any emergency vehicles; as well their flow onto/off the A361 and A38 roads which are in very close proximity.
3. The application suggests some tree felling may be required to allow the large building to fit within the designated site. It is felt that this should be opposed as these are mature and significantly screen a commercial site from surrounding properties and roads as well as some having TPO's on them.
4. Flooding has posed significant issues within the locality during recent timescales. Any construction must ensure flash flooding or run off does not in any way detrimentally affect neighbouring roads or properties including farm land.
5. Noise, light, land and air pollution must be analysed as residential properties are in close proximity. Requests could be made by planners eg: social working hours and white sound reversing alarms on applicable vehicles....
6. Parishioners have no qualms whatsoever about a brown field site being rejuvenated in order to promote prosperity and the generation of employment, but the application must take into consideration the sites size with regard to building size/ orientation and the associated facilities. Brown field site rejuvenation should

be supported wherever possible especially when the surrounding green field land is prized agricultural land.

CREECH ST MICHAEL PARISH COUNCIL - I would advise that the CSM PC agreed to OBJECT to this application.

The PC appreciates that this is a brown field site and that this type of development would normally be suitable but considers this application constitutes over development which will cause problems.

The PC has also asked me to contact the enforcement officer as the existing car parking on site appears to be to a large extent used as a yard - displacing vehicles to park off site.

The PC believes this planning application will further worsen the position and more car parking spaces will be lost and as a result even more vehicles will be parked off site. This is of particular concern as there is a history of accidents at Walford cross (a blackspot) and the units would increase traffic flows as well.

The PC also has a particular concerns over the scale and proximity of the large single unit to the nearby domestic house as this will cause an unreasonable loss of amenity and cause noise problems. The removal of barriers, banking and trees (which are believed to have TPOs on) and their impact on flora, fauna, wildlife and the sites ecology are all of concern. There are also concern over the septic tank under the site and for increasing surface water run off-the PC has heard from neighbours of the problems and lack of maintenance of the original drainage and water runoffs soakaway systems causing problems downstream.

The PC is also mindful that land is already earmarked in the local plan off the A38 for employment and suggests the start-up units could be better housed there.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is located within an existing industrial area which 'Lagdons' previously operated from, on land to the south of the A361 and east of the A38 Walford Cross. Access to the site is gained via the A361 / Walford Cross priority junction. Road Records held by Somerset County Council indicate that the A38 and A361 are both 'A' class Highway, which are subject to a 50mph speed limit. Walford Cross which provides access into the development site is a Classified 'D' Highway for its entire length. The internal roads within the industrial area are all private.

Site Access

The access will utilise the internal Priority Junction as detailed on the red line plan, this junction is considered acceptable and allows for HGV's to enter and exit the site in forward gear and not overrun the highway limits. The sites redline runs parallel to the A361, it should be noted the Highway Authority would not accept an access in this location will propose this as a condition as part of the recommendation.

Existing conditions and Accidents

It is noted that whilst a count of the junction was under taken in September, the mainline was not counted and 2012 traffic flows utilise the Hartnells Farm TA, some of which was counted in 2010 and is considered outdated. The data has been checked in the LvW Transport Statement utilising DfT data. Having reviewed data from the SCC permeant counter at Walford Cross the DfT data appears to be broadly in line with the SCC data (AADT). Ideally an count of the whole junction including the mainline would show an accurate picture of the existing situation of the junction.

Accident data obtained from Somerset County Council identifies that 12 accidents have occurred in the vicinity of the Walford Cross junction from 2012 to 2017. The junction is complex as the A38 and A361 meet. Any increase in traffic generation could contribute to uplift in accidents at a junction that has a recurrent accident pattern. It may be necessary for the applicant to improve safety at the junction.

Trip Generation

The proposed development is expected to generate approximately 15 Peak hour trips and 100 daily. Further information provided indicates that the proposal is expected to generate less traffic than the extant permission. Given that the traffic generation from the proposal both peak hour and daily is lower than the previous use it would be unreasonable for the Highway Authority to object to the proposal.

Travel Plan

A measures only Travel Plan would be required for a site of this size, this has not been provided to date. This will need to be conditioned subject to the development gaining consent and will need to be reviewed by this Highway Authority prior to occupation.

Parking

A total of 20 parking spaces are proposed. Lorry and cycle spaces aren't detailed and should be provided inline the Somerset County Parking Standards.

Conclusion and Recommendation

To conclude the proposed development is unlikely to have a detrimental impact on the surrounding highway network. There are some minor points that need to be clarified but the Highway Authority does not believe that this would be sufficient enough to warrant an objection on traffic impact grounds.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant permission then the following conditions would need to be attached.

