

SWT Planning Committee

Thursday, 8th October, 2020,
1.00 pm



Somerset West
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committees

To approve the minutes of the previous meeting of the Committees.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 28)

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

5. **42/20/0031 - DEFERRED/WITHDRAWN** (Pages 29 - 46)
Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 76 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Comeytrowe/Trull
6. **21/20/0009 - DEFERRED/WITHDRAWN** (Pages 47 - 54)
Replacement of agricultural storage building with the erection of 1 No. detached dwelling with associated works at Three Ashes, Langford Common Road, Langford Budville
7. **43/20/0061** (Pages 55 - 58)
Change of use of land to domestic at the side of 21 Sylvan Road, Wellington (resubmission of 43/19/0103)
8. **44/19/0017** (Pages 59 - 70)
Erection of building for mixed agricultural and dog agility training use (retention of works already undertaken) Brook Farm, Rackfield, Wellington
9. **3/32/20/004** (Pages 71 - 88)
Outline application with some matters reserved, except for access and scale, for the erection of 5 No. dwellings at Tanyard Farm, 16 Castle Street, Stogursey, TA5 1TG
10. **Latest appeals and decisions received** (Pages 89 - 114)
11. **Access to information - Exclusion of Press and Public**
During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the

press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Council will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item(s) of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

12. Sandhill Park, Taunton

(Pages 115 - 126)

This has been added to the agenda under Access to Information Procedure Rule 5.2, which states 'Where there are special circumstances requiring an item to be added to the agenda after publication, the revised agenda will be open to inspection from the time the item was added to the agenda.'



**JAMES HASSETT
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

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For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

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SWT Planning Committee - 6 August 2020 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Sue Buller, Dixie Darch, Ed Firmin, Roger Habgood, Mark Lithgow, Janet Lloyd, Chris Morgan, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Martin Evans (Shape Legal Partnership), Jo Humble (Lead Specialist - Affordable Housing), Rebecca Miller (Principal Planning Specialist), Alex Lawrey (Planning Specialist), Denise Grandfield (Planning Specialist), Denise Todd (Planning Specialist), Paul Browning, Nick Bryant and Tracey Meadows (Democracy and Governance)

Also Present: Councillor Pilkington

(The meeting commenced at 1.00 pm)

48. **Apologies**

Apologies were received from Councillors Blaker and Palmer.

49. **Minutes of the previous meetings of the Planning Committee**

(Minutes of the meeting of the Planning Committees held on the 9, 16 and 23 July 2020 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 9, 16 and 23 July 2020 be confirmed as a correct record with an amendment to 9 July's meeting for application 42/20/0006 with regards to the omission in the minutes of a seconder to Cllr Habgood's proposal for the application to be approved.

Proposed by Councillor Hill, seconded by Councillor Buller

The **Motion** was carried.

50. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr I Aldridge	27/19/0029		Personal	Spoke and Voted
Cllr S Buller	31/19/0024 23/19/0047 23/19/0048/LB	Ward Member Email from Cllr Wren	Personal	Spoke and Voted
Cllr S Coles	All items	Lobbied.	Personal	Spoke and Voted

		Discretion not Fettered		
Cllr D Darch	27/18/0002 27/19/0029 23/19/0047 23/19/0048/LB	Correspondences received. Discretion not fettered	Personal	Spoke and Voted
Cllr R Habgood	27/18/0002 27/19/0029 23/19/0047 23/19/0048/LB	Lobbied. Previous Oake Cllr. Not fettered	Personal	Spoke and Voted
Cllr B Weston	27/18/0002 27/19/0029 23/19/0047 23/19/0048/LB	Correspondences received. Discretion not fettered		
Cllr L Whetlor	27/18/0002	Knows Applicant	Personal	Spoke and Voted

51. **Public Participation**

Application No.	Name	Position	Stance
27/18/0002	Mr R Gully Sue Davies Rebecca Randell Mitchell Partners	Local Resident Chair, Oake PC WYG	Objecting Objecting In favour In favour
27/19/0029	Mr & Mrs Hand Mr & Mrs Harrison Kate Capell Petition from Residents of Oake	Local Resident Local Resident Local Resident Local Residents	Objecting Objecting Objecting Objecting
23/19/0047	Mr T Reading Mr C Wilson Cllr G Wren	Local Resident Applicant Ward Member	In favour In favour In favour
23/19/0048/LB			
31/19/0024	Ruishton PC		Objecting
3/31/20/011	Sally Hawkins Cllr P Pilkington	Applicant Ward Member	In favour In favour

52. **27/18/0002**

Erection of 18 No. dwellings (9 No. affordable) with pumping station, car parking, landscaping and formation of vehicular access on land to the east of Oake as amended revisions to Plot 18; increase in parking provision, revised visibility splays; provision of motorcycle parking; parking bay for the pumping station

Application 27/18/0002 and 27/19/0029 were presented together and voted on separately

Comment from members of the public included:

- First Step Homes does not meet the identified affordable housing need in Oake;
- The scheme provides the wrong housing mix;
- The Mitchell Partners scheme provides a majority of affordable housing design and meets 100% of the identified need;
- The First Step Homes scheme is the furthest possible site from public transport, is not connected to the school by a footway and is furthest from all other facilities;
- The PC remain unconvinced of the stated level of need for affordable housing in Oake;
- Oake PC need to determine the best way forward for its Parish;
- Legal agreements for S106 monies would be better allocated to benefit the Parish not the off-site play provisions;
- The development will have an impact on the Oake Plantation, a woodland Priority Habitat;
- The NPPF confirms that outline permissions cannot be delivered within 5 years and therefore Land adjacent to Oake School cannot deliver upon the local housing need. This application can;
- This application represents the only deliverable scheme which is fully evidenced by the housing needs assessment;

Comments from Members included:

- The development was ready with a good mix of housing;
- A detailed comparison had been carried out with both of the sites in Oake;
- Concerns that both sites were outside of the settlement limit;
- Concerns that the housing need was not satisfied;
- Concerns that the S106 was earmarked for something that Oake did not need;
- Both schemes address the housing need;
- Highway concerns;
- Housing in Oake would relieve pressure in other communities;
-

Councillor Buller proposed and Councillor Hill seconded a motion for the application to be **APPROVED** subject to the conditions set out in the Officers report and a S106 legal agreement to secure:

- Affordable housing; and
- A financial contribution of £53,248 toward offsite play provision;

The motion was carried.

53. **27/19/0029**

Outline application with some matters reserved, except for access, for the erection of 17 No. dwellings (9 affordable) with associated works, formation of access road, parking area and pedestrian footway on land adjacent to Oake Primary School, Oake

Comments made by members of the public included:

- The only gain for this development to be approved is monetary gain for the applicant;
- There is already an approved application to build in the village;
- The addition of private dwellings in the village will add pressure to an already struggling transport route via Bradford Road;
- Increase traffic concerns;
- The open countryside is a haven for wildlife and a place for families to explore and exercise safely;
- The development is of no benefit to the local residents and the village of Oake;
- People who are supporting this application do not live in or near the village;
- The development falls beyond the village boundaries;
- There is no affordable housing need in Oake;
- Concerns that Highways consider it safe to have an unmanned pedestrian crossing in the neck of a roundabout before the traffic calming measures;
- The planned development will ruin the aspect towards the Oake Plantation which is the main feature of the village;
- Concerns with flooding issues;

Petition from Local Residents citing;

- The pedestrian footway not suitable for small children as prone to flooding;
- Unkempt nettles, weeds and dog faeces;
- Concerns with the entrance/exit onto Oake main road as vehicles are known to speed and is overtly engineered;
- Visibility concerns for vehicles exiting Saxon Close and turning right;
- Concerns that children will have to cross the road twice;
- Loss of habitat from the Copse adjacent to the proposed site;
- This development is proposed on wonderful countryside for many to walk and play and should be enjoyed for many years;
- If there was a need for a development with affordable housing it should be application no. 27/18/0002 which has already been approved;

Councillor Coles proposed and Councillor Hill seconded a motion for the application to be **REFUSED** as per Officer Recommendation.

The motion was carried

At this point in the meeting there was a 10 minute comfort break and Cllr Morgan left the meeting.

54. **23/19/0047**

Construction of an underground extension and formation of formal gardens and natural lake with folly structure and associated landscaping at Spring Grove House, Milverton Road, Milverton as amended by agents email, amended plans and additional information of 14th May 2020 including amendments to the design of the lake and removing the folly.

Comments from members of the public included;

- Great care has been taken to develop proposals which are sensitive to the historic setting of the house;
- This investment should be encouraged, providing it is of high quality and sympathetic to the house's history and setting;
- The construction would enhance the historic character of Spring Grove House and help make the house fit for 21st century occupation;
- Since 2015 there has been considerable effort to restore the property to its original stature as an important country house, sat in carefully landscaped naturalistic surroundings, at the heart of a small rural estate;
- The proposals would secure Spring Groves future is secured for generations to come;
- The topography of the site will not change as the development will be sunk into the land and be covered over at the current level meaning that visually the site will be the same as it is now;
- No impact on the external appearance of the Listed Building;

Comments from Members included;

- A great deal of care and effort has been taken with this application;
- No light pollution concerns with the application;
- No concerns with mass and scale of the development;
- Pleased that land lost would be brought back to the estate;
- Lots of local support for this application;
- The development brings back the importance of the building;

Councillor Habgood proposed and Councillor Whetlor seconded a motion for the application to be **APPROVED** against Officer Recommendation;

The motion was carried

Reason

The proposal is an enhancement and causes negligible, if any, harm to the setting or character of the listed building. Conditions to be delegated to Officers;

55. **23/19/0048**

Construction of an underground extension and formation of formal gardens and natural lake with folly structure and associated landscaping at Spring Grove House, Milverton Road, Milverton as amended by agents email, amended plans and additional information of 14th May 2020 including amendments to the design of the lake and removing the folly.

Councillor Habgood proposed and Councillor Sully seconded a motion to **APPROVE** the application against Officer Recommendation;

Reason

The proposal is an enhancement and causes negligible, if any harm, to the designated heritage asset and is not detrimental to the setting or character of the listed building. Conditions to be delegated to Officers.

The motion was carried

56. **31/19/0024**

An extension of 30 minutes was proposed and seconded.

Outline planning application with all matters reserved, except for access, for erection of 4 No. dwellings on land adjacent to Highcroft, Bushy Cross Lane, Ruishton

Comments by members of the public included;

- The additional drawings do not address the unsuitable access and egress from Bushy Cross Land to the A358 and vice versa;
- Access from Bushy Cross Lane is already restricted;
- A new access road in this location would add potential hazards to this location;
- Safety concerns for refuse vehicles;
- The field behind the application already has an access, why is another one needed;
- Concerns that Bushy Cross Lane will be subject to a major increase in traffic due to the 18 month Road Closure with effect from the 1 August;
- The development should not commence until the end of the Closure Order;

Comments by Members included;

- Concerns with the layout of the access to the A358;
- Concerns with the removal of the trees and shrubs;
- Concerns with traffic as this was a dangerous site;

- Flooding issues;
- Parish Council did not support this application;
- Concerns with access in and out of the site;

Councillor Lithgow proposed and Councillor Aldridge seconded a motion for the application to be **APPROVED** as per Officer Recommendation;

The motion was carried

At this point in the meeting, Cllr Sully left the meeting and a 30 minute extension was proposed and seconded.

57. **3/31/20/011**

Outline planning application with all matters reserved for the erection of an agricultural workers dwelling (resubmission of 3/31/19/009) at Higher Preston Farm, Preston Lane, Stogumber, TA4 3QQ

Comments from members of the public included;

- Concerns with trying to run a farm with a young child when you do not live on site;
- No other shed is suitable for conversion and there is not enough space in the existing farm house;
- Granting permission would mean that a village house would be available as an affordable home;
- Neighbours supported the application;
- The applicant needs to reside at the property to look after the stock;
- Support for farm workers was needed to enable them to fulfil their role ;

Comments from Members included;

- Winter conditions could make the route to the farm a dangerous journey;
- There is need for an agricultural dwelling on this farm;
- We need to be supporting farming businesses;
- When you have stock you need someone living on the farm;
- Approving this application would set a precedent as it goes against our Policy for building in the Countryside;
-

At this point in the meeting a half hour extension was proposed and seconded

Councillor Hill proposed and Councillor Coles seconded a motion for the application to be **REFUSED** as per Officer Recommendation;

The motion was carried

(The Meeting ended at 5.39 pm)

SWT Planning Committee - 20 August 2020 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Janet Lloyd, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: John Burton (Planning Nationally Significant Infrastructure Specialist) Roy Pinney (Shape Legal), Alex Lawrey (Planning Specialist), Denise Grandfield (Planning Specialist), Denise Todd (Planning Specialist), Jeremy Guise (Planning Specialist) and Tracey Meadows (Democracy and Governance)

Also Present: Councillors Cavill and Rigby

(The meeting commenced at 1.00 pm)

58. Apologies

Apologies were received from Councillor Blaker

59. Minutes of the previous meeting of the Planning Committee

(Minutes of the meeting of the Planning Committee held on 6 August 2020 to follow

60. Declarations of Interest or Lobbying

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr S Coles	38/19/0426	Discussed, not fettered	Personal	Spoke and Voted
Cllr D Darch	38/19/0426	Architect known to Cllr. Discretion not fettered	Personal	Spoke and Voted
Cllr R Habgood	06/20/0025	Applicant known to Cllr. Discretion not fettered	Personal	Spoke and Voted
Cllr C Morgan	06/20/0025		Prejudicial	Did not speak or vote
Cllr C Palmer	3/21/19/034	Chair of Minehead TC Planning	Personal	Spoke and not voted

Cllr L Whetlor	3/21/19/034	Applicant known to Cllr. Discretion not fettered	Personal	Spoke and Voted
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61. **Public Participation**

Application No.	Name	Position	Stance
06/20/0025	Mr R Burgess Collier Planning Cllr Rigby	Local Resident Agents Ward Member	Objecting In favour
38/19/0426	H Lazenby J Payne M Raby Baker Ruff Hannon D White Cllr Cavill	Planning Agents for Magdalene Court Taunton Heritage Trust RIBA Architect Hatfield White Trustee	Objecting In favour In favour In favour In favour
41/20/0001	Mr Burt Mr Marshall Cllr Trollope-Bellew	Applicant Chair Lydeard St Lawrence and Tolland Parish Council Cllr for South Quantock Ward	In favour In favour In favour
3/26/19/024	Mr Priddy Mark Richards	Local Resident Savills	In favour In favour
3/21/19/034	Mr Bloys Emma Norman Richard Holman	Proprietor Agent Bush Consultancy	In favour In favour In favour

62. **06/20/0025**

Variation of Condition No. 02 (approved plans) of application 06/19/0021 for amendments to the location and design of field gates and to set back the fencing further from driveway on land either side of the driveway at Sandhill Park, South Drive, Bishops Hull

Comments from members of the public included:

- Only one double gate is needed for access to limit movement of agricultural vehicles up South Drive which is well used by pedestrians and other road users;
- Concerns with the use of the historical parkland;

- Only a minor amendment is sought for planning permission granted earlier this year;
- The amendments do not alter the design and materials of the proposed fencing, which was agreed by Historic England;
- No objections received from Historic England;

Comments from Members included:

- Concerns with the impact on pedestrians;
- Concerns with the construction of the gates;
- Concerns with the impact on the change of use;
- Condition for there to be no wire;
- Need to make sure the site is protected;
- Changes not explained properly;

Councillor Tully proposed and Councillor Hill seconded a motion for the application to be **APPROVED** subject to amended wording to condition 1 to read; The fencing hereby granted approval shall be erected before 27 January 2021. Once erected the fence shall be retained and maintained as per the approved drawings number SH.PK 02 200 Rev P07 and SH.PK 02 300 P4 in perpetuity;

63. **38/19/0426**

**Demolition of Corfield Hall and erection of 11 No. Almshouse flats
Community room and ground floor offices for Taunton Heritage Trust with
external alterations at Corfield Hall, Magdalene Street, Taunton**

Comments by members of the public included;

- Concerns with the impact on the residential amenity of those living in Magdalene Court;
- The height and bulk of the proposed building would have an adverse impact on the living conditions of those residents with facing windows;
- Concerns with the overbearing and oppressive impact within apartments and the garden area;
- Concerns with the lack of information regarding the machinery to be used in the laundry and plant rooms;
- The proposed bin store was not big enough to take the rubbish of 11 Alms Houses;
- Over development of the site;
- Concerns with the development on heritage grounds;
- Concerns with the harmful impact on the significance of the grade I listed Church;
- Concerns with the harmful impact on the significance of the scheduled monument of the town defences through furtherer damage to the continuation of these remains within their setting;
- There was a need to improve the site to minimise antisocial behaviour and criminal activities;

- There was a need to provide accommodation for some of the less fortunate members of Taunton society ;
- The Almshouses were a perfect fit for the site given the historic association with the Church and the Conservation area;
- The scheme has undergone substantial reviews;
- The scheme will bring substantial community benefit and will be a beautiful additions to our town;
- Corfield has had many commercial occupiers which have not succeeded as viable commercial enterprises due to the location being remote, unsuitable physical configuration, poor thermal quality of the existing building, poor structure and high running cost in terms of repairs and maintenance;
- This development will bring a reuse of a brownfield site;
- Well insulated and airtight homes;
- This will be the flagship of new build Almshouses to sit well alongside the trust's historic listed properties;
- Homes will be heated by green energy;
- The development will have a sustainable drainage system including rainwater planters, rainwater attenuation, sedum blanket roof to mobility scooter store and landscaped to increase biodiversity;
- No objections from neighbours;

Comments by Members included;

- Happy that the visual amenity of the site will be improved;
- Right place, right scheme;
- This development would eliminate antisocial behaviour;
- This was improve antisocial behaviour in this area;
- Concerns with the scale of the building in relation to the Church
- Concerns with the impact on the Church;
- Concerns that this would set a precedent for other buildings in the town to be demolished;
- Concerns with the loss of light;

Councillor Sully proposed and Councillor Tully seconded a motion for **Conditional approval** to be granted subject to a S106 agreement to secure affordable housing;

The motion was carried

At this point in the meeting a 10 minute break was proposed.

64. **41/20/0001**

Replacement of agricultural barn with the erection of home studios with agricultural storage at Burts Farmhouse Barn, East Town Lane, Tolland, Lydeard St Lawrence

Comments from members of the public included;

- The proposal has mixed usage for agricultural and business use;
- The development would mean that travel was not needed for work purposes;
- Materials would be agricultural in style and not domestic appearance;
- The development does not affect the landscape
- Local support for the development;
- There is already an existing building on site;
- The new building though slightly bigger would be less unsightly;

Comments from Members included;

- The building would be used for business use only;
- The building was obscure from public sight;
- Sustainable development;
- This would reduce the carbon footprint;
- The only increase would be the roof height, not the foot print;
- The development was a blot on the landscape;
- Policy DM2 needed to be adhered to;
- The development was detrimental to our Core Strategy
- This was not a domestic building as per Office report;

At this point in the meeting a 30 minute was proposed and seconded

Councillor Sully proposed and Councillor Habgood seconded a motion for the application to be **APPROVED** against office recommendation and our Policy;

The motion was lost

Councillor Lloyd proposed and Councillor Buller seconded a motion for the application to be **REFUSED** as per officer recommendation with the words domestic removed from the refusal decision;

The motion was carried

Councillor Perry joined the meeting for this application but was unable to vote as he was not present for the start of the application.

65. **3/26/19/024**

At this point in the discussion an extension of 30 minutes was proposed and seconded

Outline planning application with all matters reserved except for access for the erection of 14 No. dwellings on land to the rear Land north of Huish Lane, Washford, Old Cleeve

Comments made by members of the public included;

- The application conflicts with Policy SC1;
- Concerns that the north east side of Washford has already taken the bulk of new development with schemes already approved at Huish Mews and the former Nursery site;
- An alternative site is available at Station Road which has the support of consultees and was the preferred option for the Parish Council;
- The development would deliver 5 affordable homes on-site;
- The development would help the Council maintain a five year supply of housing sites;
- The development can be delivered in a manner that safeguards the amenity and privacy of local residents;
- The development would not exceed the 31-31 homes over the plan period;
- The creation of 14 new households will help to support the viability of local businesses and facilities in the village;
- There are no objections from technical consultees;

Comments made by Members included;

- Concerns that this was a green field site with no facilities in the village;
- Concerns that this development would triple the amount of housing in Washford;
- This application was against Policy SC1;
- The Parish Council did not support the development;

At this point in the discussion an extension of 30 minutes was proposed and seconded

- No objections were received from local residents;
- Concerns with the impact on Washford;
- Back land development not sustainable;

Councillor Lithgow proposed and Councillor Sully seconded a motion for the application to be **REFUSED** against officer recommendation;

Reasons

The proposed quantum of development does not meet stipulations in policy SC1.2 of the adopted West Somerset Local Plan to 2032 for limited development. It is not considered that the provision of new affordable housing as a planning benefit would outweigh the policy conflicts;

The motion was carried.

At this point in the meeting a 30 minute extension and a 10 minute break was proposed.

66. **3/21/19/034**

Demolition of commercial laundry building to construct 7 apartments and 164sqm of retail/financial and professional services, café/office (A1, A2, A3, B1) with associated cycle parking, refuse facilities, infrastructure and landscaping Julians Laundry, Market House Lane, Minehead

Comments made by members of the public included;

- The demand for commercial laundry facilities has increased and our small aged premises has become unsuitable for commercial laundry use;
- Important that the business remains in Minehead;
- The business will create additional employment;
- This modern development will allow us to reduce our carbon footprint;
- The development will enhance the look of the immediate area as the existing building has become dated and in poor condition and no longer serves a useful purpose;
- The proposal was a car free development located less than a 2 minute walk of local shops and facilities;
- The development was bring back to use a brown field site and will also be providing good quality residential accommodation;
- The proposal will vastly improve and retain the appearance and character of this part of Minehead's central conservation area;

Comments made by Members included;

- Concerns with the ease elevation;
- The architecture was not in keeping with the area;
- Not sympathetic to the conservation area;
- Concerns that the shape of the windows were out of keeping;
- Concerns with the lack of affordable housing;
- Concerns with the access to the site;
- The development meets the housing need in Minehead;
- Great idea that the development is combining employment with accommodation;

At this point in the meeting a 30 minutes extension was proposed;

Councillor Aldridge proposed and Councillor Whetlor seconded a **DEFERRAL** of the application;

The motion was lost

Councillor Buller proposed and Councillor Coles seconded a motion for the application to be **APPROVED** as per officer recommendation;

The motion was carried

67. Latest appeals and decisions received

Latest Appeals and decisions noted

(The Meeting ended at 6.58 pm)

SWT Planning Committee - 3 September 2020 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Karen Wray (Planning Specialists), Martin Evans (Shape Legal Partnership) and Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.00 pm)

68. **Apologies**

Apologies were received from Councillor Morgan

69. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the previous meetings of the Planning Committees to follow.)

70. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr M Blaker	49/20/0032	Ward member of Wiveliscombe. Discretion not fettered.	Personal	Spoke and Voted

71. **Public Participation**

Application No.	Name	Position	Stance
49/20/0032	Mr T Rodway	Rodway Planning Ward Member	In Favour
	Cllr Mansell		Objecting

72. **49/20/0032**

Construction of first floor for guest accommodation, external changes to fenestration (including roof lights) and installation of external staircase at the shoot facility located south of New Road (B3227), Wiveliscombe (retentions of works already undertaken)

Comments from members of the public included;

- The shooting lodge now proposed and built is different to the original 2018 application;
- The lodge now consisted of a whole additional floor with ten luxury en-suite double bedrooms for shooters (not beaters) and a new mirrored fully equipped exercise room;
- Nearby homes will suffer disturbance from increased shooting activity;
- Concerns with the impact from alien game birds being released into the area;
- Concerns with the impact on the natural environment and local biodiversity;
- Concerns that the lodge will reduce the potential demand for guest accommodation in the area;
- Overnight accommodation will result in less vehicle movement by guests;
- The facility will provide an important local benefit and is a key contributor to the local economy;
- Local businesses and suppliers are used where possible;
- The shoot provides employment to 48 local people;

Comments made by Members included;

- This was a sustainable development;
- More diversity was needed in the countryside;
- This was an important part of our local economy and a good seasonal venue;
- Covers all of the biodiversity issues;
- Pleased that local suppliers are used for the shoot;

Councillor Sully proposed and Councillor Tully seconded a motion for the application to be **APPROVED** with the firming up of the wording of the shoot times delegated to officers;

The motion was carried

73. **Latest appeals and decisions received**

Appeals and decisions noted

(The Meeting ended at 2.11 pm)

SWT Planning Committee - 17 September 2020 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Sue Buller, Dixie Darch, Roger Habgood, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Michael Hicks (Planning Specialist), Abigail James (Planning Specialist) Amy Tregellas (Monitoring Officer) and Tracey Meadows (Democracy and Governance)

(The meeting commenced at 1.00 pm)

7. Apologies

No apologies were received from Councillors. Councillor Habgood joined the meeting at 13:52

8. Minutes of the previous meetings to follow

Minutes of the previous meeting to follow.

9. Public Participation

Application No.	Name	Position	Stance
05/20/0027	Sarah Greenslade Shaun Grinter Cecile Stacey Mr and Mrs Grinter	Local Residents	Objecting
38/20/0151	Collier Planning	Architects	In favour

10. 05/20/0027

Items 5 and 6 were presented together but voted on separately

Replacement of summer house and construction of gazebo at Rumwell Park, Wellington Road, Rumwell

Comments by members of the public included;

- The use of Rumwell Park and the impact of this use on amenity in relation to the proposed gazebo;
- The design of the proposed gazebo;
- Concerns with frequent arrivals and departures of large numbers of cars;

- Increased traffic movements;
- Concerns with very loud parties throughout the day and often continuing into the early hours;
- Concerns with the large piles of rubbish following departure at the entrance to the site;
- Rumwell Park fell outside the definition of class C3 for short term commercial letting;

Comments by Members included;

- Concerns with noise etc. can be dealt with by other means;
- Concerns with the loss of light for the neighbours in the Courtyard;
- Concerns with the noise, traffic and parking on the site;

Councillor Lithgow proposed and Councillor Hill seconded a motion for the application to be **Conditional Approved** as per officer recommendation;

The motion was carried

11. **05/20/0028/LB**

Replacement of summer house and construction of gazebo at Rumwell Park, Wellington Road, Rumwell

Councillor Lithgow proposed and Councillor Hill seconded a motion for the application to be **Conditional Approved** as per officer recommendation;

The motion was carried

12. **38/20/0151**

Conversion of terrace building (part of former Police Station) into 6 No. dwellings at Burton Place, Taunton

Comments by members of the public included;

- This development was an important first phase to kick start the former Police Station development;
- The development was an important brownfield, town centre site;
- The development was fully supported by the Development Plan and National Planning Policy;
- The development was a highly sustainable and accessible location, a wide range of services, facilities and employment opportunities is easily accessible by a choice of non-car modes of transport, including walking, cycling and public transport;
- No objections from statutory consultees;

Comments by Members included;

- Happy that a brownfield site was being developed;
- Car parking was not required on this site due to its accessible location to the town;
- Concerns with the ecology report regarding Horseshoe Bats on site;
- Concerns with parking permits not being issued on the site and the challenge to SCC;
- Good use of the building as the present site is an eyesore;
- The site was not suitable for family homes due to the lack of outside amenity space;
- The development would be more suitable for retirement apartments;

Councillor Aldridge proposed and Councillor Buller seconded a motion for **Conditional approval** with amendments to condition 3 and a new Condition requiring a bat survey of the existing building;

The motion was carried

Councillor Lithgow proposed and Councillor Hill seconded a motion for the application to be approved with the amendments proposed;

The motion was carried.

13. **43/20/0061**

Change of use of land to domestic at the side of 21 Sylvan Road, Wellington (resubmission of 43/19/0103)

Application **DEFERRED**

14. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 2.57 pm)

Officer: Simon Fox Date: 25 September 2020
Report agreed (PPO/APM): Date:
Chair/Vice Chair – (If Applicable): Agree to delegation: Date:

Application Number: 42/20/0031
 Committee Date:
 Expiry Date: 02 October 2020
 Extended Expiry Date:
 Earliest Decision Date: 13 July 2020
 Final Decision Level:
 Decision Type: CA

Somerset West and Taunton

Planning Officer's Report and Recommendations

Applicant: VISTRY AND LIVEWEST

Description of Development

Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 75 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works with additional details as required by Condition No's 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land at Comeytrowe/Trull

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

DrNo PL-VI-01 RevA	Site Location Plan
DrNo PL-VI-02 RevB	Site Context Plan
DrNo PL-VI-03 RevH	Planning Layout
DrNo PL-VI-04 RevD	Materials Plan
PL-VI-04.1 RevB	Materials Plan Specification
DrNo PL-VI-05 RevD	Boundary Treatments plan
DrNo PL-VI-05.1 RevB	Boundary Treatments
AC-VI-03 RevG	Accommodation Schedule
SS-VI-01 RevB	Street Scenes and Sections

DrNo HT-H1a-G-S224-01RevB	Gateway Frontage – S224
DrNo HT-H1a-G-X306-01RevB	Gateway Frontage – X306
DrNo HT-H1a-G-X306-05	Gateway Frontage – X307
DrNo HT-H1a-G-X307-01RevC	Gateway Frontage – X307
DrNo HT-H1a-G-X307C-01RevB	Gateway Frontage – X307C
DrNo HT-H1a-G-X307C-05	Gateway Frontage – X307C
DrNo HT-H1a-G-X309-01RevD	Gateway Frontage – X309

DrNo HT-H1a-G-X309-02	Gateway Frontage – X309
DrNo HT-H1a-G-X309-03	Gateway Frontage – X309
DrNo HT-H1a-G-X413-01RevC	Gateway Frontage – X413
DrNo HT-H1a-G-X413-02	Gateway Frontage – X414
DrNo HT-H1a-G-X414-01RevD	Gateway Frontage – X414
DrNo HT-H1a-G-X 414-03 RevA	Gateway Frontage – X414
DrNo HT-H1a-P-X204-01RevB	Primary Frontage – X204
DrNo HT-H1a-P-X306-02RevB	Primary Frontage – X306
DrNo HT-H1a-P-X306-06RevB	Primary Frontage – X306
DrNo HT-H1a-P-X307C-04 RevA	Primary Frontage – X307C
DrNo HT-H1a-S-A10L-01	Secondary Frontage – A10L
DrNo HT-H1a-S-X204-02RevB	Secondary Frontage – X204
DrNo HT-H1a-S-S224-02RevC	Secondary Frontage – S224
DrNo HT-H1a-S-X306-03RevD	Secondary Frontage – X306
DrNo HT-H1a-S-X306-04RevB	Secondary Frontage – X306
DrNo HT-H1a-S-X306G-02RevB	Secondary Frontage –X306G
DrNo HT-H1a-S-X306G-03RevB	Secondary Frontage – X306G
DrNo HT-H1a-S-S325-01RevB	Secondary Frontage – S325
DrNo HT-H1a-S-S325-02RevB	Secondary Frontage – S325
DrNo HT-H1a-S-X307-02RevB	Secondary Frontage – X307
DrNo HT-H1a-S-X307-03RevB	Secondary Frontage – X307
DrNo HT-H1a-S-X307C-02RevB	Secondary Frontage – X307C
DrNo HT-H1a-S-X307C-03RevB	Secondary Frontage – X307C
DrNo HT-VI-GAR-01	Single Garage
DrNo HT-VI-GAR-02	Double Garage Double Owner
DrNo HT-VI-GAR-03	Double Garage Extended

DrNo BR-L-N1-PL210 Rev E	Planting Plan Layout
DrNo BR-L-N1-PL211 Rev E	Planting Plan Sheet 1
DrNo BR-L-N1-PL212 Rev E	Planting Plan Sheet 2
BR-L-N1-PL101 RevB	Tree Layers Plan Strategy
BR-L-N1-PL102 RevB	Central Key Space
BR-L-N1-PL103	Gateway Key Space

DrNo 02-ATR-1001 RevB	Fire Tender Tracking Plan
DrNo 02-ATR-1101 RevB	Refuse Vehicle Tracking Plan
DrNo 02-DR-1001 RevA	Preliminary Drainage Layout
DrNo 02-GA-1001 RevA	Preliminary Highway Levels Plan 1
DrNo 02-GA-1002 RevA	Preliminary Highway Levels Plan 2
DrNo 02-GA-1101 RevA	Preliminary Adoption Plan
DrNo 02-GA-1201 RevA	Preliminary Junction Visibility
DrNo 02-RP-1001 RevA	Preliminary Road Profile 1
DrNo 02-RP-1002 RevA	Preliminary Road Profile 2

Energy and Sustainability Statement, AES Sustainability Consultants Ltd, July 202

Drainage Statement, awp, May 2020 1033 Rev A

Planning Statement

H1a Compliance Statement, COM-VI-01

Western Neighbourhood Master Plan and Design Guide, (incl. Appearance Palette), March 2020

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

2. Prior to the construction of the buildings above damp proof course level (dpc), samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building/area.

3. Prior to the construction above base course level of the roads, footways and cycleways shown on the approved plans, a hard landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of the hard surface treatment of the roads, footways, cycleways, driveways and paths and a programme of implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area.

Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
3. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

Proposal

Reserved matters approval is sought, for the appearance, landscape, layout and scale of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, incidental public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1a-Vistry/LiveWest) on land at Comeytrove/Trull.

This is the second reserved matters approval sought in relation to the appearance, landscape, layout and scale of housing at this strategic site. Councillors will recall considering application 42/20/0006 seeking 70 dwellings on a neighbouring parcel (H1b-Taylor Wimpey) with that permission being issued in July 20. The residential

schemes follow the approval by committee of reserved matters relating to strategic infrastructure for the western neighbourhood, ref 42/19/0053.

The outline application, ref 42/14/0069, for this 2000 dwelling development was accompanied by a viability assessment, which made assumptions around the costs and timescales for delivery of this strategic site, with the delivery of affordable housing being agreed at 17.5%. However, it is noted that following the allocation of funding by Homes England, affordable provision across the site is being supplemented with 'additionality' affordable units raising affordable housing delivery to a total of 35% across the urban extension.

This parcel contain such 'additionality' units. This does mean the developer is under stringent timescales to get the additional affordable homes consented and constructed by LiveWest ahead of the Government's funding deadline. The applicant team advises that in real terms this means that every month the development is delayed, a further 4 additional affordable plots on the site will be lost. For this reason they are obviously very keen for the RM decision for Phase H1A to be issued without delay.

The 76 dwellings comprise 2, 3 and 4-bed houses and also 1 bed flats (50 market, 26 affordable). 14 affordable units are secured via the s106 and 12 units represent the 'additionality' units.

Parcel H1a is located on the periphery of the site sharing its north-eastern boundary with the A38 and its north-western boundary with the residential property formally known as The Croft, which has been demolished and is in the process of being replaced with four dwellinghouses (ref 05/11/0042). The eastern boundary adjoins the approved H1b parcel and also parcel H1c which is still to be designed and submitted as a Reserved Matters application. The western and southern boundaries will adjoin the new A38 Gateway roundabout and spine road respectively.

A new play area within an area of open space is to be located to the north-east of parcel H1a.

The principle and layout (within the western neighbourhood) inclusive of street hierarchy and cycle paths were approved as part of the Outline (42/14/0069) and Infrastructure Reserved Matters (42/19/0053) consents. In order to ensure the safety of cyclists, parking has been provided in rear access courts for properties on the northern side of the primary spine road.

To the west of the parcel the existing public footpath travels in a north-south direction, this footpath was incorporated into the now approved layout for parcel H1b.

The proposed dwellings are all two-storey houses save for three pairs of dwellings which are 2½ storey containing dormer windows and one 2-storey building which is split into two flats. The 2½ storey dwellings are located in key positions to add variety to the urban form in line with the Design Guide.

The proposed dwellings consist of a mixture of detached, semi-detached and terraced properties. The majority of dwellings are of a simple rectangular floorplan with pitched roofs. All dwellings have allocated parking as well as cycle storage in shed or garages.

Landscaping is proposed within the parcel including trees on all streets, hedges to

provide boundaries, landscaping within parking courts and vertical planting.

Since submission a number of amendments to plans have been sought and submitted. In summary this includes additional detailing to the proposed dwellings, amendments to better respond to urban design principles and improvements to proposed landscaping.

Site Description

Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use urban extension at Comeytrowe/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrowe to the north and north-east and the farmland of Higher Comeytrowe Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

The area submitted for approval with this application comprises parcel H1a of the site and is the only residential parcel that sits exclusively within the parish of Bishops Hull. The remainder of residential parcels fall within Trull parish.

The site slopes from the north-east to the south west and increases in elevation to the A38. The hedgerow that bordered the A38 has been removed to allow the roundabout works and will be replaced in time with a landscape buffer, already approved. This parcel is separated to parcel H1b by way of a hedgerow, which has been incorporated into the proposed layout. It also acts as defining feature of a Right of Way situated to the eastern boundary of this parcel and providing a footpath link between the junction of the A38/Jeffreys Way to the north and Higher Comeytrowe farm to the south.

There is existing landscaping to the boundary with the site known as The Croft. There are no trees of note within this parcel.

Relevant Planning History

Ref. 42/14/0069 - Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrowe/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility - Approved 8 August 2019.

Ref. 42/14/0042 – Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull – Approved 9 August 2019

Ref. 42/19/0053 - Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads;

green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrowe/Trull - Approved 18 March 2020.

Ref. 42/20/0005/DM - Prior notification of proposed demolition of chicken coops on land south west of Taunton - No objection subject to conditions 21 February 2020.

Ref. 42/20/0006 - Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase 1a Parcel H1b) on land at Comeytrowe/Trull - Approved 22 July 2020.

Ref. 42/20/0022/FPD - Footpath Diversion Application Public Footpath reference T29/11 South West Taunton Comeytrowe. Concurrent application still under consideration.

Ref. 42/20/0024 - Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrowe/Trull - Currently deemed invalid.

Ref. 42/20/0042 – Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrowe/Trull - Currently deemed invalid.

Ref. 42/20/0043 - Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrowe/Trull – Pending.

Consultation Responses

A summary is given, all consultee responses are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

BISHOP'S HULL PARISH COUNCIL – Objection:

- With the previous application for pumping station (42/20/0024) being deemed invalid, surely no development can proceed until the issue of drainage is resolved?
- No public open space, play provision or local amenities provided for the proposed new 75 houses or for the previous 70 house (42/20/0006)

Previous objections are reiterated concerning the spine road completion, the need for the school and adequate measures to prevent flooding.

COMEYTROWE PARISH COUNCIL – Objection:

- There is insufficient buffer/protection between the proposed development site and the existing adjacent property. It is worrying that this may set a precedent for the next phases where the development site adjoins existing properties where no 'green zone' has been detailed on the plans.
- It should be noted that the original outline application detailed these areas as residential, to include play parks, green areas, appropriate landscaping, etc., however, these green elements seem no longer included within the detailed scheme. This is an important aspect of the design that is critical in protecting the privacy and wellbeing of residents.

Previous objections are offered as continuously relevant concerning the density of housing on higher areas of land, the need for an all through school, reference to the climate emergency, removal of hedgerows, no EIA, no hilltop parks, the spine road completion, the need for the school, adequate measures to prevent flooding, enforcement of planning conditions and the impact on the local area requires consideration.