- No vehicular shall be formed from the site direct to the A361.
- Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction and thereafter maintained until the use of the site discontinues.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the

Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Thank you for consulting on the above application. The proposed B1 units are to the south, away from any nearby residential properties (and B1 units should be light industrial, suitable for operating in residential areas). However, the larger B8 unit (storage and distribution) is adjacent to residential premises.

The design and access statement says that the proposed B8 building does not have any openings on three facades to minimise any “noise intrusion from the building”. This is a sensible idea, however, there is no information on the structure of the building and how much noise attenuation may be provided by the walls and roof (which is normally a lighter construction). This may be an issue if machinery (such as forklift trucks) are operating inside the building at night.

There is no indication of the type of B8 use that may occupy the site. It is hard to comment on the potential for disturbance as the type of use covered by B8 is very varied. It could be pallets of goods stored in the warehouse, but could also be lorries tipping and loading rubble or other material outdoors.

A way to minimise disturbance would be to restrict the use of the outside (parking) area to vehicle parking only. If this area cannot be used for storing any materials it would restrict the ability of the site to be used as a depot for groundwork/engineering, which are more likely to create noise or dust problems.

The application does not include any proposed hours of use for the new units. Restricting the hours of use for the B8 unit (or maybe hours of deliveries, loading and unloading) would help to minimise disturbance. I am aware that the Walford Cross site is used by businesses that operate 24 hours a day, however, the new B8 unit is closer to residential premises, and in particular the access/parking area is closer. The loading areas on the existing units are on the south sides away from the houses, with the buildings providing some shielding.

The B8 unit should not have any plant or equipment installed on the roof, or on the west or north facades that face the nearby houses. A planning condition could be used to control the level of noise from any plant or equipment on the units. (example below)

Contaminated land

A report has been submitted with the application

- Phase 1 Land Contamination Assessment. 2 May 2017 Ecologia

This report contains information on the history of the site and a site survey. It identified a number of locations where there had been storage of fuel and other materials and recommends that these be investigated further. I attach a condition that could be used to ensure that the developer provides the required information. The report that has been submitted would go towards meeting this condition.

Noise Condition.

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, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 0800 hrs to 1800 hrs

Sat 0800 hrs to 1300 hrs

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

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.

SCC - LEAD LOCAL FLOOD AUTHORITY - No comment received.

SCC - ARCHAEOLOGIST - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

WESSEX WATER - New water supply 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. Non domestic supplies required for firefighting or commercial use will require assessment with networks modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

TREE OFFICER - Re the above application, TPO TD1125 was served to protect the boundary trees on this site – see attached. I'm concerned that the trees on the western side might be under threat, as the plan does not make it clear what is to be retained, and the trees on the TPO are not shown accurately. Can we ask for a more accurate plan confirming that these trees are to be retained?

I note that T17, lime, is shown as removed on the eastern side. I think that we would have to allow this, given that the tree is not highly visible from the main road.

Can we have a Tree Protection Plan, clearly showing the line of the fencing outside of the RPAs (given by BS5837), and a condition re protective fencing that requires that it is agreed on site prior to commencement.

LANDSCAPE - The proposed northern unit will be tucked away behind a large existing building and tree belt and so will be well screened.

The southern unit will be located further back from the public highway and will complement its immediate surroundings. Could its location be altered slightly to retain some of the trees that are required to be felled?

ECONOMIC DEVELOPMENT - I fully support this proposal, as it meets the need for more and better quality industrial units locally. New units of this size and specification will enable local businesses to develop and grow whilst remaining within the borough, giving local residents access to better employment opportunities in the area.

WALES & WEST UTILITIES - No objections but our apparatus may be at risk during construction works and the developer should contact us directly to discuss our requirements. Should diversion works be required then these will be fully chargeable.

Representations Received

8 letters of concern over flooding in Charlton Road with restriction of culvert which it is considered could be worsened.

5 letters of concern over

- noise and disturbance,
- operating hours,
- site at capacity,
- proximity to gas main,
- impact on septic tank and drainage,
- insufficient parking,
- parking will impact on accessibility and safety and emergency service access to end of lane.

1 letter of support as will bring needed employment to the area and there is adequate access and parking on site.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP2 - Economy,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
SS1 - Monkton Heathfield,
A1 - Parking requirements,
ENV1 - Protection of trees, woodland, orchards, and hedgerow,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

N/A

New Homes Bonus

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

Determining issues and considerations

The main considerations with this proposal are the principle, access, parking, drainage and impact on amenity.

Principle

The site lies within an existing industrial site and it is also allocated for industrial uses under policy SS1 of the Taunton Deane Core Strategy. Consequently the principle of an industrial use in this location is considered acceptable and would support the important provision of jobs as set out in the Core Strategy. The development is supported by the Economic Development Officer on this basis.