TRULL PARISH COUNCIL – Objection:

- “Despite the apparent deadline for comments online there are not yet any responses from key internal consultees such as the Placemaking Specialist and the LLFA, both of whom objected initially to application 42/20/0006 for the first parcel of houses (the Placemaking Specialist maintained her objections despite some amendments to the plans). It is impossible for the public and Parish Councils to comment meaningfully without all the information being made available to them”.
- The site requires an updated EIA.
- Conditions of the outline permission remain to be completed despite the assurances from the applicants.
- The District Council has an obligation to follow the guidance on garden town planning.
- The houses are not distinctive.
- The key space is insufficient.
- The houses should be future proofed.
- Emails concerning the validation of the application should be reinstated online.

ENVIRONMENT AGENCY – No objection on flood grounds.

LEAD LOCAL FLOOD AUTHORITY - Satisfied with the proposals.

HISTORIC ENGLAND – No detailed comments to make, refer to SWT Conservation Specialist to ensure all opportunities have been taken to mitigate potential impacts on designated heritage assets including listed buildings.

HIGHWAYS ENGLAND – No objection

SCC - TRANSPORT DEVELOPMENT GROUP – Comments:

The proposed layout is broadly acceptable but detailed points made concerning street tree detail, surfaces, tactile paved crossing, gradients, retaining walls, drainage will need to be considered by the developer as part of their technical highways submission.

SCC RIGHTS OF WAY – No objection:

An Informative note is requested to advise proposed works must not encroach on the right of way.

NATURAL ENGLAND – No objection, refer to standing advice.

PLACEMAKING SPECIALIST– Objection.

- Considers the scheme to be not of a high enough standard of design quality for this gateway frontage and does not meet the design tests set out in the NPPF, National Design Guide, or the Taunton Garden Town Vision and Taunton Garden Town Charter & Checklist. It also does not comply with the design requirements set out for this parcel in the approved Neighbourhood Design Guide for this development.

- “The approved Neighbourhood Design Guide for this development requires distinctive local identity that interprets the character of Taunton, a positive arrival experience that reflects the vision for the new garden community, traditional building forms, well-proportioned solid to void ratio featuring vertical emphasis, high quality materials. The contextual analysis shows 19th Century Victorian houses and the illustrative proposed houses for the Gateway frontage as well designed classical buildings incorporating vertical proportions and sash windows”.
- Key issues include
 - The proposed house designs are standard ‘anywhere’ types merely adapted and do not reflect local traditional house forms shown by the developers as being the identity of Taunton. This will not provide a distinctive local identity.
 - The Neighbourhood Design Guide states that the house types for this parcel should be well-proportioned traditional building forms with vertical proportions. This has not been carried to reflect local character and identity.
 - There is insufficient design definition between key buildings and normal buildings. This will give a lack of legibility and will produce repetitious and undifferentiated street scenes.
 - There is little roofscape interest. Roofscape interest in long distance views is a specified requirement for this development parcel. This needs a greater variation in the height of buildings and the provision of features such as chimneys, cowls etc.
 - 95% of houses have no boundary treatment specified to their frontages. Low level hedge with railing is a specified requirement generally for all plots in this development parcel.
 - The proposed materials are not high quality materials. In particular, reconstituted stone is wholly unacceptable given the proliferation of local building stones. Local stone needs to be used throughout the parcel (not just to buildings on the frontage).
 - Strong advocacy to refer the application to a Design Panel.

LANDSCAPE – Comments

Verbal discussion - The inclusion of more oak along the eastern boundary is necessary. Remove division of the eastern POS by hedging. Detail of trees in hardstanding required.

BLACKDOWN HILLS AONB – No comments to make.

TREE OFFICER – Comments:

Suggested tree species changes.

[officer comment – these changes have been made]

HOUSING ENABLING – No objections raised.

“The developer is required to deliver 17.5% affordable homes on this site under the S106 Agreement. The 13 affordable homes proposed is 17.33% of the total 75 homes. The final percentage of affordable homes across the whole site must be 17.5% of the total homes delivered. This will be monitored in the subsequent phases of this development.

This proposal undertakes to provide a further 17.3% (13) affordable homes through additional funding from Homes England. This additional affordable housing brings the percentage of affordable housing to be delivered on the site to almost 35% which is welcomed.

The tenure split of all 26 affordable homes will reflect the tenure split agreed in the S106 agreement i.e. 60% affordable rent and 40% shared ownership.

The affordable housing layout and proposed tenure plan (as shown on drawing AC-V1-O3d Vistry H1a dated March 2020) is evenly distributed across the site in small clusters so as to be an integral part of the development and will not be visually distinguishable from the market housing on site.

The type and size of the affordable housing units to be provided reflect the distribution of property types and sizes in the overall development. The unit sizes have been assessed by Somerset West and Taunton against the requirements set out in Policy D10 in the Taunton Deane Adopted Site Allocations and Development Management Plan. All units sizes either meet or exceed the minimum internal floor space requirements.

The Housing Association associated with this development is LiveWest which is one of Somerset West and Taunton's preferred partners".

AVON AND SOMERSET CONSTABULARY – Comments:

Rear gates would be advisable for rear access paths and increased overlooking of parking courts is desirable.

[officer comment – these changes have been made}

Comments have yet to be received from the following:

- Somerset Waste Partnership
- SWT Community Protection
- SWT Conservation Officer
- Ecologist
- Wessex Water

An update will be given at the committee meeting. In discussion with the Principal Planning Specialist it was felt expedient to continue to issue the report for the agenda as these particular consultees are unlikely to raise objection given the application follows the principles and approach already approved by the outline and the first parcel H1b.

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 6 representations from 5 members of the public.

A summary is given, all responses from the general public are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

The comments made can be summarised as follows:-

- "The roads cannot cope with even more dwellings".
- "Drainage with associated infrastructure? We all know that this is not right".
- Drainage statement discrepancies.
- Discrepancies with the application form and validation process.
- The plan doesn't show The Croft development or any landscaping important for privacy.
- "The proposed layout delivers a harsh and unsympathetic boundary between new development and properties to the north. It creates a stark and unmitigated transition between the established low density residential area to the north of which development at The Croft forms a part and the higher density suburban development of the new urban extension".
- "The proposed layout does not appear to respond to mature trees that substantially overhang the application site from land to the north (The Croft)".

- Affordable housing should be tenure blind.
- An updated EIA should be undertaken.
- Climate emergency.
- There are no LEAPS or NEAPS on this plot.
- Concern regarding hedgerow removal.
- No up to date tree or ecology surveys.
- Procedural point concerning consultation.
- Potential red line discrepancy.
- Comments regarding conditions and triggers.

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.

SD1 - Presumption in favour of sustainable development,
 CP1 - Climate change,
 CP4 - Housing,
 CP5 - Inclusive communities,
 CP6 - Transport and accessibility,
 CP7 - Infrastructure,
 CP8 - Environment,
 SP2 - Realising the vision for Taunton,
 SS7 - Comeytrowe / Trull - Broad Location for Growth,
 DM1 - General requirements,
 DM4 - Design,
 DM5 - Use of resources and sustainable design,
 A1 - Parking Requirements,
 A2 - Travel Planning,
 A3 - Cycle network,
 A5 - Accessibility of development,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 ENV2 - Tree planting within new developments,
 ENV3 - Special Landscape Features,
 I4 - Water infrastructure,
 D7 - Design quality,
 D8 - Safety,
 D9 - A Co-Ordinated Approach to Dev and Highway Plan,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 TAU1 - Comeytrowe / Trull,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed development measures approx. 7332sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £513,250.00. With index linking this increases to approximately £729,000.00. Exemptions for affordable housing will see this figure reduce.

Determining issues and considerations

The Scope of this application

This application seeks approval of reserved matters, namely the appearance, landscaping, scale and layout of the parcel in question. Means of access to the whole Comeytrove site was approved via the outline application.

Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that the reserved matters deals with some or all of the outstanding details of the outline application proposal, including:

- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development
- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- scale - includes information on the size of the development, including the height, width and length of each proposed building

The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.

Councillors will recall a great deal of discussion regarding the scope of a reserved matters application at the meeting of 9th July 2020 when the adjoining Taylor Wimpey parcel H1b (42/20/0006) was approved. Matters such as Taunton's Garden Town status, climate change, the Council's five year land supply, development viability and sustainable development all being matters discussed at length. Those matters could likely be raised again in conjunction with this application and so Councillors may find it beneficial to revisit the webcast for that meeting to refresh themselves on the officer advice at that time which remains germane to this application and indeed all the future reserved matters applications at Comeytrove Urban Extension. The webcast can be viewed here:

<https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=330>

Principle of development of the site

The principle of developing this site to provide an urban extension has been

established by the outline approval. This reserved matters application seek approval for detailed matters in relation to layout, scale, appearance and landscaping and as explained above consideration is limited to these issues.

Environmental Impact Assessment (EIA)

A full and detailed Environmental Statement was submitted with the Outline application, and officer opinion is that there is no need for this to be updated as there has been no significant change to the status of the land nor any other relevant factors since the outline consent was granted. Indeed it is understood that members of the public also wrote to the SoS to say they considered the H1b application should require a new ES. However, the SoS confirmed officers view that no update was required.

Negotiated Amendments

In accordance with paragraphs 38-46 of the NPPF, officers have worked proactively with the applicants to secure improvements to the proposal. A number of design changes have been secured over two sets of amended plans.

These can be summarised as increased or improved detailing, changes to fenestration, improvement to the design of key buildings, changes to finishing materials, revised boundary treatments, landscaping changes, increased surveillance of parking courts, and the inclusion of gates to rear access paths.

Layout, Design and Appearance

Core Strategy Policy DM4 Design, Site Allocations & Development Management Plan (SADMP) Policy D7 Design Quality and Section 12 (Achieving well designed places), together with paragraphs 124-132 of the NPPF and the National Design Guide are relevant. The Garden Town vision document, Charter and Checklist and the Somerset West and Taunton Design Guide consultation draft are also material considerations albeit with limited weight given the existence of the outline approval.

Given the strategic nature of this site, the design process is taking place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with parameter plans setting expectations regarding access and movement, green infrastructure, scale, density and land use as part of the approval.

A condition (4) on the Outline application required the submission of a Site-specific Neighbourhood Masterplan and Design Guide. This document is intended to build on the approved parameter plans and provide a more detailed framework against which mid-level matters of design such as the proposed arrangement of development blocks, streets and spaces can be assessed. A Neighbourhood Design Guide for the Western Neighbourhood (Neighbourhood Design Guide) was discharged in March 2020 after several months of negotiations.

An Appearance Palette is also required by Outline condition (5) for each parcel. This in turn builds on the Neighbourhood Design Guide and provides a framework to assess narrower design considerations such as building design, building materials, surface materials, street furniture and tree species. An Appearance Palette for parcels H1a and H1b was submitted as part of the Neighbourhood Design Guide (pages 168-179) and was likewise discharged in March 2020.

These plans and documents further inform how the reserved matters should be considered.

This application is accompanied by a Compliance Statement setting out how the applicant believes the proposal accords with the parameter plans, Neighbourhood Design Guide and Appearance Palette.

- *Context and Site*

Principles relating to site setting, landscape integration and mix of land uses were established at Outline stage and where appropriate secured through parameter plans.

This application now under consideration provides housing, including affordable housing, within the context of established principles. The proposed layout is in accordance with the approved parameter plan for land use.

- *Structure*

Principles relating to the strategic network of green infrastructure, access and movement, appropriate density and heights were established at Outline stage and secured through parameter plans. The proposed layout is in accordance with these.

The Comeytrowe urban extension will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line with the Garden Town Vision. Much of this green infrastructure was approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots.

The SWT Design Guide states that the creation of a design concept, to identify key groupings, focal points/features, character areas, and street and space hierarchy is a very important stage in the design process. The Neighbourhood Design Guide sets out a framework regarding the creation of character areas and nodes, key frontages and groupings development of principles on development blocks, density and height ranges, development block structure, and street and space hierarchy for the Western Neighbourhood.

- *Design Detail*

The approach to parcel H1a has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them at the 09 July 2020 meeting in resolving to approve the application for H1b despite several design facets remaining problematic to officers and councilors alike. It was apparent the committee, as the decision-maker, attributed weight to a wide range of issues in making a decision based on the planning balance.

The parcel contains design facets to continue the approach in H1b and also respond to the suite of design documents:

- The parcel is at a lower density to parcel H1b, reflecting its site edge location. Several 2½ storey properties are included as key buildings to add variety and legibility. Councilors will recall the density and heights of buildings are set out in the parameters plans and show a gradual intensification as you move towards the local centre and away from higher points of the site.
- Continuation of the primary frontage treatment, rendered key buildings and railings with the short section of the spine road and cycle way
- A varied roofscape informed by the natural topography and stepped rooflines, but also some dormers on key buildings and chimneys, interspersed with tree canopies.
- Implementation of the street hierarchy including shared surfaces and private

drives.

- Key transition spaces at the Gateway and Central area.
- Comprehensive landscaping, through street trees, hedging and frontage shrub planting.
- Private rear amenity space within acceptably sized gardens.
- Where rear gardens adjoin the public realm brick walls are used (rather than fencing) to provide additional security and enhance the quality of the street scene.
- Dwellings to be finished in render, red brick and yellow brick with stone dressings as per parcel H1b but also the introduction of grey reconstructed stone on several key buildings fronting the A38 and new roundabout.
- The use of roman tiles, plain tiles and natural slate (on the primary frontage to tie into parcel H1b) ensure the visual impact of the urban extension when viewed from sensitive areas is minimised.
- The use of casement windows throughout as per H1b, with the introduction of ground floor bay windows for visual interest in key locations, and added light to the recipient habitable rooms.

Whilst the principle of the type and distribution of materials is agreeable (i.e. the choice of red brick, buff brick, slate etc) it should be noted that at the time of writing this report officers had yet to see specific samples of the proposed building materials. As such a condition is proposed (2) requiring that these be submitted.

- *Objections from the Placemaking Specialist*

The matters causing the objection outlined in the consultation section of this report fall largely to the use of what is described by the Placemaking Specialist as 'anywhere' standard house types only. This leads to criticism regarding the lack of identity and local character, variety and design definition, and little roofscape interest. Additional points of concern relate to the lack of frontage boundary treatments to all dwellings and an opinion on the quality of materials, and in particular the use of reconstructed stone.

- *Response to the Placemaking Specialist's objections*

There is an objection to the proposed dwelling typologies on the grounds that they do not represent "traditional building form". This was similarly challenged on parcel H1b and the committee were reminded that the viability exercise that was carried out at the Outline stage assumed that the site would have standard build costs, which would assume the use of a standard house type product.

The applicant has through amended plans responded in part to ensure the elevations are designed to reference the local character of Taunton, with detailing and materials interpreted from their studies in and around Taunton.

With regards to the roofscape, it is varied to an extent due to the topography of the site and stepped rooflines, a mixture of roof materials and chimneys adds interest; more chimneys have been added through the amended plans. Tree planting will also help contain and disrupt built form.

Reference is made to the use of reconstructed stone rather than natural stone on several units within the Gateway Frontage. The Placemaking Specialist contends that the applicant team has undertaken to use natural stone within the approved Appearance Palette, agreed via condition. Both sides have referred to historic discussions surrounding this issue; the applicant team is clear they have resisted the use of natural stone throughout those discussions. Indeed the Appearance Palette in question merely states 'stone'. The **Page 42** of needing to agree that document to

unlock the submission of the first set of Reserved Matters applications led to the matter being deferred until now.

The applicant team point to the fact that reconstructed stone is a very good alternative to natural stone, that natural stone is significantly more expensive and will increase the build time on site through increased labour time and the risks associated with local skill shortages, and ensuring a sufficient supply of natural stone is available. These risks and costs are something the applicant team say they cannot afford. They stress to deliver the Urban Extension they will need to ensure that the scheme remains financially viable, something that has become even more acute in light of COVID-19 and the economic downturn. Any delay also risks the delivery of the additional affordable units.

If Councilors were minded to refuse the application on the basis of the non-use of natural stone alone then clear and demonstrable reasons would need to be given. It is worth noting that whilst the applicant team accept and acknowledge that the Trull end of the site will command the need for natural stone to better reflect the dwelling typological in that area, there is actually very little natural stone in the context of the A38 and the Western Neighbourhood.

It is concluded that whilst desirable there is no clear and demonstrable planning reasons to refuse the application on the basis that natural stone is not used. The merits regarding the use of reconstructed stone in its place is a decision that Councillors can reach based on an assessment of visual amenity and reminded of the fact the proposed muted grey colour of the proposed reconstructed stone will help the Gateway Frontage units regress into the site rather than present a more solid and brighter frontage should more render be used instead.

There is an objection to the use of casement windows, stating sash windows, or windows with vertical proportions, would be preferred as they would be more akin to the shape of windows on Taunton's historic buildings. This objection was also made in response to 42/20/0006. Councillors concluded, in approving that application, that casements were acceptable and there is no policy basis to require an alternative window style.

The type and distribution of materials is not at dispute but concerns remain regarding the specific choices, i.e. the specific manufacturer and specification of red brick, tile etc. The specific materials will be viewed on site prior to the committee meeting and Councillors will be updated on the proposed materials detail. Until then a standard condition is proposed.

- *Refuse and Recycling*

Hardstanding for bin storage is provided to the rear of all units. Where collection cannot be made from the immediate frontage of properties designated collection points are provided a short distance from properties. Paths provide rear access for terraced properties where necessary.

- *Parking and cycle storage*

Parking is provided in a mixture of parking courts and on-plot parking (to the side or front of the dwelling). Visitor parking is also provided. The level of car parking, and size of garages, is adequate to meet the requirements for parcel H1a and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.

External storage of cycles is in garages and sheds, again this is in line with parking

standards. Where cycles are stored in sheds these are located adjacent to access gates.

Sustainability

This application for reserved matters is supported by an Energy and Sustainability Statement. The outline application did not secure additionality in terms of the sustainable construction specification over Building Regulations and this was a point of some discussion at the committee meeting of 09 July 2020 when parcel H1b was approved. The Design Guides focused on other important but often forgotten measures of sustainability such as walkable neighbourhoods, cycling infrastructure, public transport, open space inclusive of allotments, surface water management and biodiversity enhancement.

The statement sets out a fabric first approach to demand reduction which will in turn deliver a level of energy performance beyond the current Building Regulation standards whilst addressing a range of additional sustainable design considerations.

Improvements in insulation specification, efficient building services, a reduction in thermal bridging and unwanted air leakage paths and further passive design measures are reported to enable the relevant standards to be met, whilst building in low energy design and future climate resilience to the design and construction of the dwellings. It also states how water saving measures have been incorporated into the design in order to deliver a calculated water use per person which far exceeds Building Regulations requirements.

Councillors will also be keen to learn that in order to support the transition to electric vehicles, all plots with adjoining garages are intended to be provided with electric vehicle charging points.

It must be stressed that because this is a Reserved Matters application this additionality over and above what was secured at the outline stage is seen as a very positive step by the developers.

Residential Amenity

• *Impacts on Neighbours*

At present there are no existing immediate neighbours to H1a however the neighbouring site, formally known as 'The Croft' is undergoing redevelopment for 4 dwellings under reference 05/11/0042. The dwellings are not occupied. The approved plans for that development show new planting on the boundary to supplement that which already exists. The properties at The Croft site will be elevated compared to the proposed dwellings on the boundary within parcel H1 and be located at least a distance of 25m window to window. Additional planting is also shown within the parcel on the boundary to supplement that which existing and is proposed at The Croft.

A representation from the developer of The Croft has been received detailing concerns; it is considered the additional information and assessment of the boundary which identified the felling of one former large tree within The Croft site ensures no harm will result to inhabitants of parcel H1a living closest to the boundary.

Overall the combination of factors ensures an acceptable level of amenity will be afforded to all future residents.

- *Standard of amenity for proposed dwellings*

Internal floorspace and layouts meet the space standards of SADMP Policy D10. The Housing Enabler has also confirmed acceptance of the sizes and layouts of the affordable units.