Access & parking

The site provides for 11 industrial units in the form of one B8 storage use of 656sqm and B1 uses of 669sqm. In terms of the parking strategy this equates to the provision of 20 spaces whereas the development provides for 32 spaces. This is considered to be more than adequate level of parking provision for the site and in compliance with policy A1.

A Transport Statement has been submitted with the proposal and this sets out the level of likely traffic movements as a result of the development. The increase in traffic identified is considered to cause a negligible impact on the junction. An analysis of the accidents that have occurred at the junction over the last 5 years has

taken place and this shows there is no clear evidence of any connection to industrial estate traffic with all accidents resulting from movements to and from the A361 from the south with 'driver error' at the give-way lines being the cause in all cases. The traffic levels from the development are considered below the levels of the former use of the site by Langdons. The Highway Authority has considered the submitted information and considers that the development is appropriate and acceptable in traffic and transport terms. A condition with regard to a travel plan is considered necessary and appropriate, while the other suggested conditions are not necessary or enforceable and are covered by other legislation.

Drainage

The site is largely hard surfaced area and the development of these industrial units will not increase surface water run-off from the site, which is currently attenuated in settlement tanks to prevent pollution entering the water system. The land to the north of Charlton Road naturally slopes to the south to existing field ditches which act as a catchment to acres of farmland. Any perceived drainage problems to the south cannot be linked to the site given the current controls and intervening land which is not controlled by the applicant.

In terms of foul drainage this is to be linked to the existing system which is controlled by the Environment Agency and has a valid EA permit. This is routinely maintained and it has been advised that the existing system has sufficient capacity for the additional use. There has been a letter of concern over the siting of drainage runs for the neighbouring dwelling. However this does not appear to conflict with the siting of the building and is a civil issue between the owners concerned.

Amenity Impact

The proposed development is located in two areas of the site. The siting of the 10 units is located centrally and while it will result in a loss of a number of trees these are part of a significant group and it is not considered to cause potential impacts on amenity. The siting of unit 11 however lies to the north and is bounded to the west by a residential property known as Edgebury. The site is currently an open storage area that is uncontrolled in terms of both noise restrictions and operating hours. The building will be cut into the site and will result in the removal of 4 trees to the east of the site. The loss of these trees however will not significantly impact on visibility from the road and the remaining trees will be protected during construction as well as a control on limiting any future storage. A noise report has been carried out and in light of neighbour concerns and the view of the Environmental Health Officer, a condition limiting noise from the building is considered appropriate and suitable alternative to limiting operating hours given that the whole site has no operating hours controls at present and any external use cannot be adequately controlled through the current development.

Conclusion

In summary the use of the site for industrial units is compliant with policy and the buildings are not considered to result in harm to flooding, highway safety or amenity

subject to appropriate conditions and the application is recommended for approval.

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

Contact Officer: Mr G Clifford

26/17/0007

MR ILO

Erection of 1.8m high fence and replanting of native hedgerow along 55m of grass verge adjacent to 16 Farthings Close, Nynehead Hollow, Nynehead (retention of works already undertaken)

Location: 16 FARTHINGS CLOSE, NYNEHEAD HOLLOW, NYNEHEAD,
WELLINGTON, TA21 0BT

Grid Reference: 314680.123103 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. Unless within 3 months of the date of this decision a landscaping scheme which shall include details of the species, siting and numbers to be planted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 9 months of the local planning authority's approval, the use of the site the fencing hereby permitted shall be removed from the site until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the fencing hereby permitted shall be removed from the site until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved landscaping scheme specified in this condition, the planting shall be protected and maintained in a healthy weed free condition and any plants that cease to grow shall be replaced by plants of similar size and species, or any other appropriate planting 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.

Notes to Applicant

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

Proposal

This proposal is for the retention of 1.8 metre high close boarded fencing along a grass verge adjacent to a no-through, unclassified road named Blackdown View.

Site Description

Originally the boundary treatment inside the grass verge adjacent to 16 Farthings Close was mature hedging to an approximate height of 1 metre and approx. depth of 1 metre with approx. 1 metre of grass verge to the road, with an access gate approximately 2/3 of the way along the length of the boundary..

Relevant Planning History

26/17/0004 - Erection of 1.8m high fence to rear of 16 Farthings Close, Nynhead (retention of works already undertaken) – Refused for the following reason:

“The proposed fencing, due to its location, height and appearance, presents a detrimental addition to the street scene detracting from the rural character and visual amenity of the area contrary to Policy DM1d of the Taunton Deane Core Strategy 2011-2018.”

Consultation Responses

NYNEHEAD PARISH COUNCIL - Would like to see the position of the fence remain but reduced in height to 4' 6" (1.4 metres). A native species hedge planted against the fence on the verge so as to reduce the impact of the fence on the street scene and to reintroduce habitat for birds and wildlife.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed hedgerow to be planted, along its entire frontage will not encroach any part of highway land and shall thereafter be maintained clear of the highway boundary at all times.

Representations Received

8 representations have been received. 3 that **support** the development citing security, safety and privacy. 5 **objections** have been received citing:

- Loss of visual amenity; the fence is too high, is unsightly and not in keeping with the surroundings.
- Destruction of wildlife habitat.
- The fence has been erected over a Wessex Water manhole cover that is accessed occasionally for the purpose of clearing blockages to the houses in Blackdown View.

- The fence has been erected in such a position that land has been "annexed" leaving a narrower verge than before.
- Since the erection of the fence, maintenance of the grass verge and future planting has fallen to the residents of Blackdown View.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not applicable.

New Homes Bonus

Not applicable.

Determining issues and considerations

The main issues in the determination of this application are the impact on visual and residential amenity.

A fence of more than 1 metre high has been erected adjacent to an unclassified no-through road without planning permission and in doing so approximately 50 metres of evergreen hedging was removed and an access to the rear garden of 16 Farthings Close was blocked up.

The blocking up of the access has not adversely impacted on the visual and residential amenity of the occupants of 16 Nynehead Close or of Blackdown View.

The loss of hedgerow has resulted in the loss of wildlife habitat and to mitigate this loss a replacement hedgerow has been proposed outside the fence. Somerset

County Council Transport Development Group have observed that there is a requirement for a 1 metre grass verge adjacent to the highway and although the proposed replanting of new hedgerow has not been shown not to encroach onto this highway verge, they do not object in principle, subject to the imposition of a suitable condition. However it has not been satisfactorily shown on any of the submitted drawings that there is enough space to accommodate a mature hedge while still leaving 1 metre grass verge of land between the fence and the highway to satisfy SCC Transport Development Group requirement. To this end, at the suggestion and approval of the Landscape Officer, a planting scheme proposing climbing plants grown at 2 metre intervals along the outside of the fence line has been shown to mitigate both the loss of wildlife habitat by providing plenty of vegetation, both deciduous and evergreen and the loss of visual amenity by providing year round cover and colour thus softening the appearance of the fence.

While the change in boundary treatment has impacted adversely on the visual amenity of some of the occupants of the dwellings in Blackdown View, it has also impacted adversely on their residential amenity in that the fence has been so positioned that it covers a Wessex Water manhole which serves their properties. This oversight means that any time Wessex Water wish or need to access the sewer they will have to request the occupants of 16 Farthings Close to lift a fence panel to enable access for works to be carried out. This however is a civil matter between the occupants of 16 Farthings Close and Wessex Water and cannot be conditioned by the Local Authority.

There have been objections raised around the issue of ownership of the strip of grass verge between the road edge and the fence. However the ownership of the land is not a planning issue and therefore cannot be clarified by a Planning condition. SCC Transport Development Group have requested that a 1 metre grass verge be retained between the fence and the road edge and while it cannot be satisfactorily shown that there is enough space for a hedge to grow to maturity, with the judicious planting of climbers this request can be satisfied.

The planting and maintenance of the proposed climbers against the retained fence has been conditioned for at least 5 years and thereafter, should the vegetation die or be removed, the fence must be removed. Therefore the responsibility for the maintenance of the planting would lie with the occupiers of 16 Farthings Close.

Since landscaping conditions can be imposed that would soften the appearance of the new fence, the proposal is considered to comply with Policy DM1 c. and d. of the TDBC Adopted Core Strategy 2011-2028 and is 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: Mrs M Pike

Appeal Decisions –06 December 2017

Site: Erection of detached dwelling with associated works to the rear of 41 Greenway, Monkton Heathfield

Proposal: Erection of detached dwelling with associated works to the rear of 41 Greenway, Monkton Heathfield

Application number: 48/16/0045

Reasons for refusal: The site lies within an area allocated for Monkton Heathfield Urban Extension. The proposed development would be prejudicial to the good planning of the area, resulting in piecemeal development of the allocated land to the detriment of the comprehensive and coordinated approach to the delivery of the urban extension. The proposed development is contrary to Policies SS1 (Monkton Heathfield) and DM1 (General Requirements) of Taunton Deane Core Strategy and Policy D7 (Design quality) of the Draft Site Allocations and Development Management Plan.