There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid over-shadowing of neighbours.

Overall it is considered the proposed dwellings will provide an acceptable standard of amenity for future residents.

Impact of Heritage Assets

The outline application contained an assessment on the likely impacts to heritage assets. Now we have the precise detail within a Reserved Matters application we can compare the judgments and assumptions made then to the proposal as is now.

The outline application assessed the potential change to Rumwell Park by the construction of modern houses and access roads on the south side of the A38. It noted the separation by the A38 and acknowledged that the proposed development will not encroach on the primary setting of the house, namely its farmland, which includes aspects of designed landscaping, or the key connective views with the driveway and the A38. It would also not interfere with the relationship between the house and listed gate piers. Therefore the significance would only be effected by the change in use of farmland to the south, which forms a rural 'backdrop' to the listed building. It was concluded the potential development if built in line with the parameters plans would represent an adverse, permanent, indirect and low change, considered to be a moderate/minor effect to its significance. The outline application was obviously approved on this basis. Given the Reserved Matters is broadly in compliance with the parameter plans and given the inherent measures within the application (design and landscape) and the setting, it is considered there are no additional mitigation measures which can eliminate, reduce or otherwise offset the moderate/minor effects on the setting of Rumwell Park.

Conclusion and planning balance

The delivery of the urban extension will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area.

The principle of development of an urban extension on this site, together with access connection to the existing road network and principle drainage issues, was agreed with the outline planning permission. The reserved matters application accurately reflects and builds upon the outline approval and the approach taken in the approval of Reserved Matters on the first housing parcel H1b, adjacent to the parcel subject to this submission H1a.

The previous Reserved Matters application ref. 42/20/006, considered by Councillors, similarly raised issues of design quality, site viability and the approach that should be taken with the Reserved Matters submissions that will now be continually submitted across the whole of the Western Neighbourhood over the coming months and into 2021.

There has been engagement by the applicant's agent and officers have added value by seeking amendments to plans during the application stage, many to align with changes similarly made to parcel H1b and the valuable input from the Placemaking Specialist. A number of issues have been fully or partially resolved,

however it has not been possible to fully resolve all the issues raised. Of those issues that remain, explanations have been provided by the applicant as to why they have chosen to progress this design for a decision without making changes. The parcel contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrowe site. The wider site is delivering substantial areas of open space, including new parks and gardens, allotments, playing fields and tree planting in line with the garden town vision approved by Reserved Matters 42/19/0053.

The development consortium is building momentum by opening up the site and seeking reserved matters approval, even in uncertain times. This application would deliver housing, including affordable housing, and its positive determination in a timely manner would keep delivery of the 'additionality' affordable homes on track.

Having had regard to the representations of objection and the advice of the various consulted parties, it is considered that with regard to the planning balance the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

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

Contact Officer: Simon Fox

21/20/0009

MR A BELLAMY

Replacement of agricultural storage building with the erection of 1 No. detached dwelling with associated works at Three Ashes, Langford Common Road, Langford Budville

Location: THREE ASHES, LANGFORD COMMON ROAD, LANGFORD
BUDVILLE, WELLINGTON, TA21 0RW

Grid Reference: 310834.122583 Full Planning Permission

Recommendation**Recommended decision: Refusal**

- 1 The proposed development is outside the defined settlement limit of Langford Budville, within open countryside. The site is also located in an unsustainable location with no bus service and limited facilities within the village. It is likely that occupiers of the proposed development will be reliant on private cars to access facilities and amenities that are not available within walking vicinity of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

It is proposed to demolish an agricultural building within a small landholding and erect a 3 bed dwelling.

With the use of retaining walls the 2 storey dwelling will be set into the sloping ground with 2 1/2 sides below ground level.

The ground floor will comprise 3 en suite bedrooms and the first floor: open plan kitchen/living room, utility room, lounge, WC and storage.

The ground floor external walls will be rendered and the first floor above ground level will have horizontal timber cladding. Windows and doors will be of grey UPVC and the dwelling will be topped by a sedum and wildflower roof.

A timber decked balcony will lead from the dining area with an upper patio beyond. A Juliet balcony will also be provided off the lounge. The dwelling will be powered by PV panels on existing buildings and a passive heat retention system will be used, backed up by a ground source heat pump to provide heating and hot water.

Parking is to be provided to the side of the dwelling on a loose gravelled area and the internal access to Hilltop (the applicant's dwelling) will be stopped up so that Hilltop and the new dwelling have separate entrances.

Site Description

The application site is to the south west of Langford Budville and falls outside the settlement limits.

The site entails an agricultural building which forms part of a 3 acre holding including the applicant's home which is a detached dwelling to the east called Hilltop. Access to the site is via an existing access off the Class 3 road that leads into the village. The village playing field is opposite the access.

Relevant Planning History

21/18/0013/ENQ - Pre-application enquiry for conversion of barn to dwelling or new dwelling. Advice never provided by the LPA. This proposal is the subject of this application.

21/07/0013 - Erection of 1st floor extension over bungalow - Conditionally approved July 2007.

21/03/0026 - Erection of extension to form new roof and conservatory- Refused February 2004.

Consultation Responses

LANGFORD BUDVILLE PARISH COUNCIL - No objection to this application. We support the application.

SCC - TRANSPORT DEVELOPMENT GROUP - Recommend Standing Advice.

WESSEX WATER - No objection to the application and recommend advisory notes covering foul sewerage, new water supply connections and affected sewers/water mains.

SCC - ECOLOGY - Quantock Ecology carried out a Preliminary Roost Assessment of the application site in June 2020. This found that the barn had negligible potential for roosting bats.

As no bat activity surveys have been undertaken I have to assume the presence of light averse species. A lighting design for bats condition is recommended.

Nests characteristic of swallows were noted built on the rafters of the internal roof. Swallows are on the nest into September. A condition is recommended to ensure no demolition takes place between 1st March and 30th September inclusive unless a competent ecologist is present.

Swallows are loyal to nesting sites and have been in decline since the 1970's across Europe. The loss of barns and other shelters to accommodation has continued this decline so that recently the species has been placed on the amber list of birds of conservation concern. The design of the dwelling does not facilitate mitigation for loss of swallow nesting sites. However, the site were not occupied in May so are likely to have fallen out of use for some reason.

Representations Received

Somerset Wildlife Trust have noted the supporting Assessment from Quantock Ecology and fully support the recommendations in Section 4 of the Assessment in respect of measures for Mitigation and Enhancement. They request these recommendations are conditioned if planning permission is granted.

4 letters of representation from neighbours have been received in support of the application for the following reasons:

- Ideal location for a single dwelling
- No negative impact to the village
- The plans look interesting, the building is modest and uses ethical and environmental technology.
- Creative projects like this should be supported
- It is fully in keeping with the environment and character of the village
- The applicants have lived in the village a long time, support local events and support others well being

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.

CP8 - Environment,
CP6 - Transport and accessibility,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
DM2 - Development in the countryside,
SB1 - Settlement Boundaries,
A5 - Accessibility of development,

DM1 - General requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
CP4 - Housing,
CP1 - Climate change,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed dwelling measures approx. 195sqm

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 £24,500.00. With index linking this increases to approximately £34,750.00.

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, visual impact, residential amenity, highway safety and ecology.

Principle of development

The application site lies outside the defined settlement boundary of Langford Budville by approximately 100m. Therefore Policy SB1 within the Site Allocations and Development Management Plan (SADMP) will be relevant which states that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy Policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2.

Core Strategy Policy SP1 establishes the desire to provide sustainable development focusing development at the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within open countryside and therefore Policy DM2 shall be applied which identifies the type of development considered as acceptable within the open countryside. New open market housing is not listed under this policy. However, that does not mean to say that it should be refused as supported by appeal reference, APP/D3315/W/17/3179264. In this appeal the Inspector concluded that if a use/development is not explicitly listed under Policy DM2, it does not follow that it should be refused. Such proposals should be assessed under Policy CP8 and CP1. Therefore the principle of residential development on this site cannot be ruled out, subject to the consideration of other material considerations.

Core Strategy Policy CP8 states that unallocated greenfield land outside of

settlement boundaries will be protected and where possible enhanced. Development outside of settlement boundaries will be permitted in limited circumstances subject to a number of criteria including *"be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and provide for any necessary mitigation measures."* The proposed dwelling will replace a small timber clad agricultural building. The footprint of the dwelling will be no larger than the agricultural building and the building will be no higher with the ground floor located below ground level. The first floor would be visible but would be timber clad so would be of a similar appearance to the agricultural building. I am satisfied that the dwelling would have no greater impact on the landscape than the existing building.

Core Strategy CP1 states that proposals should result in a sustainable environment, and will be required to demonstrate that the issue of climate change has been addressed by reducing the need to travel through locational decisions. Policy A5 relates to accessibility. It states that residential development should be within walking distance of, or should have access by public transport to, a range of services and facilities.

The proposed dwelling would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are a limited number of facilities including a church, primary school, village hall, public /house restaurant although it has been reported that it has not reopened since lockdown. For other day-to-day services such as education and healthcare, occupants would have to access the nearby settlements of Taunton or Wellington. With no public transport from the village the applicant would be reliant on the private car for these services. The proposal therefore conflicts with Policies A5 and CP1.

In a similar application (07/19/0003) to erect two open market dwellings at Bradford on Tone, planning permission was refused as the site was also outside of the settlement limits, albeit again not far but was considered to be in an unsustainable location as the village had limited facilities and the walk to the bus stop was 1 km. The decision was appealed (APP/W3330/W/20/3252720) but in the decision only issue in August, the inspector dismissed the appeal. The inspector concluded *'...the appeal site is not a suitable location for new dwellings having regard to accessibility to services. It would therefore conflict with Policies SP1, SD1, DM2, CP6 and CP8 of the Core Strategy and Policies A5 and SB1 of the SADMP. These policies together and amongst other things seek sustainable development that reduces the need to travel, require residential development to be accessible by public transport, protect unallocated land and restrict development outside of defined settlement boundaries and within the open countryside'*.

Outline planning permission was granted in 2014 (21/14/0003) for the erection 8 houses to the north of the application site adjacent to the village hall. Although this site is also outside of the settlement limits, Policy DM2 does allow for 100% affordable housing developments in an open countryside location. This application related to a 50:50 mix of open market/ affordable housing. NPPF guidance para 77 does enable LPA's to support open market houses in such instances where it provides affordable housing to meet an identified need. A need for affordable housing had been demonstrated in this case to allow such development in an

unsustainable location.

The proposed development is for a single open market dwelling. Due to the limited facilities in the village and the fact there is no public bus service to the closest centres to get the majority of services, the development is in an unsustainable location. The proposal does not meet any of the criteria in the NPPF for a rural home that can be supported in such location and therefore the proposal is contrary to national and local planning policy.

Impact on character of the area

The proposed dwelling would not be dissimilar in appearance to the agricultural building. The site is almost entirely enclosed by hedgerow bordering the adjoining field and so there would be limited public views of the dwelling.

Para 79 of the NPPF supports development of homes in the countryside if they are of exceptional quality design. Although the sustainable elements of the scheme are welcomed, the design is not considered 'truly outstanding or innovative..' as set out in the NPPF.

The dwelling however through it's design, scale and siting would have no impact on the character of the area.

Amenity

Other than the applicant's dwelling, the proposed dwelling is sited over 100m from the nearest dwellings and separated by a small field bounded by hedging and the public highway. The applicants home to the west is 50m away. There will be no loss of privacy due to the distances involved.

In terms of amenity space for the occupants, SADMP Policy D12 'Amenity Space' requires a private garden to be provided for a 3 bed dwelling. Due to the construction of the dwelling into the sloping land a decked balcony will be provided off the first floor with upper patio beyond. A further patio area will envelope the ground floor along the southern and eastern elevations. Parking for cars on a loose gravel area will be to the northern side of the dwelling where there is ample space for refuse storage.

Policy D10 'Dwelling sizes' sets out that a 3 bed 6 person 2 storey dwelling should have a minimum floor space of 97sqm. The Council's Cll officer has measured the floor space to be 195 sqm.

Highway safety

The dwelling will be served by an existing access off the Class 3 road that enters the village. This access can currently be used to access the barn/adjoining field and also the applicant's dwelling Hilltop. The applicant intends to block off the internal link that enables access from this entrance to Hilltop and utilise a separate access to his home. The proposed access for the dwelling would therefore change very little in terms of usage, still serving just one dwelling and the adjoining land.

In assessing the application against the Council's car parking standards, a 3 bed

dwelling in this location would require 3 parking spaces. Although only 2 informal spaces are shown on the plan, I believe there is ample space for a third and turning space so that vehicles can enter the classified highway in forward gear. The proposal is acceptable on highway safety grounds.

Ecology

As the proposal sees the demolition of an agricultural building, an ecological report was submitted in support of the application. The Council's ecological advisor recommends no objection to the loss of this barn subject to conditions requiring the approval of the lighting scheme to the new dwelling, no demolition of the barn during the nesting season unless an ecologist is present.

The Council's advisor states that the new dwelling does not offer mitigation for the lost swallow nests found in the barn however he believes these nests had not been used by swallows for a while.

Other matters

The fact that the applicants have resided in the village for many years and are good supporters of the village is not a material planning consideration.

Conclusion

The proposed development is outside the defined settlement limit of Langford Budville, within open countryside. The site is also located in an unsustainable location with no bus service and limited facilities within the village. Occupiers of the proposed development will be totally reliant on private cars to access facilities and amenities that are not available within walking vicinity of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan and for this reason is recommended for refusal.

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

Contact Officer: Mrs K Wray

43/20/0061

MR A LANE

**Change of use of land to domestic at the side of 21 Sylvan Road, Wellington
(resubmission of 43/19/0103)**

Location: 21 SYLVAN ROAD, WELLINGTON, TA21 8EG

Grid Reference: 314309.120387

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 L01 Location Plan
(A3) DrNo P01A Proposed & Existing Plans
(A3) DrNo P03 Proposed Elevations

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

3. 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 side extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

Notes to Applicant

1. In accordance with paragraph 38 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

Change of use of land to extend domestic curtilage, including the erection of a 1.8m fence to the rear and a 0.9m fence to the front of the land. The plot is roughly triangular shaped and measures approximately 33m long by 5m wide (maximum). The plans show the existing tree would be retained.

Site Description

This application concerns a sliver of land adjacent to 21 Sylvan Road, adjacent to Birch Road as the site is on corner a plot. The area of land is currently laid to grass and open, with a mature tree and road sign near to southern edge. A pavement runs to the eastern side and the red brick boundary of the curtilage to 21 Sylvan Road to the western side.

Relevant Planning History

43/18/0087 Change of use of land to domestic curtilage on land to the side. Withdrawn 24/09/2018.

43/19/0103 Change of use of land to domestic at the side. Withdrawn 23/01/2020.

43/13/0140 Change of use of land to be incorporated into domestic curtilage at 23 Sylvan Road. Conditional Approval 14/01/2014.

Consultation Responses

WELLINGTON TOWN COUNCIL - to refuse the application for the following reasons:

- The application was felt to compromise road safety
- The fence is over-large as well as being in a vehicular blind-spot
- The area is generally an open-plan estate, and this application is out of keeping
- It was surprising that the application had been allowed to proceed with the current proposals given the severe appearance of the proposed fencing
- The County Highways team object to the application due to their strong concerns
- It was noted that local residents have objected on grounds of road safety

SCC - TRANSPORT DEVELOPMENT GROUP - Previous applications for similar works to this area have been submitted, the most recent, 43/19/0103, attracted a

recommendation of refusal from the Highway Authority due to concerns regarding available visibility. The applicant has included in this current application drawings that show that visibility of 2.4m x 16m from the cul-de-sac to the rear of 21 Sylvan Road onto Birch Road can be achieved. Given the nature of the road and the consequent speed of vehicles travelling in this area this visibility is considered acceptable in this location.

The 900mm fence to the front portion of the land would allow visibility to/from Sylvan Road and could be erected along the existing domestic curtilage without the need for planning permission.

Given the above considerations the Highway Authority does not object to the proposal

Representations Received

9 objections were received which raised concerns regarding:

- Visibility
- Appearance
- Hazardous
- Loss of green space

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,

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

The main considerations in the determination of this proposal are its principle, potential design and amenity impacts, and highway safety.

The proposal is for the change of use of land to domestic use which is adjacent to a

domestic garden in a residential area. As such, the principle of the change of use is acceptable.

In terms of visual amenity, the housing estate is characterised by its open aspects, including large open front gardens and driveways and verges on many corner sites. Enclosing and incorporating the verge to the side of No.21 would have impacts in terms of altering this character of the estate. There is a precedent on the other side of the street at 23 Sylvan Road/Birch Road where permission was granted in 2013 for a very similar development under planning reference: 43/13/0140 which indicates that the proposal would not have beneficial visual impacts. However, this example is not so incongruous that it would justify a refusal of this application. It is, however acknowledged that if further corner properties were to enclose land to the front and side of their dwellings, this would gradually erode the open and visually attractive green open spaces around this estate. It is also important to remember that an enclosure not exceeding 1m in height can be erected currently without planning permission and so the 900mm element of the proposal would not require an application.

As such, in visual terms this proposal is considered to be acceptable. However, allowing unlimited development to the side of the property could significantly impact on the streetscape and visual amenity, it is therefore appropriate to impose a condition restricting permitted development rights within the land proposed for the change of use.

There were some concerns regarding visibility from the access road to the rear of No 21 Sylvan Road and as such the applicant has provided visibility splays that show that visibility of 2.4m x 16m from the cul-de-sac to the rear of 21 Sylvan Road onto Birch Road can be achieved. This has been deemed to be acceptable by the Highways Officer and the Planning Officer, given the speed of vehicles travelling in this area. As mentioned previously, the fence at the front/front side of the property being 900mm in height would not require planning permission and as such visibility splays are not necessary here.

In light of the above assessment, it is recommended that planning permission is approved.

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

Contact Officer: Abigail James

44/19/0017

R, M & B CUTLER, RICHARDSON & QUICK

Erection of building for mixed agricultural and dog agility training use (retention of works already undertaken) Brook Farm, Rackfield, Wellington

Location: BROOK FARM, RACKFIELD, WELLINGTON, TA21 0EB

Grid Reference: 311566.119922

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. Within 18 months of the date of this permission, unless specifically agreed with the Local Planning Authority, the dog agility training use (D2 use) hereby permitted shall cease and the building hereby permitted shall continue to be used solely for agricultural purposes

Reason: To fully assess the impacts of the dog agility training use in order to protect the residential amenity of the surrounding area.

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

(A4) DrNo T12148-02 Site Plan dated 6/ 8/2020

(A4) DrNo T12148-02 Location Plan

(A0) DrNo T12148 Tops and Elevations

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

3. The development shall be carried out in accordance with the flood mitigating measures identified in the Flood Risk Assessment by Trace Design dated February 2020 and shall be maintained during the use of the building.

Reason: In the interests of public safety and to mitigate against the consequences from flooding.

4. The building shall not be used for fundraising events, open days and charity events associated with the proposed use.

Reason: In the interests of highway safety and to protect the amenities of the surrounding area.

5. The number of dogs on site during training activity is restricted to 5 dogs only. No more than 5 dogs will be allowed within agility training classes at any one time.

Reason: To reduce vehicle movements and noise disturbance to protect the residential amenity of the surrounding area.

6. Dog agility training authorised by this permission shall be carried out solely within the building hereby permitted between the following times:-

0900 hours and 1900 hours Mondays to Fridays ; and
0900 hours and 1300 hours Saturdays.

There shall be no working on Sundays, Bank Holiday or National Holidays.

Reason: To protect the residential amenity of the surrounding area.

7. The development shall be carried out in accordance with the noise mitigating measures in the Noise Management Report by Soundguard acoustics dated March 2020 and any mitigating measures shall be maintained at all times when the building is in use for dog agility training.