Appeal Decision: Allowed



Appeal Decision

Site visit made on 14 August 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 6th November 2017

Appeal Ref: APP/D3315/W/17/3172397

41 Greenway, Monkton Heathfield, Taunton, Somerset TA2 8NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Liell against the decision of Taunton Deane Borough Council.
 - The application Ref 48/16/0045, dated 7 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is the erection of a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling 41 Greenway, Monkton Heathfield, Taunton, Somerset TA2 8NF in accordance with the terms of the application, Ref 48/16/0045, dated 7 July 2016, and the plans submitted with it subject to the conditions set out in the attached schedule.

<https://www.gov.uk/planning-inspectorate>

Application for costs

2. An application for costs was made by Mr and Mrs P Liell against Taunton Deane Borough Council. This application is the subject of a separate Decision.

Main Issue

3. Based on the Council's reason for refusal and the evidence in this case, the main issue is whether the proposal would affect the delivery of the proposed allocation at Monkton Heathfield.

Reasons

4. The site is currently used as domestic garden. The land is bordered on three sides with mature hedging which is consistently above two metres in height; its depth is such that it does not afford a view through to the agricultural land beyond or to gardens either side. This results in the site being well screened from view with a distinct visual separation from the fields to the west.
5. The site is part of a large urban extension allocated in the Taunton Deane Core Strategy under Policy SS1, when developed it will contribute to the delivery of 4,500 homes across a number of sites bordering Monkton Heathfield. However the masterplan and design codes for this part of the urban extension have yet to be completed. The Council take issue with the piecemeal development of small pockets of allocated land as prejudicial to the overall good planning of the

area, the density of development proposed is considered by the Council to be inappropriate though does not form part of the Council's reason for refusal.

6. The site is included in the most recent Strategic Housing Land Availability Assessment (SHLAA) however the landowners have not submitted the site to the SHLAA, are not party to the consortium nor do they want to sell the land. Furthermore the owners say the site is not available for inclusion in the wider strategic allocation and has not been so since 2013. Statutory declarations have been submitted on behalf of the owners covering these matters.
7. The appellants question the deliverability of the allocation to the rear of the appeal site. Despite it being an interim release site in 2012 no progress has been made to demonstrate this and no planning permission sought. The appellants state that the proposal is not piecemeal; that it does not propose to develop pockets of land; the scheme does not prevent or preclude any access point; there is no ransom strip between this or any other land holding; and the proposal would not put the remaining site at risk practically or financially.
8. The site is allocated for housing development, there is physical separation from the remainder of the allocated site and strong boundary treatments exist. No issues have arisen with the impact on the living conditions of adjacent properties and the use of the site for a single dwelling would result in a density consistent with existing dwellings in the vicinity, albeit at a density below that aspired to under the scope of the strategic policy allocation.
9. The Council have not put forward specific evidence as to precisely how this site would compromise the delivery of the housing allocation relying solely on the fact that the site is within the housing allocation. The Council have not presented evidence to address the delivery argument nor have they explained why the development compromises the aims of the development management policies. Taking all of the above into consideration I find no evidence to demonstrate that the use of the site for a single dwelling would undermine the delivery of this part of the Monkton Heathfield allocation.
10. In the light of the above, I find no unacceptable conflict with strategic Policies SS1 and DM1 of the Taunton Deane Core Strategy 2011 – 2028 (2012). Nor do I find conflict with Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016). Together these seek to ensure that the development meets the housing and design ambitions of the Council.

Other Matters

11. The Council state that the proximity to the boundary seems unneighbourly and there appears to be no good reason why the proposed dwelling could not be further away from the boundary. Representations have also been received from neighbours on the same basis. However, the Council found no harm would arise to the living conditions of the occupiers of adjacent properties and I see no reason to disagree.
12. The Council do express concern that the appeal site did not form part of the curtilage when No 41 was built and there has been no application for a change of use of the land and the site is officially classed as agricultural. However the site is allocated for housing and is clearly intended for residential development, whether or not part of the garden to No 41 is domestic garden or agricultural land is not a

matter for this appeal.

Conditions

13. The Council have suggested three conditions; the normal three year time limit required to comply with legislation together with a plans condition to ensure that there is clarity and certainty. A third condition suggested by the Council would secure the avoidance and mitigation recommendations set out in the appellants' ecology appraisal to protect trees, vegetation and wildlife habitats. These requirements are both reasonable and necessary given the importance of the locality as a foraging area for bats though I have adjusted the wording of the condition in the interests of precision.
14. Specific materials for the external walls are not referred to in the application form though they are noted as being for subsequent approval. Though the Council has not recommended a materials condition given the appellants intent for them to be agreed I consider it necessary to attach a condition relating to materials, details to be required prior to any work above foundation level. This addition would not prejudice the appellant and will enable the Council to be satisfied with the external finishes of the dwelling in the interests of protecting the character and appearance of the area.