Reason: To protect the residential amenities of the area.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant is reminded that they must have in place an all-purpose vehicular right to the application site along path WG 17/23. If they don't they will not be able to utilise the building for the approved dog agility use.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset

County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

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

A PROW being made less convenient for continued public use.

New furniture being needed along a PROW.

Installing any apparatus within or across the PROW.

Changes to the surface of a PROW being needed.

Changes to the existing drainage arrangements associated with the PROW.

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

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/applyfor->

Proposal

The proposal seeks retrospective permission for the erection of a steel portal framed agricultural building which has been in situ since February 2015. The building is to be used for agricultural purposes in relation to Brook Farm but also by the applicants to run a dog agility training business in support of their farm enterprise. This use has already commenced.

From a parking area adjacent to the farm buildings, those attending dog agility classes/workshops walk across a footbridge and across a field to the building. The building will be used for dog agility training between the hours of 9am and 7pm Monday to Friday and 9am to 1pm Saturdays.

The scheme originally included the use of the adjoining field for dog agility training however following objections, the scheme has been amended and all dog agility training will be done within the building.

Site Description

The application site consists of a portal frame agricultural building. The site is located in an agricultural field 300m south west of Lower Westford to the west of

Rockwell Green. The closest residential properties are Rackfield Cottages some 120m from the site which front the private access track to the farm. The main farm buildings are some 145m to the west and north west of the application site. The site is bordered by the Westford stream to the north and thus falls in a floodzone 2. The Bristol to Exeter railway runs to the south.

Relevant Planning History

None

Consultation Responses

WELLINGTON TOWN COUNCIL - No comments received.

SCC - TRANSPORT DEVELOPMENT GROUP - After carrying out a site visit the following comments are made:

The submitted information states:

- Agricultural vehicles will not be using the highway
- The maximum number of vehicles associated with the dog training is 5, once per day.
- All other sessions will generate only 1 vehicle.

This Authority does not raise any objections to the proposal but would welcome conditions being applied to any permission granted which controls the number of customers allowable for each session.

Following comments from residents that more vehicles were utilising the building for dog agility than stated in the application, the highway officer was asked for further comments. The following comments were provided:

I have had another look at this one and feel it would be worth explaining my recommendation a little more fully.

I described the Highway access to the site in question as narrow but with passing places. In truth Payton Road is wide enough for two vehicles to pass each other; the narrowness being created by, for example, parked vehicles and property boundary features. The use of the wider 'passing places' is required only when larger delivery vehicles or agricultural traffic are present.

Between Payton Road and the access to the isolated group of cottages west of Westford, Rackfield is not covered by highway rights and therefore this Authority cannot comment.

From the junction of the cottages access track to Brook Farm, Rackfield is known as Public Footpath WG13/3 and the impact of this development on the route will have been assessed by my colleagues in the PROW section.

In this regard, I have no grounds to object purely on the issue of highway safety or efficiency as it would appear the impact of the traffic being reported, is on the PROW or private section of Rackfield. I hope this clarifies the Highway Authority position.

WELLINGTON WITHOUT PARISH COUNCIL - Wellington Without Parish Council

having initially supported the application now does NOT support this application. The council is concerned about the discrepancies in the technical statement, have looked at the single track road, and have talked to local residents who are concerned that there could be up to an additional twenty cars per day. The lack of a highways/traffic report is evident and the council has concerns that such new traffic movements would impact negatively on a single track, no through road leading to many properties.

ECOLOGY - A condition is recommended for dealing with any vegetation clearance in the site area to minimise the risk of harming/killing any reptiles and / or amphibians that may be present and to encourage their movement onto adjoining land in the active period.

ENVIRONMENT AGENCY - No comments received. Twice consulted.

ENVIRONMENTAL HEALTH -

Initial comments:

In principle there are reasonable concerns that a business with dogs in the open air or in open farm buildings is likely to be a source of dog barking. In addition, a number of complaints have been received concerning such an impact affecting nearby residents from the operation subject of this application.

Further to the applicant's noise impact assessment report ref 90925/0.3 (Noise Impact Assessment of Dog Agility Centre at Brook Farm, Westford, Wellington, TA21 0EB upon nearby dwellings), the following comment applies:- The document exhibits a generally precautionary approach to the modelling and prediction of noise impact from dog training classes and associated activity with up to five dogs. However, in arriving at the analysis of character, the amended BS4142 assessment method appears to underplay the impact, applying low 'penalty factors' for impulsivity and tonal character.

In addition to the 'in principle' concern, Environmental Protection Officer visits to residential property in the vicinity of the application site (on 11th and 12th February 2020) found evidence of persistent dog barking at the site during the time dog agility classes were advertised as taking place. The sound of intermittent but persistent dog barking was witnessed throughout the visits of over an hour duration, on each occasion. The dog barking was intrusive when witnessed inside the residential property, with windows open for ventilation. In order to avoid the disturbance, residents would be required to close windows at their property. This evidence also supported the allegations of numerous episodes of intrusive barking noise having previously taken place, affecting the nearest dwellings.

In light of these comments the applicant's noise consultant entered into discussions with the Council's environmental health officer. A revised noise report was submitted and a noise management plan. The proposal has also been amended to remove use of the adjoining field for outdoor dog training activities and the applicant is willing to accept a condition restricting only 18 months use of the building for dog agility unless otherwise agreed with the LPA.

Based on the above revisions the Council's Environmental Health officer has made the following comments:-

If time proves that the use applied for causes excessive noise impact, at least having limited it to the barn would

a) be some limit on noise levels. And,

b) significantly, I recall that an offer was made at some point that further insulation could be fitted to the barn if required – in which case if noise proves to be an issue from the barn, that at least might be addressed.

RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access to the site at the present time (public footpath WG 17/23) and PROWs that run adjacent to the site (public footpaths WG 13/3 and WG 13/4).

We have no objections to the proposal, subject to the following:

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path WG 17/23. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

Representations Received

6 letters of representation have been received. Five of which object to the application as originally proposed and 1 raises a number of concerns that if can be addressed has no objection.

The objections relate to the use of the building for the dog agility training. Objections are based on the increased traffic this will generate. The speed of traffic using the private access road conflicting with residents and walkers of the public footpath that follows the access track. The unsuitability of the access with limited passing places. It has also been stated that more vehicles than detailed in the application use the building and a transport assessment should be carried out.

Concern has also been expressed that with other dog agility venues being refused by the council, they will look to hire out this venue leading to more traffic and noise.

Concerns are also raised regarding competitions being held at the site leading to more noise and traffic.

In terms of noise it is considered that the tree cover will do little to protect residents from excited dogs and dogs in cars passing the cottages are noisy. Also that the noise of passing trains cannot be compared to the noise from dogs. One resident has submitted a log of dog barking. *This log was also submitted to the Council's Environmental health team as part of an official complaint. The Environmental health officer undertook 3 months of noise monitoring from the resident's home.*

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), 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.

CP8 - Environment,
SB1 - Settlement Boundaries,
CP1 - Climate change,
DM2 - Development in the countryside,
DM1 - General requirements,
SP4 - Realising the vision for rural areas,

Local finance considerations

Not applicable.

Determining issues and considerations

The main issues in the consideration of this application are the principle of the development, landscape impact, highway safety, amenity, floodrisk and economy.

Principle of development

The proposed development consists of two elements. The erection of an agricultural building for agricultural purposes and secondly the dual use of that building for a dog agility training enterprise (D2 use class) .

The site is located in an open countryside location where Core Strategy Policy DM2 'Development in the Countryside' supports 'new non residential agricultural and forestry buildings commensurate with the role and function of the agricultural unit'. Brook Farm is a working holding of circa 124 acres. The main agricultural business is based around cattle rearing for meat production which includes a 40 cow suckler herd and a calf rearing activity. A flock of 50 ewes also forms part of the business with the lambs sold into the food chain. The land the farm utilises is partly rented, on a 20 year tenancy and partly owned freehold. The application site is on the freehold part of the holding. Brook Farm is run as a family farm by the applicants.

There is no arguing that this agricultural unit could support the proposed building. The building will be used for agricultural purposes such as when lambing and thus complies with Policy DM2.

In terms of also using the building for dog agility training (D2 use), the applicants run both the farm and the dog agility business. Ms Quick runs the dog agility business with the help at times of her partner Mr Richardson. He predominantly works on the farm side with his stepfather Mr Cutler who works entirely in the farm business. It seems reasonable that as a family they can work together to maximise the use of the building to meet the two businesses needs. The dog agility business supplements the farm income and is also utilising a building that may otherwise stand empty for the most part of the year.

Paragraph 83 of the NPPF supports such forms of farm diversification. It states that *'decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings; b) the development and diversification of agricultural and other land based businesses.*

The proposal therefore conforms with both local and national planning policy and is acceptable in principle.

Landscape impact

The proposed building is a typical modern, steel framed agricultural building. Timber clad on most sides with polycarbonate sheeting to the southern elevation and polycarbonate rooflights within the green profile sheeted roof. Access into the building is through the western gable elevation.

The building although set away from the main farm buildings is well screened by a dense tree belt which follows Westford stream to the north. To the south is the Bristol to Exeter railway line and to the east and west more boundary hedgerow. The building does not effect the visual qualities of the area.

Highway safety

The objections do not relate to the building itself or the use of the building for agriculture. The objections relate to the use of the building for the dog agility training and one of those objections is based on increased traffic and the suitability of the access road and conflict with users. The Highway Authority raise no objection with regards to utilising the public highway to access the site however cannot comment with regard to the use of the private road that serves Brook Farm and Rackfield Cottages.

Some residents object as a transport assessment has not been completed however this is not the case. An independant technical report assessing the traffic impacts of the proposal was submitted.

The private road from the public highway serves many residential dwellings however there are passing places to enable the passage of 2 cars. Where the road finally forks off to Brook Farm and the 6 cottages, the 100m section of road up to the cottages is singular vehicle width (3.2m) with no passing places. That being said, it has excellent forward visibility and any vehicles turning into this road, given the straight alignment of the road would see vehicles coming towards them from Rackfield cottages. Likewise any leaving the farm would clearly see if a vehicle was making its way up towards the cottages.

Dog training sessions would run from between 1 hour and 2.5 hours. On average there would be 4 sessions a day, 3 of which would be one to ones and the fourth a group session of no more than 5 dogs. The time of the classes are set so that there is a clear gap in between lessons so there would be no reason for traffic leaving to meet traffic arriving in the lane. With Covid regulations this changeover gap would be even longer.

A vehicle trip generation assessment was undertaken to assess the traffic impact of the use of the building for dog agility training. It concluded that the proposal would generate on average an additional 16 vehicle movements a day with traffic negligible at times. Given the infrequency of vehicle trips and low number of vehicle trips, the report concludes that the use of the building for dog agility training would be highly unlikely to compromise the safety or integrity of Rackfield even during the busiest peak hours. It should be noted that the assessment was based on the use of the building all day Saturday and Sundays 10 to 1pm however under the proposal before the committee there will be no Saturday afternoon or Sunday use.

Residents are concerned more dogs will be brought to the venue. Within a noise management plan submitted in support of the application, it details measures to be put in place to reduce noise disturbance. One of those measures is to have no more than 5 dogs in any class at any time. Should permission be granted compliance with the noise management plan would be conditioned but to ensure added control, it is recommended a further condition is imposed that clearly specifies the number of dogs allowed on site at any one time. This would ultimately control the number of vehicle movements. A condition controlling the hours of use the barn is used for dog agility would further limit the times when vehicles would be utilising the lane.

In a recent appeal against a refusal of this Authority to the change of use of land and buildings to a dog rescue centre (APP/D3315/W/19/3236409), the Inspector allowed the appeal but imposed a condition to ensure that the site was not used for fundraising events, open days and charity events. Although the application makes no reference to such events, I see no reason why this same condition could not be applied in this instance.

In terms of impact on the public right of way (WG 17/23), Rights of Way have raised no objection subject to the LPA being satisfied that the applicant has all purpose vehicle rights to use the private road. The applicant has confirmed they have such access rights. ROW do not raise any concern re conflict with users and as stated above vehicle movements would be limited and infrequent and can be restricted by condition.

There is an existing hardstanding adjacent to the main farm buildings that will be used for parking in connection with the dog agility classes. There is ample parking and tuning space available ensuring vehicles leaving the site have clear forward visibility of vehicles approaching.

In light of the above, I am satisfied that the proposal will not give rise to an increase in traffic that would impact on the highway safety or the amenity of residents who live in Rackfield or users of the public footpath.

Residential amenity .

Objections have been made with regards to noise disturbance from dogs barking. Policy DM1 does not support proposals that will lead to noise pollution that would unacceptably harm the amenity of individual dwellings or residential areas or the local or wider environment.

As the application is retrospective, the Council's Environmental Health Officer (EHO) was able to carry out noise monitoring over a 3 month period from one of the objector's properties. It was found that over 2 days during that period (February 2020) noise from barking dogs was experienced within the property that would have required them to shut their window.

Investigating this further it was believed that the 2 day period coincided when Ms Quick was away and a different instructor was holding the classes, demonstrating that the management of the operation can be a significant factor in controlling noise.

There is no specific criteria or guidance relating to noise impact effects from dog barking upon nearby noise sensitive properties however an in dependant noise impact report was submitted and as a consequence of the findings, a noise management plan with a number of recommended mitigating measures.

Rackfield Cottages are approximately 120m from the building. Members may recall two applications (10/19/0011 & 24/18/0049) for a dog breeding business and a dog rescue centre that were both refused by committee against officer recommendation but both have since been allowed on appeal this year. With both applications, noise disturbance was a reason for refusal.

At the dog rescue centre which could accommodate as many as 20 dogs for boarding and exercising, the closest dwellings were approximately 100m and at 130m, further dwellings and holiday lets. With the dog breeding business that could accommodate 15 dogs, the closest dwelling was a farmhouse at 100m. In both appeals the inspectors concluded noise from barking dogs would not significantly harm the residents or the tranquility of the area.

Under this proposal not only will all the dogs other than when walking to and from the car parking area to the building be inside, the hours will be restricted and the number of dogs in any class restricted to a maximum of 5. It must also be remembered that the dogs attending sessions are mostly highly trained agility dogs that are under the strict control of their individual handlers.

The noise report identifies that insulation works could be carried out to the northern and eastern facade of the building which would reduce noise levels further by 6 dB(a) however states this is not an absolute requirement and it would be unreasonable for the Council to condition it.

The applicant however is willing to accept the imposition of a planning condition that limits the use of the building for her dog agility business to 18 months subject to further agreement with the LPA. This would enable the applicant to run her business for that period and demonstrate to the LPA that noise is not causing harm to the residents. This measure is supported by the EHO as should noise problems be experienced during that period, the applicant can carry out further noise insulation measures to the building that would reduce noise levels even further.

Floodrisk

Due to the proximity of Westord stream, the building lies in floodzone 2 and a flood risk assessment was submitted in support of the application. A sequential test was undertaken which identified only 2 fields within the landholding that could accommodate the building. The other field has more superior grass and from a business perspective, the proposed location was identified as being the most suitable. It also has the added benefit of screening.

As both the use of the building for agriculture and dog agility is considered 'less vulnerable' uses in the flood risk vulnerability classification, an exception test was not required. The FRA concludes that the proposed development is not at risk of floodrisk subject to the applicant signing up to flood warnings from the EA. This can be conditioned should permission be granted.

Economic benefit

Both national planning guidance and local planning policies aim to support a prosperous rural economy. The proposed building will enable the use of the farm business to operate more effectively providing additional livestock accommodation or storage space for the farm. The barn will also enable the running of the dog agility business to supplement the farm income. Core Strategy Policy SP4 'Realising the vision for the Rural Area states : ' *the key features of the vision for the Rural area will*

:

- *provide small scale local opportunities for employment growth including rural tourism and rural diversification'.*

The proposed development will enable the farm unit to remain viable and should be supported on economic grounds.

Other matters

Some respondents have stated that a legal covenant exists that restricts the use of the private road. This is a separate legal matter and is not relevant to the consideration of the application

The Council's ecological advisor recommended a condition in the event of any site clearance. No such works are required and so the condition is not imposed.

Conclusion

The proposed development is supported by national and local planning policies. The erection and use of the building will not harm the landscape character of the area and with the use of conditions is acceptable in terms of traffic impact. The scheme has been amended so that permission only extends to the use of the barn for dog agility training and not the adjoining field and a condition will limit its use for dog agility training for 18 months subject to further agreement with the LPA. For these reasons it is recommended that planning permission is granted.

In preparing this report the planning officer has considered fully the implications and

requirements of the Human Rights Act 1998.

Contact Officer: Mrs K Wray

Application No:	3/32/20/004
Parish	Stogursey
Application Type	Outline Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 320340 Northing: 142770
Applicant	Mr Cooze
Proposal	Outline application with some matters reserved, except for access and scale, for the erection of 5 No. dwellings
Location	Tanyard Farm, 16 Castle Street, Stogursey, TA5 1TG

Recommendation

Recommended decision: Awaiting s106 Signing

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) appearance and (c) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo QD-001 Location Plan
 (A2) DrNo QD-007 Proposed Access Plan
 (A4) DrNo QD-008 Proposed Access to Development

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

- 3 Prior to any construction works above damp-proof-course level, works for the drainage and management of surface water shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local

Planning Authority. The works shall thereafter be retained and maintained in that form. Prior to the occupation of dwellings hereby permitted, the developer shall provide the Local Planning Authority with details and written confirmation of rights to connect the development to the mains sewerage system from the relevant utility company, and if this is not possible shall provide details of an alternative means of disposing of and treating foul water and sewerage. After receipt of details and/or confirmation of the proposed foul water and sewerage connection, disposal and/or treatment system, and subsequent approval in writing from the Local Planning Authority, the works shall be implemented in accordance with approved details, prior to the occupation of any of the dwellings hereby approved. The approved foul water disposal and/or treatment scheme shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

4 Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme

Reason: To ensure the preservation of archaeological remains.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

5 As part of the details required by condition 1 of this permission for any subsequent reserved matters application, these shall include a Heritage Statement assessing the proposed reserved matters design in the context of heritage constraints and impacts at, and around, the site, including reference to local historic features notably Listed Buildings, the Conservation Area, and Stogursey Castle, a Scheduled Ancient Monument. This Heritage Statement shall be submitted to the Local Planning Authority with any subsequent reserved matters application and should follow, and be in conformity with, the guidance for Heritage Statements provided by Historic England.

Reason: In the interest of safeguarding the designated heritage assets and historic character of the area.

6 No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive

deposition has been secured.

Reason: In the interests of disseminating information gathered from archaeological investigation and the preservation of archaeological finds and heritage data with relevant organisations and bodies.

- 7 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 commencement of the construction phase, and thereafter maintained until the construction phase ceases.

Reason: In the interests of highway safety

Pre-commencement reason: To ensure that in early phases of the development mud and other forms of debris are not deposited onto the public highway

- 8 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number QD-006 A, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure there is a safe and suitable means of accessing the site

- 9 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 any construction of the development hereby permitted, above damp-proof-course level, and thereafter maintained at all times

Reason: In the interests of highway safety and to ensure adequate provision of surface water drainage and management, and to prevent surface water flowing onto the highway.

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

Reason: To ensure the adequate provision of estate roads and associated infrastructure

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

Reason: To ensure adequate and safe access for vehicles and pedestrians to the public highway.

- 12 The Development hereby permitted shall not be commenced above damp-proof-course level until the parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with current policy standards. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To prevent on-street parking and ensure adequate off-street parking is provided for the dwellings hereby permitted

- 13 The maximum vehicle visibility splays currently provided at the access shall not be encroached upon, and shall be retained in perpetuity.