Conclusion

15. In the light of the above and taking into consideration all matters raised the appeal should succeed subject to conditions.

Janet Wilson

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg no 2516/1 (Site Plan); Dwg no 2516/2 (Site Plan); Dwg no 2516/3 (Ground Floor Plan); Dwg no 2516/4 (First Floor Plan); Dwg no 2516/5 (S & W Elevation); Dwg no 2516/6 (N & E Elevation).
- 3) The dwelling hereby permitted shall not be occupied until a scheme of bat mitigation measures in accordance with Table 7 of the jh ecology Ecological Appraisal Report dated June 2016 has been submitted to and approved in writing by the local planning authority and implemented as approved. The approved bat mitigation measures shall be retained and maintained in accordance with the approved scheme thereafter.
- 4) No development shall take place above the upper level of the foundations until details of the materials to be used in the external surfaces of the dwelling have been submitted to and approved by the local planning authority in writing. The dwelling shall be carried out in strict accordance with the approved details.

[End of Schedule]



Costs Decision

Site visit made on 14 August 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 6th November 2017

Costs application in relation to Appeal Ref: APP/D3315/W/17/3172397 41 Greenway, Monkton Heathfield, Taunton, Somerset TA2 8NF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs P Liell for a full award of costs against Taunton Deane Borough Council.
 - The appeal was against the refusal of an application for the erection of a dwelling
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Planning Practice Guidance (PPG) advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appeal concerned a proposal to erect a dwelling on land that was a small part of a much larger area that had been allocated for a new sustainable neighbourhood in the Development Plan. Paragraph 49 of the PPG states that unreasonable behaviour by a local planning authority includes preventing or delaying development which should clearly be permitted. Equally so where failure to produce evidence to substantiate reasons for refusal on appeal or vague, generalised or inaccurate assertions about the impact of proposal are made.
4. Although the Council should be able to substantiate their case, they have done little more than to restate their 'in principle' objection to the proposal. No evidence was provided to substantiate that the process of the masterplan preparation was active, nor were any details provided to substantiate the Council's confidence they had in the delivery of the allocation.
5. No tangible planning harm, such as harm to the character and appearance of the area or to the living conditions of nearby occupiers, has been identified in the Council's reason for refusal or their other representations. There is almost nothing to explain how or why the proposed development of this small part would prevent the effective planning of the rest of the allocated site. The Council's generalised assertion about the impact of the proposal is supported by barely any objective analysis. Thus, the Council have failed to substantiate their case.

6. Moreover, having had regard to the particular site specific circumstances, I have found that the proposal would be acceptable, and that it would be in accordance with the Development Plan and national policy. The proposal, which should have been permitted, has been delayed, and this has caused the applicant the unnecessary and wasted expense of the appeal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Taunton Deane Borough Council shall pay to Mr & Mrs P Liell the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

9. The applicant is now invited to submit to Taunton Deane Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Janet Wilson

INSPECTOR

APPEALS RECEIVED – 06 December 2017

Site: SAINSBURY SUPERMARKET, HANKRIDGE WAY, TAUNTON, TA1 2LR

Proposal: Display of 1 No. illuminated totem sign, 1 No. non-illuminated totem sign, 1 No. illuminated fascia sign and 1 No. non-illuminated wall sign at Sainsburys, Hankridge Farm, Hankridge Way, Taunton

Application number: 48/17/0010A

Appeal reference: APP/D3315/Z/17/3182210

Start Date: 02 November 2017

Site: LAND TO THE EAST OF WILD OAK LANE, TRULL

Proposal: Erection of 1 No. detached dwelling with associated works on land to the east of Wild Oak Lane, Trull

Application number: 42/17/0005

Appeal reference: APP/D3315/W/17/3181011

Start Date: 26 October 2017

Site: BEECHWOOD, HIGH STREET, MILVERTON, TAUNTON, TA4 1LL

Proposal: Application for Outline Planning Permission with all matters reserved for 5 No. dwellings on land to the rear of Beechwood, High Street, Milverton

Application number: 23/16/0038

Appeal reference: APP/D3315/W/17/3181011

Start Date: 26 October 2017

Site: GREENACRE FARM, RALEIGHS CROSS ROAD, COMBE FLOREY, TAUNTON, TA4 3JQ

Proposal: Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Greenacre Farm, Raleighs Cross Road, Combe Florey

Application number: 11/17/0011CQ

Appeal reference: APP/D3315/W/17/3184348

Start Date: 06.11.17

Site: LAND TO REAR OF 51 TONE HILL WELLINGTON TA21 0AX

Proposal: Change of use of land from allotment (agricultural) to residential curtilage and erection of garage on land to rear of 51 Tone Hill, Wellington.

Application number: 43/17/0037

Appeal reference: APP/D3315/W/17/3186335

Start Date: 06.11.17

Site: THE OLD KITCHEN, STAWLEY WOOD FARM, STAWLEY ROAD, STAWLEY, WELLINGTON, TA21 0HP

Proposal: Application for a Lawful Development Certificate for the proposed change of use of an agricultural barn to a dwelling house (Class C3) at The Old Barn, Stawley Wood Farm, Stawley

Application number: 35/17/0002LP

Appeal reference: APP/D3315/W/17/3178398

Start Date: 10.11.17

Site: AGRICULTURAL TRACK LEADING TO OLD LAKE, HIGHER RUGGIN, WEST BUCKLAND, TA21 9LL

Proposal: Stationing of a shipping container and storage of touring caravan at OLD LAKE COTTAGE, HIGHER RUGGIN, WEST BUCKLAND.

Enforcement number: E/0223/46/15

Appeal reference: APP/D3315/C/17/3186773

Start Date: 10.11.17

Site: HOLBAINES MEADOW, WHITEBALL ROAD, SAMPFORD ARUNDEL, WELLINGTON, TA21 0LS

Proposal: BREACH OF CONDITION 03 OF 32/13/0007 AT HOLBAINES MEADOW, HOLYWELL LAKE

Enforcement number: E/0068/32/14

Appeal reference:
APP/D3315/C/17/3189132

Start Date: 23.11.17

Site: CUTLIFFE FARM, SHERFORD ROAD, TAUNTON, TA1 3RQ

Proposal: Change of use of land from siting of agricultural workers accommodation to siting of holiday accommodation on land to the north of Cutliffe Farm, Sherford.

Application number: 38/16/0227

Appeal reference: **APP/D3315/W/17/3185045**

Start Date: 23.11.17

Site: BARNOAKS, WORTHY LANE, CREECH ST MICHAEL, TAUNTON, TA3 5EF

Proposal: Demolition of garage and erection of 1 No. bungalow with associated works in the garden to the rear of Barnoaks, Worthy Lane, Creech St Michael

Application number: 14/16/0052

Appeal reference: **APP/D3315/W/17/ 3187285**

Start Date: 23.11.17

Planning Committee – 6 December 2017

Present: - Councillor Mrs Hill (Vice-Chairman) (in the Chair for this meeting)
Councillors Adkins, Booth, Brown, Coles, Gage, Hall, C Hill, Morrell,
Mrs Reed, Sully, Townsend, Watson, Wedderkopp and Wren

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

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

(The meeting commenced at 6.25 pm)

74. Apologies/Substitutions

Apologies: Councillors Mrs J Adkins, Bowrah, Martin-Scott, Nicholls

Substitutions: Councillor Wren for Councillor Mrs J Adkins
Councillor Hall for Councillor Bowrah
Councillor Sully for Councillor Martin-Scott
Councillor Booth for Councillor Nicholls

75. Declarations of Interest

Councillor Wren declared that he was the Parish Clerk to Milverton Parish Council. He also declared that there were two former work colleagues in the audience who were objecting to application No. 05/17/0047, he stated that he would not take part in the debate or the vote of this application. Councillor Coles declared that he knew a number of people in the audience, he declared that he had not spoken on any of the items on this committee. Area Planning Manager, Matthew Bale declared a Personal Interest in application 05/17/0047. He declared that he would leave the room whilst the application was presented and voted on.

76. 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:-

05/17/0047

Change of use of land from agricultural with the erection of 1 No. residential dwelling with garaging and associated works on land at Parsonage Farm, Bishop's Hull

- (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 2471-PL-01 Site & Location Plan;
 - (A3) DrNo 2471-PL-02 Rev C Block Plan;
 - (A3) DrNo 2471-PL-03 Indicative Section Views;
 - (A3) DrNo 2471-PL-04 Floor Plan;
 - (A3) DrNo 2471-PL-05 Elevations;
- (c) No wall construction, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No roof construction shall take place until samples of the roof 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;
- (e) (i) The landscaping/planting scheme shown on the submitted plan 2471-PL-02C shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The development hereby permitted shall be implemented in accordance with the mitigation in the wildlife report and approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The mitigation shall thereafter be maintained;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes B and E

of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and UK legislation is irrespective of the planning system and the applicant 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; in light of evidence of neighbours you are advised to ensure that there are up to date surveys to ensure there is no harm to slow worms or any newts which may inhabit nearby ponds. Harm to protected species is a criminal offence and you should ensure that appropriate steps are taken to ensure there is no harm.)