Reason: To ensure the retention of safe access and good visibility splays at the site

- 14 Five roosts suitable for crevice dwelling bat species will be provided within the design of the buildings. The location of roosts entrances and details of construction will be set out in the design. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH4 of the West Somerset Local Plan

- 15 Prior to occupation, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the

specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy NH4 of the West Somerset

- 16 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy NH4 of the West Somerset Local Plan

- 17 A bee brick built will be into each wall about 1 metre above ground level on the east elevations of Plots 4 and 5. Photographs of the installed features will be submitted to the Local Planning Authority prior to the first occupation of any building.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

- 18 As part of the details required by condition 1 of this permission for any subsequent reserved matters application, these shall include a topographic survey indicating existing site levels measured against a fixed datum point and a proposed levels plan with spot levels and finished floor levels shown, and including any necessary site sections and/or cross sections.

Reason: In the interests of good planning and in the interests of amenity.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the

consideration of the application issues/concerns were raised by a statutory consultee in respect of heritage, layout and scale. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address these issues and an amended description of the proposed development was submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Committee update

The recommendation of approval is subject to signing a section 106 legal agreement for off-site play contributions totalling up to £16,640 for the entire development. This was not made clear when the application was previously brought before committee and having taken advice from SWT's legal services it was considered a requirement to bring the item back to committee to allow for the amended recommendation to be evaluated by committee members.

One letter of representation was received from a neighbour residing opposite to the site. It has not objected to the principle of housing development at the site but raised concerns about flooding, access and impacts on the the Conservation Area

Proposal

Outline application with some matters reserved, except for access and scale, for the erection of 5 No. dwellings

Site Description

The site is a relatively level area of former agricultural land located to an adjacent bungalow and which had previously included an agricultural building that has now been demolished. It is on the edge of Stogursey along Castle Street, which is narrow and terminates a short distance past the site. There is an existing access to the site. It is set with the Stogursey Conservation Area, and is located in close proximity to listed buildings, and Stogursey Castle, a Scheduled Ancient Monument

Relevant Planning History

3/32/76/029 - demolition of buildings in a Conservation Area and residential development (two dwellings) - granted - 20/06/1977

3/32/80/009 - Renewal of permission for demolition of buildings in a Conservation Area and residential development of two dwellings (3/32/76/029) - granted - 23/07/1980

3/32/14/004 - Demolition of existing bungalow and redundant agricultural building and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance - granted - 06/07/2016

3/32/17/009 - Installation of one dormer and partial demolition of boundary wall to

accommodate a pedestrian gate (Tanyard bungalow) - granted - 22/12/2017
3/32/19/038 - demolition of building in dangerous condition (land adjoining Tanyard Bungalow) - 14/01/2020

Consultation Responses

Stogursey Parish Council - Stogursey Parish Council consider that development of this site would make use of a redundant piece of land and make a sustainable contribution of new housing in Stogursey. The parish council would support the building of 5 dwellings that are sympathetic to the current style and design of properties in the area.

However, the Parish Council wish to highlight their concerns that the proposed site closely neighbours a Flood Zone 3 area and recommend a survey on possible ways of mitigating flooding not only on the site but in the immediate vicinity as this is a Conservation area. The parish council would like to be assured that the flooding issue will be addressed.

Highways Development Control -

A development of 4 units will not generate a large level of traffic. As an existing farm which could already realise a number of heavy vehicles using the existing access, the proposal is unlikely to be onerous in highway terms.

In the event of permission being granted, conditions are recommended for:

1. dust/mud on roads; 2. Access; 3. Surface water; 4. Estate roads; 5. Footpath/carrageway consolidation; 6. parking spaces; 7. Visibility

Historic England -

Historic England have noted that the site is located within Stogursey conservation area and is adjacent to the approach to Stogursey Castle, which is a scheduled monument of very high significance that is designated as both a Scheduled Monument and a grade II* listed building. As a centre of administration and feudal control, the castle also had a contextual relationship with the grade I listed Church of St Andrew, formerly a Benedictine Priory church. The Priory was located south of the church, focussed on what is now Priory Farm and where structures remain including the grade II listed Dovecot and potentially some of the surviving barns. Stogursey is an area of particular heritage interest, and is designated as a conservation area which retains its historic layout and a considerable number of historic buildings. The application site appears to have formerly been a tannery and sits at the edge of the village on the approach to the castle at the point of transition between the village and the open country side.

The scheme should be based on a thorough understanding of the character and appearance of the conservation area as well as the contribution made by the site to the setting of the scheduled monument (Para 189, NPPF). These have not been adequately addressed in the accompanying heritage statement which should acknowledge the role of the site as part of the transition between the village core and the wider countryside. It should also consider the site in views out from the monument and the contribution it makes to our understanding of the monument's

significance.

Consideration should be given to providing a more contextual response to the layout of the proposed buildings, which at present appear to have a more suburban character. Historic examples of clusters of buildings could form the basis of a scheme, such as farm complexes or houses with associated outbuildings (Para 192(c), NPPF).

The NPPF notes that the council need to take account of the desirability for new development to make a positive contribution to local character and distinctiveness (Para 192 (c)). The scale of the units and layout of the development has not been clearly and convincingly justified as required under the NPPF (Para 194).

Recommendation

Historic England has concerns regarding the application on heritage grounds, as it has not been shown that a sensitive scheme can be brought forward on the site with the consistent size of units proposed (Para 190, NPPF).

response to revised information:

The proposed layout and scale of development at the Tanyard site will have an adverse impact on the Storgursey Conservation Area and the setting of the scheduled Storgursey Castle. Steps should be taken to identify a contextual response to the layout of development, which also addresses the proposed uniformity of the individual units.

Historic England welcomes the submission of a heritage statement and further justification regarding the design approach.

The proposed design has evolved from a previous scheme, which proposed a smaller in size (2 bed) but higher number of units on the site. In respect of the previous scheme, the rationale for a layout reflecting a small terraced row of cottages, would be an appropriate response to the surrounding village context. The proposed scale of the individual units does not lend itself to creating a discrete row of vernacular terraced cottages, as previously proposed and are likely to form an incongruous feature on the edge of the conservation area as well as a conspicuous element on the approach to the scheduled monument.

Historic England consider an alternative approach to delivering the development on the site should be sought. Alternative configurations should be considered that follow traditional development patterns including a farmstead arrangement or a principal house with ancillary buildings.

In the view of Historic England it would be easier to achieve a sensitive development if the size of the units were varied mixing large and small to offer greater variety within the scale and massing of the development

Recommendation

Historic England has concerns regarding the application on heritage grounds and recommend that the council take input from their conservation specialist and work with the applicants to identify a more contextual layout for the proposed development of Tanyard's site, to ensure that the proposed development responds to the character and appearance of the conservation area as well as positively contributing to the setting of the scheduled monument.

SCC - Ecologist - It is noted that prior to this application there has been the potential destruction of a bat roost and this should have been done under a European protected species licence or a class licence to be legal. As a condition of a licence this would need to be replaced within the development to comply with the provisions of the Habitats Regulations 2017. The status of the bat roost, if present, is unknown. As the Quantock Ecology report stated that the barn was of low suitability it is required that the bat roosts be integrated into the structures of the proposed dwellings. A condition is required setting out how five roosts suitable for crevice dwelling bat species will be provided within the design of the buildings. The location of roosts entrances and details of construction will be set out in the design. A second condition for lighting design for bats, third for clearance of vegetation, and fourth for bee bricks are also recommended/required

Wessex Water Authority - Does not object but noted various points.

The planning application indicates that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as "surface water") will be disposed of via existing water course and pond/lake. According to Wessex Water's records there are no recorded public sewers or water mains within the red line boundary of the development site. It is important that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. Submitted documentation indicates that surface water will be disposed of via existing water course and pond/lake and this strategy is acceptable to Wessex Water, providing that discharge rates and flood risk measures are in place and agreed with the Environment Agency. There must be no surface water connections to the foul sewer network.

Landscape - no comments received

Conservation Officer - I understand that the applicant is withdrawing Drg No Q6/006A proposed layout and is willing to work with officers to produce an acceptable scheme for reserved matters. I consider this to be an acceptable way forward.

Development enabling team SWT- West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development. The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. This development will increase local need for play space and should achieve improvements on local existing play areas through an offsite contribution. The commuted sum for offsite children's play contribution should be calculated as £3328.00 per each 2 bed + dwelling which is a total of £16,640. The contribution will be index linked and spent on additional play equipment that is within close proximity

to the site.

South West Heritage Trust - The site lies within the Stogursey Area of High Archaeological Potential. The applicant has submitted an archaeological desk-based assessment which has been superseded by a 2013 archaeological trial trench evaluation that identified the presence of medieval activity (including a structure). It is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199) to be secured by the use of planning conditions, attached to any permission granted: 1.

Programme of Works in Accordance with a Written Scheme of Investigation (POW) as a prior to commencement condition; 2. dissemination of results of archaeological findings, including relevant financial contribution

SWT Placemaking - Proposed redevelopment should include No.16 Castle Street which has a negative impact on the Conservation Area. The layout plan shows development to rear of the site, with open boundaries and exposure to the countryside beyond. The layout should take account of heritage constraints at the site with a buffer preferably including an orchard to the back of the site. The raised footpath adjacent to the site and open triangle of land to the front of the site should be referenced in a revised scheme. The applicant should include a study of the local vernacular and note that the layout/design will need to be subject to the Design Review Panel

Revised response (verbal): agreed that subject to removal of initial indicative drawing the application is acceptable at outline stage provided that the developer works with the LPA to ensure good design prior to submission of RM and submits design to DRP

Environmental Health Team - no comments received

Representations Received

Two neutral comments were received, the issues highlighted were that the application should take account of flooding and surface water management, ecology, the possible impacts on the Conservation Area, potential for asbestos and the public right of way

One letter of objection was received noting significant (and existing) problems with flooding, ecology and commenting on the inadequacies of the access.

Two of the letters contained photographs which provide graphic testimony to the extent of the flooding issues at the 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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
NH1	Historic Environment
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages

Retained saved policies of the West Somerset Local Plan (2006)

AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
AH/3	Areas of High Archaeological Potential
11	Areas of High Archaeological Potential
NH1	Historic Environment
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages

Local finance considerations

the application will be liable to pay a commuted sum in respect of children's play and sports provision. The commuted sum for offsite children's play contribution should be calculated as £3328.00 per each 2 bed + dwelling which is a total of £16,640.

Determining issues and considerations

Main issues are the principle of development, revisions to the proposal, access and parking, design and the reserved matters, amenity, heritage, ecology, flood risks and drainage, ground contamination, financial contributions and conditions

Introduction

The application is in outline form and is for the development of five dwellings with all matters reserved except for access and scale. The original proposal has been amended to remove reference to layout as submitted plans showing a potential layout were only intended to be illustrative and not necessarily part of the final reserved matters application, if outline permission was granted. The site is on the edge of the settlement of Stogursey and has been the subject of several applications in the past including one (3/32/14/004) for 12no. dwellings and removal of the

existing bungalow at the site, this was granted consent in 2016 and is a material consideration in regards to the current application. This application differs in that it has an amended site plan and does not include removal of the existing bungalow.

Principle of development

The site is within (and/or within 50m of) the existing built settlement limits to Stogursey, which is recognised as a primary village in policy SC1 of the adopted WSC Local Plan to 2032. Limited development is allowed in primary villages if the site is well related to existing services within the settlement and has good pedestrian access to them, respects the historic environment, does not generate significant traffic numbers and would not cause harm to the amenity of neighbours. As the application is outline in form much of the discussion and judgement about these issues has to be placed within the context of a second, reserved matters application, if permission is granted. However so far as is possible within an outline application the issues cited are discussed below. In terms of compliance with policy requirements for residential development in specified locations which are considered to be sustainable the application is considered to be acceptable 'in principle', subject to the evaluation of other criteria cited above.

Access and parking

The main detail provided within this application concerns access and scale. In terms of scale no definitive drawings or statements have been provided giving information about scale other than drawings showing the existing access, existing dwelling and adjacent stonewall in terms of both existing and proposed plans. The proposed access is pre-existing and has previously been in regular use in association with the earlier agricultural use of the land. The County highways officer has not objected to the proposal and noted that at the scale of development proposed the traffic impacts would not be onerous. The site is considered to be large enough to accommodate a layout and design incorporating sufficient off-street parking for the number of dwellings proposed. In regards to pedestrian access to the site and to the centre of Stogursey and its shops and services, there is some pavement provision within the village which although comprehensive throughout the settlement does offer pedestrian access along mainly lit pavements or relatively lightly trafficked 30mph speed-limit roads. Accordingly in terms of access, traffic, pedestrian usage and parking the proposal is considered acceptable. There is a pedestrian footpath adjacent to the site which includes/is crossed over by the existing access. It is not considered that the proposal would have a significant impact on usage of this path.

Design

The application has been revised to remove references to layout within the proposed outline and leave these design issues to the potential reserved matters stage. Comments from the SWT Placemaking specialist and Historic England were made prior to this revision and were directly addressing the proposed layout plan which was not supported, and considered to be suburban in character and inappropriate

within the heritage context of the site.

However as the application has been subject to amendments it is considered that so far as an outline application is considered the site is capable of producing a layout and design which would meet relevant policy requirements and there are insufficient grounds to warrant a recommendation of refusal in terms of design or layout. It should be noted that the Placemaking specialist advised that significant revisions to the initially proposed layout would be required and that the layout design should follow the Design Guide principles of context appraisal, site appraisal and design concept, taking into account heritage constraints at the site, and that the layout and design must be subject to the Design Review Panel before a reserved matters application could be supported. The objection from the Placemaking specialist and concerns raised by Historic England are noted but given the revisions to the proposal to remove reference to layout it is considered that as an outline application there are insufficient grounds to warrant a refusal in terms of design and layout although it is clear that any subsequent reserved matters application would need to make significant changes to the layout initially proposed as part of this application. Further responses from Historic England have raised concerns with the indicative drawing and noted that comments from the LPA's conservation officer should guide approaches to the development. The LPA Conservation Officer has noted that with the removal of the indicative drawing the development is acceptable at the outline stage.

Amenity

In regards to amenity the site is at least 14 metres from dwellings on the opposite side of the road and the proposal is not considered to represent any significant risks to amenity in its' current outline form. At the detailed design stage accompanying any subsequent reserved matters application attention will need to be paid to issues of amenity in regards to the design, siting and orientation of dwellings.

Heritage

The site is in a particularly sensitive location in relation to heritage being in close proximity to a scheduled ancient monument, listed buildings and set within the Stogursey Conservation Area. There are also archaeological issues within the site. Although submitted documentation includes an archaeological report there was no Heritage Statement submitted as part of the accompanying documentation. Whilst this application, in its' amended form, is considered acceptable, any subsequent reserved matters application must include a detailed and thorough Heritage Statement from a suitably qualified professional or consultant, which will be required by a condition attached to any permission granted, and further conditions are also required for archaeology including a Written Scheme of Investigation, Programme of Works and dissemination of findings.

It is acknowledged that the earlier permission at the site 3/32/14/004 achieved a design which minimised impacts on the heritage features and character of the surrounding area so it is certainly possible to design a scheme which would

acceptable from a heritage perspective. As the initial layout design and reference has been removed from this application the proposal is considered acceptable but any subsequent reserved matters application must address heritage in a robust and thorough manner including reference to the local vernacular in its design and avoiding suburbanising features.

A former tannery building in brick and stone, possibly of Victorian provenance, was granted consent for demolition under reference 3/32/19/038. Fabric reclaimed from this demolition should have been kept on site should be re-used within the design of any subsequent reserved matters application, with clear indications and/or annotations as where and how it will be re-used.

A heritage statement has now been submitted as part of revisions to the application. This has been available to Historic England and the LPA's conservation officer. Whilst concerns have been raised no direct objections have been received. Comments made by Historic England, and the Conservation indicate that a layout and design with closer affinities to the consented scheme 3/32/14/004 of terraced houses, or to a farmstead arrangement would fit better with the existing aesthetics and styles of the Conservation Area. The applicant has acknowledged that significant changes would be needed to the initial indicative layout drawing and confirmed a willingness to take a fresh approach to the reserved matters design. It is therefore considered that at an outline stage no significant harm can be established and that the LPA would retain control of design at any subsequent reserved matters application stage, so heritage considerations whilst of paramount importance, do not represent a reason to refuse the application.

Ecology

The demolition of the former tannery building could have destroyed bat roosts and although this appears to have been done during winter with limited potential for roosting the demolition should have been completed under a European protected species licence or a class licence to be lawful. The County ecologist has further commented that as a "...condition of a licence this would need to be replaced within the development to comply with the provisions of the Habitats Regulations 2017", and requested conditions for bat roosts/roofing details, lighting design for bats, bee bricks and others. Subject to the imposition of conditions suggested by the County ecologist the proposal is considered acceptable from an ecological perspective.

Flood risks and drainage

The site is in Flood Zone 1 although there may be a very small sliver of land to the south-east which is Zone 2 but this area slopes downwards away from the main area of the site. It is therefore considered that the site is suitable for residential development from the perspective of flood risks. Land in close proximity to the site is in Zones 2 and 3 and there have been flooding events in recent times. Submitted documentation has not included a drainage strategy or similar, but has indicated on the application form that surface water will be collected in a pond and further discharged to a nearby watercourse, whilst no further details have been provided

this is acceptable provided that conditions are attached to any permission granted requiring full details of the drainage and surface water management proposals.

The application also states that foul water will be disposed of via a mains sewer and/or septic tank. Wessex Water have stated that connection to the foul mains sewer is acceptable but that surface water must not enter the foul sewer network, and that disposal to the watercourse must have Environment Agency agreement. Additionally comments from the County highways officer required a condition to ensure surface water does not flow onto the highway, and it is considered that, subject to conditions for a drainage strategy, details and implementation, the proposal is acceptable, at the current outline stage.

Ground contamination

The site has previously been considered to have some potential for ground contaminants however as part of application 3/32/14/004 ground investigation reports were submitted which provided assurance of safety at the site. No objections or conditions were required when that application was approved in 2016 and it is considered unlikely that uses of the land since this date would have created additional contamination issues.

Other matters

The parish council have supported the application but commented that final designs must be in-keeping with the local area and heritage, and that flood risks and water management must be addressed. Two letters with comments were received and one letter of objection, with issues raised being flood risks, ecology, traffic and pedestrian impacts, and heritage. These issues are discussed above. An additional matter raised was in regards to the potential for asbestos to be present at the site. This would subject to separate legislation and part of the Building Control regulatory regime.

Financial contributions would be required for children's play provisions amounting to a total of £16,640, as detailed above. Whilst this a material consideration it is accorded very limited weight in the evaluation of the proposed development.

Conclusion

The site has a relatively recent consent for 12no.dwellings which does not appear to have been implemented but is a material consideration in terms of the current application. This proposal reduces the number of dwellings to five and is an outline rather than full application. Although there are clear deficiencies in terms the submitted documentation, notably in regards to heritage and drainage these are not considered to provided significant reasons to refuse the application as final details, and appropriate supporting documentation will be required at the reserved matters stage. Therefore subject to conditions cited above the application is recommended for approval subject to agreement for a section 106 to facilitate play contributions offsite.