10/17/0015

Erection of extensions to free range poultry shed with associated works and formation of access at Higher Willand Farm, Churchstanton

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

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

- (A3) DrNo PA-001 Rev A Site Location Plan;
- (A3) DrNo PA-002 Rev A Block Plan - Landscaping & Planting Scheme;
- (A3) DrNo PA-100 Rev A Elevations 1;
- (A3) DrNo PA-101 Rev A Elevations 2;
- (A3) DrNo PA-200 Rev A Floor Plan;
- (A3) DrNo PA-201 Rev A Roof Plan;
- (A3) DrNo PA-300 Rev A Site Sections;
- (A3) DrNo PA-400 Rev A Indicative Perspective;
- (A3) DrNo PA-500 Rev A Proposed Entrance From Existing Farm Access Way;

(c) There shall be no external lighting of the site without the prior written consent of the Local Planning Authority;

(d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by,

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

- (e) There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access.

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

- (f) Before the proposal hereby permitted is first occupied 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 be maintained in the agreed form thereafter at all times;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before works commence on site and thereafter maintained at all times;
- (h) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (i) The development hereby permitted shall not be commenced until details of a wildlife enhancement scheme to enhance the site for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details and timings of works unless otherwise approved in writing by the Local Planning Authority and thereafter permanently maintained;
- (j) Prior to the building hereby permitted being brought into use, a scheme for the disposal of foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the containment and disposal of contaminated water arising from cleaning out processes. The approved scheme shall be fully implemented prior to the building hereby permitted being brought into use and shall thereafter be maintained as such;

(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 has negotiated amendments to the application to enable the grant of planning permission.)

14/17/0020

Erection of 11 No. light industrial units (2 No. buildings) for Class B1/B8 usage on land at Walford Cross Depot, Walford Cross

- (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 5046_PL_01A Location Plan;
 - (A1) DrNo 5046_PL_02B Proposed Site Plans UNITS 1-10 & 11;
 - (A1) DrNo 5046_PL_03 Proposed Plans & Elevations UNIT 11;
 - (A1) DrNo 5046_PL_04 Proposed Plans & Elevations UNIT 1-10;
- (c) There shall be no exterior storage around the building 11 other than specified in areas on plan 5046_PL_02B and only parking in the locations indicated on plan 5046_PL_02B;
- (d) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

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

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

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

An assessment of the potential risks to

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

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

(e) Noise emissions from any part of the unit 11 premises or land to which this permission refers, when measured at the point X marked on the attached plan (which is level with the façade of the nearby residential properties) shall not exceed background levels by: more than 3 decibels expressed in terms of an A-Weighted, 1hour Leq, at any time between the hours of 07:00 – 19:00; more than 0 decibels expressed in terms of an A-Weighted, 15minute Leq, at any time between the hours of 19:00 and 07:00 the following day;

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 for a period of 1 hour for measurements between 07:00 -19:00 and a period of 15 minutes between 19:00 and 07:00 the following day;

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

(f) The car parking shown on drawing No.5046_PL_02B shall be provided prior to the units being brought into use and shall thereafter be retained for the use of the approved units;

- (g) Prior to the development being brought into use, a Measures Only Travel Plan is to be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied;
- (h) Prior to the construction of any buildings on the site, a scheme for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented prior to the buildings hereby permitted being brought into use and shall thereafter be maintained as such;
- (i) No lighting shall be installed at unit 11 within the area included in the part of drawing number 5046_PL_02 titled 'Site Layout – Unit 11';

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

26/17/0007

Erection of 1.8m high fence and replanting of native hedgerow along 55m of grass verge adjacent to 16 Farthings Close, Nynehead Hollow, Nynehead (retention of works already undertaken)

- (a) The development hereby permitted must be carried out in accordance with the application and accompanying plan(s) submitted to the Council and is only valid subject to compliance with the following conditions;
- (b) Unless within 3 months of the date of this decision a landscaping scheme which shall include details of the species, siting and numbers to be planted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 9 months of the local planning authority's approval, the use of the site the fencing hereby permitted shall be removed from the site until such time as a scheme is approved and implemented; If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the fencing hereby permitted shall be removed from the site until such time as a scheme approved by the local planning authority is implemented;

Upon implementation of the approved landscaping scheme specified in this condition, the planting shall be protected and maintained in a healthy weed free condition and any plants that cease to grow shall be replaced by plants of similar size and species, or any other appropriate planting as may be approved in writing by the Local Planning Authority;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had

worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

77. Appeals noted

(The meeting ended at 9.05 pm)