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

APPEALS RECEIVED – 8 OCTOBER 2020

Site: Land at Allshire, Allshire Lane, Brushford EX16 9JG

Proposal: Outline application for the erection of 1 No. key workers dwelling on land adjacent to the commercial and agricultural buildings

Application number: 3/04/19/007

Appeal reference: APP/H3320/W/20/3256246

Enforcement Appeal:

Planning Decision Made By: Delegated Decision - Refused

Site: Silk Mills Cottage, Silk Mills, Holford, TA5 1RY

Proposal: Change of use from woodland to residential with reinstatement of the original stone cottage

Application number: 3/16/18/003

Appeal reference: APP/W3330/W/20/3257419

Enforcement Appeal:

Planning Decision Made By: Delegated Decision - Refusal

Site: Land south of Beacon Road, Minehead

Proposal: Outline application for the erection of 5 No. dwellings

Application number: 3/21/19/007

Appeal reference: APP/W3330/W/20/3257876

Enforcement Appeal:

Planning Decision Made By: Chair Decision - Refusal

Site: MIDDLE SWEETHAY FARM BARN, SWEETHAY LANE, TRULL,
TAUNTON, TA3 7PB

Proposal: Alleged non-compliance with planning approval at Middle Sweethay
Farm Barn, Trull

Application number:

Appeal reference: APP/W3330/F/20/3253765

Enforcement Appeal: E/0062/42/18

Planning Decision Made By: Chair – Conditional Approval – 24.10.2016

Site: LIZANNE HOUSE, CHEDDON FITZPAINE ROAD, CHEDDON
FITZPAINE, TAUNTON, TA2 8JU

Proposal: Erection of two-storey side extension with habitable accommodation in
the roof space at Lizanne House, Cheddon Fitzpaine

Application number: 08/19/0041

Appeal reference: APP/W3330/D/20/3255956

Enforcement Appeal:

Planning Decision Made By: Chair – Refusal – 24.04.2020

APPEAL DECISIONS – 8 OCTOBER 2020

Site: NIGELLA, CHURCH HILL, WEST MONKTON, TAUNTON, TA2 8QT

Proposal: Outline planning permission with all matters reserved (except for access) for the erection of 1 No. detached dwelling in the garden to the rear of Nigella, Church Lane, West Monkton

Application number: 48/19/0059

Reason for refusal: Allowed

Planning Application Decision: Delegated Decision - Refused



The Planning Inspectorate

Appeal Decision

Site visit made on 21 August 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/W3330/W/20/3250820

Land to south west of Nigella, Church Lane, West Monkton, Taunton, Somerset TA2 8QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs N Munson against the decision of Somerset West and Taunton Council.
 - The application Ref 48/19/0059, dated 4 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is erection of a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a dwelling at Land to south west of Nigella, Church Lane, West Monkton, Taunton, Somerset TA2 8QL in accordance with the terms of the application, Ref 48/19/0059, dated 4 November 2019, subject to the conditions in the following Schedule.

Procedural Matters

2. The application was made in outline with access to be considered and layout, scale, appearance and landscaping reserved for future consideration. Consequently, while some details have been provided of the layout and floor

and roof plans of the proposed dwelling and landscaping of the site, I have considered these as illustrative only.

3. The appeal site is within 2km of Hestercombe House Special Area of Conservation (SAC) and as such I have a statutory duty to consider the effect of the proposal on the integrity of that European Site. I return to this below.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, with particular regard to trees; and the living conditions of the occupiers of neighbouring properties in respect of privacy.

Reasons

Character and appearance

5. The historic core of West Monkton comprises development close to the edge of the road, particularly along The Street, and stone walls are a prominent and characteristic feature of the main roads through the village. Away from this core there is more dispersed development, much of which is on rising land. Mature trees and other vegetation give the area a verdant character. Dwellings generally have spacious plots, however trees and hedges around the boundaries provide a sense of enclosure such that, although gardens may be quite open, views across and through plots are relatively limited.
6. Nigella is a 2-storey dwelling near the top of a hill with a large garden, characteristic of the spacious, green character of plots in this part of the village. The substantial mature trees along the boundary with Mulberry House are visible for some distance and from surrounding roads and contribute positively to the character and appearance of the area.
7. The area bounded by The Street, Noah's Hill and Church Lane contains several large dwellings set one behind the other rising up the hill. In this context, the addition of a further dwelling behind these existing properties would be characteristic of the pattern of development in this part of the village.
8. The red line outlining the appeal site includes only part of the garden of Nigella, and all proposed development, including any engineering operations, would need to be achieved within the red line, as planning permission is not being sought for any development outside of this area.
9. The proposed dwelling could only reasonably be accommodated within the wider section of the site, which slopes steeply, with approximately 3m difference in levels from top to bottom. Consequently, significant engineering operations are likely to be needed to accommodate a dwelling in this area. A dwelling of the size indicated by the appellant may therefore be difficult to achieve, however, as the layout, scale and appearance of the proposal are reserved matters, the appellant's indicative design is not the only option available. As such, there is no compelling evidence before me to demonstrate that a dwelling and the required parking and turning areas along with the associated engineering operations, cannot be achieved within the defined appeal site.
10. While parts of Nigella can be glimpsed from some public viewpoints, existing hedges and mature trees largely screen the appeal site from view from The Street, Church Lane and the public footpath¹ along the northern boundary. As such, from public views the skyline along the top of the hill is largely unaffected by development. Due to the elevated position of the appeal site, there is potential for

the proposed dwelling to be visible from the public realm, particularly when deciduous trees are not in leaf. However, the visual impact of the proposed dwelling would depend on its layout, scale and appearance and the landscaping of the site, which are not sought for consideration at this stage. From the evidence before me, I see no reason that an appropriate design could not be achieved that would respond to the topography of the site without resulting in prominent development on the skyline.

11. The proposed dwelling would also be surrounded by the existing garden, part of which is proposed to be transferred to it. The existing garden is already separated into two parts by vegetation and a substantial retaining wall, and as the whole garden is within the appellant's control, landscaping could be provided outside of the appeal site if necessary. Therefore, with careful design and landscaping, the proposed subdivision of the existing plot would not necessarily be evident from any public viewpoint. Although it would increase

¹ Footpath T32/20

the density of development in the area, the proposal would leave both the proposed dwelling and Nigella with reasonably spacious plots, comparable to the size of others in the vicinity. Consequently, the subdivision of the existing garden and insertion of a dwelling would not lead to a reduction in the openness of the area or a cramped and incongruous development, as the Council suggests.

12. Turning now to trees, a small part of the appeal site would extend within the Root Protection Areas (RPA) of trees T5 and T6. However, as layout is not yet fixed, it has not been demonstrated that any development, including engineering operations or car parking, would need to take place in that area. It would therefore be for the appellant to demonstrate at reserved matters stage that the proposed development was appropriately designed to avoid or mitigate any harm to the health of these trees.
13. The change in ground levels along the length of the proposed driveway would mean some engineering operations would be necessary to construct it, which have the potential to impact on tree roots. However, the proposed siting along the lower part of the slope, cutting through the existing wall, would limit the amount of regrading necessary and the wall already provides a substantial retaining structure, most of which is to be retained. All of the proposed driveway is outside of the RPA of the trees along the southern boundary and the retention of the wall alongside tree T1 would limit the extent of works in that area. Furthermore, given the direction of the slope, the driveway could be designed with any retaining structure or banks on the upslope side of the driveway, away from the trees. These factors reduce the likelihood of construction affecting the trees. There are also a range of options available for how such features might be constructed.
14. Consequently, although construction details have not been provided, I consider that there are technical solutions available to ensure that the proposed driveway could be constructed within the appeal site without adversely affecting the health of the trees. As access is a matter to be considered now, full construction details and methods of working in relation to trees would need to be secured by planning conditions.

15. The curve of the existing driveway, the change in ground levels, the wall around the neighbouring property and existing vegetation would largely screen the proposed driveway from view from Church Lane. As such, any banks or retaining structures needed to construct it would have a limited impact from the public realm, and with appropriate landscaping, are unlikely to have a significant adverse impact when seen from the shared driveway.
16. Changes are proposed to the low retaining wall at the entrance to Church Lane to improve visibility. A replacement wall is proposed slightly further back, details of which would need to be included in a future reserved matters submission for landscaping. As such, the proposal would not result in the loss of this characteristic feature or harm the appearance of the Lane.
17. Accordingly, overall, I consider that subject to careful design and landscaping, a dwelling and access could be accommodated within the appeal site without harm to the character and appearance of the area. Consequently, the proposal would not conflict with Policies CP8, DM1 and DM4 of the Taunton Deane Core Strategy 2012 (CS) or Policies D7 and ENV1 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (SADMP) which, amongst other things, seek to avoid harm to the character of the area or to trees of value to the area and require development to achieve a high standard of design quality and sense of place.

Living conditions

18. Mulberry House and Oak House are set on lower ground than the appeal site. While existing vegetation partially screens views towards the windows of those dwellings, parts of their gardens can be seen in gaps between the existing trees and hedges, particularly along the southern boundary. Consequently, despite the separation distance there is already some overlooking of those properties from the appeal site.
19. There would however be potential for the proposed dwelling to cause additional overlooking of neighbouring properties, given its position on higher ground. The actual impact on the privacy of neighbours would however be largely determined by its design, including its scale, orientation, internal layout, position of windows and finished floor levels. These are all matters to be considered at reserved matters stage.
20. Furthermore, there would be opportunities for additional landscaping, including in the wider garden area, to provide screening between the existing and proposed dwellings. Some existing planting along the southern boundary has not established particularly successfully due to its proximity to large trees, however there is enough space between those trees and the appeal site for further planting without additional shading of the neighbouring garden. With appropriate choice of species and care to ensure that they established, this would further mitigate the potential impact on the privacy of the occupiers of Mulberry House.
21. While I understand the concerns of interested parties that there may be a desire to design the proposed dwelling to take advantage of views to the south, this would not override the need to safeguard the living conditions of neighbouring occupiers. This would be a matter to be assessed at reserved matters stage and if an appropriate design were not achieved, it would be within the Council's power to refuse to grant reserved matters approval. However, at this outline stage there is no substantive evidence before me that a dwelling could not be designed in such a

way as to avoid direct or perceived overlooking of existing dwellings.

22. Accordingly, I consider that there is scope to accommodate a dwelling within the appeal site without additional harm to the living conditions of neighbouring occupiers in respect of privacy. I therefore find no conflict with CS Policies DM1 and DM4 which, amongst other things, seek to avoid unacceptable harm to the amenity of individual dwellings and require development to address design at a range of spatial scales, including spaces and buildings.

European Sites

23. Hestercombe House SAC is designated for its population of Lesser Horseshoe bats (LHB), with maternity roosts present at Hestercombe House and other known roosts within 200m of the appeal site. The conservation objectives of the SAC include maintaining the structure and function of the habitats of LHBs and the supporting processes of the habitats on which they rely. The landscapes around the SAC are important in providing foraging habitat needed to maintain the favourable conservation status of the species. The evidence before me is that LHB are light sensitive, use deciduous woodland to feed and use linear habitat features as commuting corridors or 'flyways' which enable the bats to avoid crossing open areas.
24. Radio tracking studies carried out to inform the Habitats Regulations Assessment of the CS identified the area containing the appeal site as a feeding area for LHB. Although the appeal proposal does not propose the removal of existing trees and hedges, use of external lighting on the site might result in them being illuminated, disturbing use of these linear features by LHB and potentially preventing their use. Lighting can also affect the availability of night-flying insects. Consequently, the possibility of the proposed development having significant effects on the integrity of the SAC, either alone or in combination with other development in the area, cannot be ruled out. It is therefore necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the proposed development on the integrity of the SAC.
25. The Council has recommended that a condition be imposed on any grant of permission to require details of external lighting to be agreed, and that the lighting scheme be designed to avoid impacts on bats. Natural England has been consulted and has agreed that such a condition would avoid an adverse effect on the integrity of the SAC. I am satisfied that the Council's suggested condition, with a minor change to the wording to include lighting during construction, would be sufficient to mitigate the level of harm likely to be caused by the proposed development, and that the condition would meet the tests set out in paragraph 55 of the National Planning Policy Framework (the Framework). Therefore, subject to the proposed mitigation, the proposal would not result in a significant harmful effect on the integrity of the SAC.

Other Matters

26. The appeal site is adjacent to the West Monkton Conservation Area (CA). Although not part of the Council's reasons for refusal, interested parties have raised concerns regarding the impact of the proposal on the CA. I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

27. The CA derives considerable significance from the historic pattern of built development in the village, in particular the close-knit development of the historic core and the more dispersed, spacious development in wooded surrounds around the outskirts. Historic buildings, such as St Augustine's Church, and dry-stone walls along the edge of roads also make a substantial contribution to the character and appearance of the CA.
28. For the reasons set out above, subject to an appropriate design at reserved matters stage, the proposal would not harm the character and appearance of the area, and as such, would not adversely affect views into or out of the CA. Neither would it result in the loss of the dry-stone wall on Church Lane. Therefore, I find that the proposal would not harm the character or appearance of the CA or its setting, and as such would not harm its significance as a designated heritage asset. Consequently, it would not conflict with CS Policy CP8, SADMP Policy D7 or the Framework insofar as they seek to conserve and enhance the historic environment.
29. Previous site clearance may have impacted on the ecological interest of the site and the health of the trees, however this appears to have taken place some time ago. I can only consider the proposal on the basis of the evidence before me, including the condition of the site at the time of my visit and the expert opinions of ecologists and tree specialists which form part of the appeal submissions, to which I have had regard in reaching this decision. Any breach of wildlife legislation would be a matter for the relevant authorities and is outside my remit in determining this appeal.
30. Planning conditions can be used to safeguard protected species and the existing trees and hedges during construction and occupation of the proposed dwelling, and to require provision of the ecological enhancements put forward by the appellant, to achieve biodiversity net gain. These enhancements would include removal of woodchip piles resulting from previous site clearance and as such seek to address previous damage.
31. The first part of the proposed access from Church Lane is a driveway already shared by several properties. The existing passing bay was used for parking at the time of my site visit, however I saw that there were other opportunities along this driveway for vehicles to pass. Alternatively, vehicles could wait on Church Lane which, while not ideal, is unlikely to result in vehicle conflicts on this lightly trafficked lane. The access may not be of sufficient width to accommodate emergency vehicles, resulting in them waiting on the Lane, however this is no different to the situation in respect of the existing dwellings served by the same access. As such, there is no compelling evidence before me that the additional traffic generated by one dwelling would have an unacceptable impact on highway safety.
32. Existing dwellings are set back from the shared driveway, with substantial walls along much of its length. The existing use of the driveway is likely to already result in some noise, and one additional dwelling would generate relatively few additional vehicle movements. Vehicle speeds are also likely to be low due to the width and gradient of the driveway. As such, any additional vehicle noise generated by the appeal proposal would be limited, and would not have significant adverse effects on the living conditions of the occupiers of those properties.
33. National and local policy support the supply of housing, to which the proposal would contribute. As such, the provision of housing on other sites does not

preclude the development of this site.

34. A surface water drainage scheme would be needed to ensure that the proposal did not result in flooding of the site or elsewhere, and could be secured by planning condition.
35. The Council has provided me with a copy of the West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan (NDP), however neither the Council, the appellant or interested parties have inferred any conflict with its policies. Therefore, it has not been determinative in my decision.

Conditions

36. In addition to those mentioned above, conditions are needed to set timescales for submission of reserved matters and implementation of the proposal and to require compliance with the relevant parts of the approved plans, in the interests of certainty.
37. Conditions to secure appropriate methods of working and construction details to protect trees, habitats and protected species are necessary prior to commencement of development, as they could be harmed by any stage of development, including site clearance. Those pre-commencement conditions have been agreed by the appellant. Details of lighting are necessary for the reasons given above, but are only needed before any lighting is installed, so do not need to be approved prior to construction as the Council suggests.
38. Details of materials are necessary in the interests of the character and appearance of the area. A hard and soft landscaping scheme and subsequent maintenance are needed in the interests of the living conditions of neighbours, and the character and appearance of the area and the CA.
39. Visibility splays, car parking and turning are required in the interests of highway safety, and cycle storage is needed to encourage sustainable modes of travel. The splays are required to accommodate construction traffic, however the Council's suggestion that they be provided prior to commencement of development would be unenforceable, as the works required to construct them also constitute development. I have therefore reworded the trigger for their provision. The highway authority suggests a structural assessment of the proposal be submitted, to be secured through a legal agreement. However, there is no substantive evidence before me that the proposed development would be likely to result in land stability issues that would affect the highway, and as such that suggested condition is not necessary. As the existing driveway already has a tarmac surface, there is no need for a condition to require a consolidated surface to be provided. I also note that electric vehicle charging points are sought, however I have not been directed to any development plan policies to support this requirement, and as such it has not been demonstrated to be necessary.
40. Where necessary, I have altered the wording of the Council's suggested conditions to ensure that they meet the Framework tests, however these are minor changes and as such I do not consider that they prejudice any party.

Conclusion

41. I have found that the proposal would not conflict with relevant development plan

policies, and there are no material considerations that indicate that planning permission should not be granted. As such, the proposal would benefit from the presumption in favour of sustainable development in CS Policy SD1 and Framework paragraph 11.

42. Therefore, for the reasons set out above, the appeal is allowed.

L McKay
INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with approved plan 4817/15A, except in respect of the layout of the dwelling shown on that plan.
- 5) No development shall take place, including demolition or site clearance (other than as required by this condition), until any vegetation in the construction area has been reduced by hand to a height of 10 centimetres above ground level, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures above 10°C) before clearing.

Once cut, vegetation should be maintained at a height of 10cm or less for the duration of the construction period. Written notification of these operations shall be submitted to the local planning authority prior to the work taking place.

- 6) No development shall commence, including demolition and site clearance, until all site operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats and other protected species, their legal protection, working practices to avoid harming bats, the working strategy for the project and the procedure should any protected species be encountered. Written confirmation of the induction shall be submitted to the local planning authority by the licensed bat ecologist within one week of the toolbox talk.
- 7) No development shall commence, including demolition, until an Arboricultural Method Statement and detailed scheme of tree protection measures in accordance with BS5387 have been submitted to and approved in writing by the local planning authority, which may be as part of a reserved matters approval. The method statement shall include full engineering and construction details, including scale plans and cross sections of the construction of the access and driveway.

The agreed protection measures shall be erected prior to commencement of the development hereby permitted, including vegetation clearance, excavation, engineering operations, heavy machinery entering site or the on-site storage of materials. On installation of the tree protection measures, at least three working days' notice shall be given to the local planning authority that it has been installed prior to commencement of the development. The development shall be carried out in accordance with the approved scheme and method statement.

The approved tree protection measures shall be maintained and retained for the full duration of construction or until such time as agreed in writing by the local planning authority. No activities, excavation or deposition of material, or storage of equipment or materials shall take place within the protected areas at any time without the prior written agreement of the local planning authority.

- 8) All woodchip piles on the site and within the garden of the dwelling known as Nigella shall be removed in accordance with the recommendations of the Ecological Update by Halpin Robbins dated 07 May 2019.
- 9) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access and extending to points 1 metre out from the carriageway edge 15 metres to the north and 33 metres to the south of the access. Such visibility shall be fully provided before any development, other than that necessary to comply with this condition, commences on the appeal site, and shall thereafter be maintained at all times.
- 10) No construction shall take place above slab level of the dwelling hereby permitted until details of the materials to be used in the construction of the external surfaces of that dwelling have been submitted to and approved in writing by the local planning authority, which may be as part of a reserved matters submission. Development shall be carried out in accordance with the approved details.
- 11) No external lighting shall be installed within the site or the garden of the dwelling hereby permitted at any time, including during construction, unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed, including through the provision of technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the approved design, and these shall be maintained thereafter in accordance with the approved design. Under no circumstances shall any other external lighting be installed without prior consent in writing from the local planning authority.
- 12) The dwelling hereby permitted shall not be occupied until the following ecological enhancement measures have been installed and a drawing showing their location has been submitted to the local planning authority:
 - i) two [2] tit boxes and two [2] open fronted boxes suitable for wrens and robins installed high on trees on a northerly facing aspect;
 - ii) one [1] bee brick built into the wall of the permitted dwelling about 1 metre above ground level on the south-eastern or southern elevation.
- 13) The dwelling hereby permitted shall not be occupied until parking and turning space for vehicles have first been provided within the site in accordance with details that have first been submitted to and approved by the local planning authority, which may be as part of a reserved matters approval. Such parking and turning areas shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

- 14) The dwelling hereby permitted shall not be occupied until cycle storage has first been provided for the dwelling in accordance with details that have been submitted to and approved in writing by the local planning authority. The agreed storage shall thereafter be retained at all times.
- 15) The dwelling hereby permitted shall not be occupied until provision has been made on the site for the disposal of surface water so as to prevent its discharge onto neighbouring land or the highway, in accordance with details that have first been submitted to and approved by the local planning authority. The drainage provision shall thereafter be maintained so as to be operational and effective at all times.
- 16) The landscaping details required by condition 1 shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments (including their height, type, materials, finish and colour);
 - iv) hard surfacing materials;
 - v) planting plans;
 - vi) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - vii) schedules of plants noting species, plant supply sizes and proposed numbers/densities.

The landscaping works shall be carried out in accordance with the approved details in the first available planting season following first occupation of the proposed development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Site: WATERHAYES COTTAGE, WATERHAYES LANE, OTTERFORD,
CHARD, TA20 3QH

Proposal: Erection of a single storey extension to the side of Waterhayes Cottage,
Waterhayes Lane, Otterford

Application number: 29/20/0001

Reason for refusal: Dismissed

Planning Application Decision: Delegated Decision – Refused



Appeal Decision

Site visit made on 28 July 2020 by Alex O’Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/W3330/D/20/3251478

Waterhayes Cottage, Waterhayes Lane, Otterford, Chard TA20 3QH

- 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 Peter Naylor against the decision of Somerset West and Taunton Council.
 - The application Ref 29/20/0001, dated 16 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is a single-storey extension to a dwelling.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area, including the Blackdown Hills Area of Outstanding Natural Beauty (‘AONB’).

Reasons for the Recommendation

4. The appeal site is nestled between woodland and field parcels in a sublime area of countryside. The appeal site, located on a hillside, comprises a traditionally styled two-storey dwellinghouse, built of natural rubblestone with render and timber cladding, sat next to gardens, car parking, vehicular access, and a barn

outbuilding. It is common ground that a single storey rear extension (comprising a garden room and a boot room) was added to the appeal property in the 1990's, and this also houses a porch. A decking area is situated next to the porch. Waterhayes Farm is opposite and includes a traditionally-styled cottage with a thatched roof.

5. I observed that when approaching from the east, the host property was almost completely obscured by thick hedgerow, such that only glimpsed views remained. Similarly, when approaching from the west, the curve in the road and the host property blocked views of the location of the proposed extension. As the proposal would be substantially screened from public vantage points its effect on the character and appearance of the surrounding area would be minimal. Therefore, the proposal is acceptable in this respect.
6. Although the original building has been altered somewhat, it still retains traditional features, including its modest size, attractive stonework and windows which reflect its cottage character. The proposal, for a single-storey extension, would be joined to the existing extension. In comparison with the host property, it would protrude from both the side and the rear of the host property by a substantial margin, with a length of approximately 12m (including the canopy) in contrast to the approximately 7m depth of the host property. Whilst the proposal would incorporate a step down from the roof line of the existing dwelling (as extended), due to its height and width and overall scale it would compete with the host property, and accordingly would not be subservient to it, as required by Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (adopted December 2016) ('DMP').
7. It is recognised that materials have been chosen which reflect the advice given in the Blackdown Hills AONB Design guide for houses (March 2012), and draws on examples of other nearby development. Specifically, the proposal would incorporate timber boarding, which would reflect the upper portion (north-east elevation) of the existing extension and the sides of the small dormer window, and the roof tiles on the south-eastern portion of the extension would match that of the host property. Nevertheless, the host property predominantly consists of stone with rendered elements, and the proposed use of a considerable amount of timber boarding, on an extension which would compete in scale with the host property, would significantly detract from its traditional character and appearance.
8. The use of two roofs of differing configurations and materials, including a metal material on the north-western portion of the extension, would break up the roofscape, but as they would occupy a substantial amount of space in themselves, would not serve to sufficiently mitigate the effect of the mass of the extension. In my view the proposal would not appear as a feature of 'inferior construction', due to its scale and massing.
9. The proposed elongated fenestration would be similar in appearance to that on the existing garden room. However, it would not complement the largely rectangular fenestration on the rest of the host property and would detract from its appearance as a result.
10. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the host property. The proposal would conflict with Policy D5 of the DMP which provides that extensions to dwellings will be permitted provided they do not harm the form and character of the dwelling and

are subservient to it in scale and design. Policy D6 of the DMP relates to ancillary accommodation, which is not proposed in this appeal, and therefore is not relevant.

11. The effect of the proposal on the AONB would be negligible, due to the limited scale of the proposal. Therefore, the landscape and scenic beauty of the AONB would be conserved, in accordance with paragraph 172 of the National Planning Policy Framework. This finding does not alter my conclusion on this main issue.

Other Matters

12. I have carefully considered the evidence provided with regards to the personal circumstances of the appellant, with respect to the aims of the Public Sector

Equality Duty contained in the Equality Act 2010. It is recognised that the appellant has considered various options pertaining to how the existing property could be extended, resulting in the proposal now at appeal, and I give moderate weight to the benefit that the proposal would provide to the appellant with regards to their personal circumstances. Whilst the appellant has mentioned that opportunities for Equalities Act-compliant homes are extremely rare in the Blackdown Hills AONB, and has referred to the demographics of the area, little evidence has been provided to demonstrate these points, and therefore I give limited weight to this matter.

13. The Planning Practice Guidance¹ states that planning is concerned with land use in the public interest, and therefore I must also take account of the fact that the proposal would result in a permanent structure which would cause considerable harm to the character and appearance of the host property, to which I accord substantial weight. Considering this, and that a less harmful scheme could potentially meet the requirements of the personal circumstances of the appellant, I conclude that the personal circumstances of the appellant do not change my finding on the main issue in this appeal.
14. The proposal incorporates a south-west facing façade, which the appellant has argued would help the mental well-being of residents and would keep the house warm. Additionally, triple-glazed windows are proposed which would reduce heat loss and energy consumption. Even so, these factors do not offset the considerable harm identified on the main issue.

Conclusion and Recommendation

15. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR

¹ Paragraph: 008 Reference ID: 21b-008-20140306

Site: 68 SOUTH STREET, TAUNTON, TA1 3AF

Proposal: Alleged unauthorised works to front of 68 South Street, Taunton

Application number: E/0066/38/18

Appeal Decision: Allowed/Enforcement Notice Quashed/Planning Permission Given



The Planning Inspectorate

Appeal Decisions

Site visit made on 8 September 2020 by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 28 September 2020

Appeal A Ref: APP/W3330/C/20/3250694 Appeal B Ref: APP/W3330/C/20/3250695 Land at 68 South Street, Taunton, TA1 3AF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mr Timothy Birch-Donohoe and Appeal B by Mrs Hannah DonohoeBirch.
- The enforcement notice, numbered E66/378/8, was issued on 3 March 2020.
- The breach of planning control as alleged in the notice is the carrying out of excavation and earthworks to remove material to the front of the land including the removal of a boundary wall and the formation of an access and the construction of timber balustrades to steps leading to the front door all on the land.
- The requirements of the notice are:
 - a) Remove timber balustrades to the steps leading to front door.
 - b) Reinstate front boundary wall to its previously existing height of 1.5 metres to be constructed of brick and stone.
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Appeal B is proceeding on the grounds set out in section 174(2) (b), (c), (f) and (g)

Decisions

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section

177(5) of the 1990 Act as amended for the development already carried out, namely the carrying out of excavation and earthworks to remove material to the front of the land including the removal of a boundary wall and the formation of an access and the construction of timber balustrades to steps leading to the front door all on the land at 68 South Street, Taunton, TA1 3AF referred to in the notice, subject to the following conditions:

- 1) The development hereby permitted shall be carried out and completed within 12 months in accordance with the following approved plans: John Gower Consulting Ltd 2018-05-0016-005 Rev E and 2018-05-0016-006 Rev C.
- 2) The stone and brick boundary wall adjoining the highway shall be no less than 1.5 metres in height.
- 3) No development shall commence until details/samples of the materials to be used in the construction of the development and the position, materials and width of the pedestrian access and gate hereby permitted have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details/samples.

Procedural Matters

2. This appeal relates to 68 South Street as identified on the plan attached to the notice. An identical enforcement notice with the Council's same reference number was issued in respect of the same allegation for the adjoining property at 70 South Street as identified on the plan attached to that notice. That notice also subject to appeals (APP/W3330/C/20/3250696 and APP/W3330/C/20/3250697).
3. A single appeal statement from the joint agent for the appellants of both properties has been submitted. However, as the two properties are subject to separate enforcement notices, I have dealt with them in separate decision letters albeit that they both have similar reasoning.
4. Where an appeal on a legal ground is made, such as ground (c), the onus of proof rests with the appellant and the level of proof is on the balance of probability.

The site and relevant planning history

5. The appeal site is a mid-terrace property in an elevated position set back a short distance from the road. Prior to the works being carried out, the Council states that the front door was accessed by stone steps with a raised garden. There was a 1.5m high wall of stone and brick along the pavement boundary. Low railings were positioned to the edge of the garden closest to the road and there is a brick boundary wall forming part of a historic outbuilding in the front garden of No 66. The property is in an established housing area principally of terraced housing. This part of South Street is relatively narrow and parking restrictions apply.
6. A joint planning application by the occupants of both 68 and 70 South Street (38/18/0227) for the creation of lower front courtyards, erection of retaining walls, bin/bicycle store, front boundary railings with gates and replacement external stairs was refused in October 2018.

The appeals on ground (b)

7. An appeal on this ground is that the breach of control alleged in the notice has not taken place as a matter of fact.
8. It was evident from my site inspection that the works alleged in the notice have occurred as a matter of fact. The appeal on this ground fails.

The appeals on ground (c)

9. An appeal on this ground is that there has not been a breach of planning control. The appellants claim that excavation and earthworks within a domestic garden do not constitute development requiring planning permission although no argument is advanced in support of this contention. The meaning of development is defined in s55 which includes the carrying out of engineering operations.
10. Similarly it is argued that removal of a boundary wall does not constitute development but again this is incorrect. The demolition of gates, fences and walls represent permitted development, subject to certain limitations, by virtue of Class C, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The same proposition is put forward by the appellants in their contention that construction of a timber fence and balustrade does not constitute development. The appellants fail to acknowledge that these all constitute development in the context of s55 requiring planning permission albeit that permission is granted under paragraph 3 (1) of the Order.
11. The appellants state that no permanent access has been created and further boundary works have yet to be carried out. Whilst this may be the case, it appears to me that the works alleged to have taken place form part of a single building and engineering operation that has yet to be completed and no cogent case has been forwarded to indicate that these works have planning permission.

12. The appeals on this ground fail.

The appeal on ground (a)

13. An appeal on this ground is that planning permission should be granted for what is alleged in the notice. The main issue is the effect that the development has on the character and appearance of the area.
14. The area is characterised by mainly older, terraced property and in this narrower part of South Street, the houses generally have boundary walls of brick and stone retaining raised front garden areas. Some of the properties have fencing, hedges or railings above the retaining walls. The existing boundary treatment provides a distinctive sense of containment and enclosure to this part of the street and coupled with the stone steps to properties on the south side strongly define its character. The break in the continuity of these defining features through the removal of the boundary wall, loss of steps and excavation of the garden area behind of both the appeal property and its neighbour have opened up this part of the road and have adversely affected its character and appearance. This is contrary to Policy DM1 of the Taunton Dean Core Strategy which seeks to protect the appearance and character of the street scene.
15. I have had regard to the reasons put forward for the works having been carried out, namely the failure of sewer pipes and underpinning of the properties, together with the intentions of the owner/occupier of No 66 in respect of that property. However, these

considerations do not outweigh the harm caused to the character and appearance of the area.

16. The scheme forming part of application 38/18/0227 proposed low railings and gates on the pavement boundary and to the flights of steps and in front of the houses. This proposal was refused by the Council in view of their unacceptable impact on the street scene. I agree that this would not overcome the harm caused through the loss of the boundary walls.
17. Following the refusal of that scheme, revised proposals were informally agreed by Council officers. These incorporated a stone/brick wall of about 1.5m high on the front boundary with wrought iron gates providing access to flights of steps with railings alongside the steps and in front of the house. The Council in their statement indicate that the replacement of the boundary fence with a boundary treatment of a height and materials of the one that has been removed would help to reinstate the streetscape to its original appearance and character. They also acknowledge the interim use of the timber balustrades and their permanent replacement with an iron balustrade.
18. The revised proposals would mitigate the harm caused by the unauthorised development and subject to appropriate conditions, the scheme could be made acceptable and accord with Policy DM1 and I intend to grant planning permission accordingly. Conditions requiring the scheme to be carried out in accordance with revised scheme drawings with a minimum wall height and approval of details are necessary in the interests of the character and appearance of the area. In view of the current restrictions arising from Covid19, Condition 1 provides a 12 month period for completion of the scheme.
19. The appeal on this ground succeeds. It is therefore unnecessary to consider the appeals on grounds (f) and (g).

Conclusions

20. For the reasons given above I conclude that the appeals should succeed on ground (a) and planning permission will be granted. The appeals on grounds (f) and (g) do not therefore need to be considered.

P N Jarratt Inspector

Site: 70 SOUTH STREET, TAUNTON, TA1 3AF

Proposal: Alleged unauthorised works to front of 68 South Street, Taunton

Application number: E/0111/38/20

Appeal Decision: Allowed/Enforcement Notice Quashed/Planning Permission Given



The Planning Inspectorate

Appeal Decisions

Site visit made on 8 September 2020 by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 28 September 2020

Appeal A Ref: APP/W3330/C/20/3250696 Appeal B Ref: APP/W3330/C/20/3250697 Land at 70 South Street, Taunton, TA1 3AF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr David Stone, and Appeal B by Mrs Amanda Stone against an enforcement notice issued by Somerset West and Taunton Council.
 - The enforcement notice, numbered E66/378/8, was issued on 3 March 2020.
 - The breach of planning control as alleged in the notice is the carrying out of excavation and earthworks to remove material to the front of the land including the removal of a boundary wall and the formation of an access and the construction of timber balustrades to steps leading to the front door all on the land.
 - The requirements of the notice are:
 - a) Remove timber balustrades to the steps leading to front door.
 - b) Reinstate front boundary wall to its previously existing height of 1.5 metres to be constructed of brick and stone.
 - The period for compliance with the requirements is 6 months.
 - Appeal A is proceeding on the grounds set out in section 174(2) (a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Appeal B is proceeding on the grounds set out in section 174(2) (b), (c), (f) and (g)
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Decisions

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section

177(5) of the 1990 Act as amended for the development already carried out, namely the carrying out of excavation and earthworks to remove material to the front of the land including the removal of a boundary wall and the formation of an access and the construction of timber balustrades to steps leading to the front door all on the land at 68 South Street, Taunton, TA1 3AF referred to in the notice, subject to the following conditions:

- 1) The development hereby permitted shall be carried out and completed within 12 months in accordance with the following approved plans: John Gower Consulting Ltd 2018-05-0016-005 Rev E and 2018-05-0016-006 Rev C.
- 2) The stone and brick boundary wall adjoining the highway shall be no less than 1.5 metres in height.
- 3) No development shall commence until details/samples of the materials to be used in the construction of the development and the position, materials and width of the pedestrian access and gate hereby permitted have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details/samples.

Procedural Matters

2. This appeal relates to 70 South Street as identified on the plan attached to the notice. An identical enforcement notice with the Council's same reference number was issued in respect of the same allegation for the adjoining property at 68 South Street as identified on the plan attached to that notice. That notice is also subject to appeals (APP/W3330/C/20/3250694 and APP/W3330/C/20/3250695).
3. A single appeal statement from the joint agent for the appellants of both properties has been submitted. However, as the two properties are subject to separate enforcement notices, I have dealt with them in separate decision letters albeit that they both have similar reasoning.
4. Where an appeal on a legal ground is made, such as ground (c), the onus of proof rests with the appellant and the level of proof is on the balance of probability.

The site and relevant planning history

5. The appeal site is a mid-terrace property in an elevated position set back a short distance from the road. Prior to the works being carried out, the Council states that the front door was accessed by stone steps with a raised garden. There was a 1.5m high wall of stone and brick along the pavement boundary. The property is in an established housing area principally of terraced housing. This part of South Street is relatively narrow and parking restrictions apply.
6. A joint planning application by the occupants of both 68 and 70 South Street (38/18/0227) for the creation of lower front courtyards, erection of retaining walls, bin/bicycle store, front boundary railings with gates and replacement external stairs was refused in October 2018.

The appeals on ground (b)

7. An appeal on this ground is that the breach of control alleged in the notice has not taken place as a matter of fact.

8. It was evident from my site inspection that the works alleged in the notice have occurred as a matter of fact. The appeal on this ground fails.

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9. An appeal on this ground is that there has not been a breach of planning control. The appellants claim that excavation and earthworks within a domestic garden do not constitute development requiring planning permission although no argument is advanced in support of this contention. The meaning of development is defined in s55 which includes the carrying out of engineering operations.

10. Similarly it is argued that removal of a boundary wall does not constitute development but again this is incorrect. The demolition of gates, fences and walls represent permitted development, subject to certain limitations, by virtue of Class C, Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The same

proposition is put forward by the appellants in their contention that construction of a timber fence and balustrade does not constitute development. The appellants fail to acknowledge that these all constitute development in the context of s55 requiring planning permission albeit that permission is granted under paragraph 3 (1) of the Order.

11. The appellants state that no permanent access has been created and further boundary works have yet to be carried out. Whilst this may be the case, it appears to me that the works alleged to have taken place form part of a single building and engineering operation that has yet to be completed and no cogent case has been forwarded to indicate that these works have planning permission.

12. The appeals on this ground fail.

The appeal on ground (a)

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14. The area is characterised by mainly older, terraced property and in this narrower part of South Street, the houses generally have boundary walls of brick and stone retaining raised front garden areas. Some of the properties have fencing, hedges or railings above the retaining walls. The existing boundary treatment provides a distinctive sense of containment and enclosure to this part of the street and coupled with the stone steps to properties on the south side strongly define its character. The break in the continuity of these defining features through the removal of the boundary wall, loss of steps and excavation of the garden area behind of both the appeal property and its neighbour have opened up this part of the road and have adversely affected its character and appearance. This is contrary to Policy DM1 of the Taunton Dean Core Strategy which seeks to protect the appearance and character of the street scene.

15. I have had regard to the reasons put forward for the works having been carried out, namely the failure of sewer pipes and underpinning of the properties, together with the intentions of the owner/occupier of No 66 in respect of that property. However, these considerations do not outweigh the harm caused to the character and appearance of the area.

16. The scheme forming part of application 38/18/0227 proposed low railings and gates on the pavement boundary and to the flights of steps and in front of the houses. This proposal was refused by the Council in view of their unacceptable impact on the street scene. I agree that this would not overcome the harm caused through the loss of the boundary walls.
17. Following the refusal of that scheme, revised proposals were informally agreed by Council officers. These incorporated a stone/brick wall of about 1.5m high on the front boundary with wrought iron gates providing access to flights of steps with railings alongside the steps and in front of the house. The Council in their statement indicate that the replacement of the boundary fence with a boundary treatment of a height and materials of the one that has been removed would help to reinstate the streetscape to its original appearance and character. They also acknowledge the interim use of the timber balustrades and their permanent replacement with an iron balustrade.
18. The revised proposals would mitigate the harm caused by the unauthorised development and subject to appropriate conditions, the scheme could be made acceptable and accord with Policy DM1 and I intend to grant planning permission accordingly. Conditions requiring the scheme to be carried out in accordance with revised scheme drawings with a minimum wall height and approval of details are necessary in the interests of the character and appearance of the area. In view of the current restrictions arising from Covid19, Condition 1 provides a 12 month period for completion of the scheme.
19. The appeal on this ground succeeds. It is therefore unnecessary to consider the appeals on grounds (f) and (g).

Conclusions

20. For the reasons given above I conclude that the appeals should succeed on ground (a) and planning permission will be granted. The appeals on grounds (f) and (g) do not therefore need to be considered.

Decisions *P*

N Jarratt

Inspector

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 12

Document is Restricted

