

## SWT Planning Committee

Thursday, 23rd June, 2022,  
1.00 pm



Somerset West  
and Taunton

The John Meikle Room - The Deane  
House

[SWT MEETING WEBCAST LINK](#)

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**Members:** Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Ed Firmin, Steve Griffiths, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

### Agenda

**1. Apologies**

To receive any apologies for absence.

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

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

**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 submitted any questions or statements, please note, a three minute time

(Pages 5 - 10)

limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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5. **48/20/0050 - Erection of a 66 bedroom care home (Class C2) with associated parking, access and landscaping at Heathfield Industrial Park, Hardys Road, Bathpool, HEATHFIELD INDUSTRIAL PARK, HARDYS ROAD, BATHPOOL, TAUNTON** (Pages 11 - 40)
6. **49/21/0030 - Erection of an agricultural building for the rearing of calves on Simons Holt Farm retained land, Whitefield, Wiveliscombe, SIMONS HOLT FARM RETAINED LAND, WHITEFILED, WIVELISCOMBE, TA4 2UU** (Pages 41 - 52)
7. **Access to information - Exclusion of Press and Public**

During discussion of the following item 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 Planning Committee 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 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). 9. Confidential report.
8. **Confidential report** (Pages 53 - 56)
9. **Confidential report** (Pages 57 - 60)

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

**ANDREW PRITCHARD**  
**CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 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. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 1 clear working day 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 Friday prior to the meeting.

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## SWT Planning Committee - 26 May 2022

Present: Councillor Simon Coles (Chair)

Councillors Ian Aldridge, Mark Blaker, Ed Firmin, Steve Griffiths, Roger Habgood, John Hassall, Marcia Hill, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Keith Wheatley, Loretta Whetlor and Gwil Wren

Officers: Sarah Stevens, , Martin Evans (Shape Legal Partnership), Darren Roberts, Sarah Leete-Groves, Briony Waterman and Tracey Meadows

Also Present: Councillors Kravis and Rigby

(The meeting commenced at 1.00 pm)

### 1. **Appointment of Chair**

Proposed by Cllr Hill, seconded by Cllr Lithgow

**Resolved** that Councillor Simon Coles be appointed Chair of the Planning Committee for the remainder of the Municipal Year.

### 2. **Appointment of Vice-Chair**

Proposed by Cllr Lithgow, seconded by Cllr Hassall

**Resolved** that Councillor Marcia Hill be appointed Vice-Chair of the Planning Committee for the remainder of the Municipal Year.

(Councillor Firmin arrived late to the meeting so could not take part in either vote)

### 3. **Apologies**

No apologies were received.

### 4. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 28 April 22, circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 28 April 22 be confirmed as a correct record.

Proposed by Councillor Hill seconded by Councillor Lithgow

The **Motion** was carried.

5. **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	Minute No.	Description of Interest	Reason	Action Taken
Cllr I Aldridge	All Items	Williton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr C Palmer	3/26/21/022	Application heard at Minehead TC	Personal	Withdrew from the meeting.
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr K Wheatley	All Items	Wellington	Personal	Spoke and Voted
Cllr L Whetlor	3/26/21/022	Applicant's partner known to Cllr. Not 'fettered'	Personal	Spoke and Voted
Cllr G Wren	All Items	SCC & Clerk to Milverton PC	Personal	Spoke and Voted

6. **Public Participation**

Application No.	Name	Position	Stance
14/21/0024	Mr C Moor	Local Resident	Objecting
	Ms C Sampson	Local Resident	Objecting
	Mr J Creighton	Local Resident	Objecting
	Ms M Stone	Local Resident	Objecting
	Ms R Randall	Polden Planning	In favour
	Mr R White	Miles White Transport	In favour
	Mr A Lehner	West of England Developments	In favour
3/26/21/022	Mr M Kravis	Applicant	In favour
	Mr I Duncan	Old Cleeve PC	Objecting

7. **14/21/0024 - Application for Outline Planning with all matters reserved, except for access and landscaping, for the erection of up to 28 No.**

**dwelling with associated works, formation of access, landscaping, ground engineering and drainage works on land to the west of Derham Close, Creech St Michael**

Councillor Firmin left the meeting at 1.32pm

**Comments from members of the public included;**  
(summarised)

- Access concerns;
- Construction traffic concerns;
- The proposed site was too close to the other houses;
- An alternative access route was needed onto the site;
- The access was outside of the development boundary;
- Wildlife concerns;
- Concerns with light pollution;
- The proposed Orchard was not wildlife friendly;
- Concerns with the proposal to dig through the children's play area for drainage;
- Concerns with the negative effect on the appearance of the existing estate;
- The local school was close to capacity and the local surgery oversubscribed;
- Concerns that this was a creeping development;
- Concerns with the loss of greenspace;
- This development would extend the existing green wedge and offer greener space;
- The development was in a sustainable location with a mix of affordable housing;
- All remaining land would be protected by commercial apple orchards and a large natural tree belt along the motorway;
- No concerns with flooding as the development was 30m from the canal;
- The mitigation strategy had been scrutinised by Natural England and Somerset Ecology Services which had their full support and approval;
- The development gives huge carbon gain biodiversity and a natural habitat for wildlife along with ground or air source heating proposed;

**Comments from Members included:**  
(summarised)

- Concerns with the lack of a 5-year land supply and the Strategic Housing need in Creech St Michael;
- Concerns with the access to the site for residents;
- An alternative development access was needed for construction traffic;
- Concerns that this development was out of the development limits;
- Concerns that an agricultural field was been removed from the food supply;

- Concerns with the potential impact on bats. A Bat survey was needed before the development commenced;
- Concerns with the weight of the proposed mitigation process;
- Concerns that there were no provision for safe cycling proposed;

Councillor Hill proposed and Councillor Wren seconded a motion that planning permission be GRANTED. That authority be delegated to the Chair and Vice-Chair to grant permission, subject to a S106 Obligation to be completed within 6 months of the date of the Committee and an amendment to Condition 21 to require the construction traffic access for the development to come from the agricultural accesses that are identified within the land outlined in blue.

The motion was carried.

After this application a 10-minute break was proposed and seconded.

8. **3/07/22/004 - Listed Building Consent. Raising of rear chimney by 250mm, Lawford Farm, Stickle Hill, Crowcombe TA4 4AL**

**Comments from Members included;**  
(summarised)

- The increased height would spoil the eyeline of the Grade II Listed Building;

Councillor Wren proposed and Councillor Weston seconded a motion that Listed Building consent be GRANTED subject to conditions.

The motion was carried.

9. **3/26/21/022 - Change of use of land with siting of 6 No. static caravans for holiday let use (retentions of works already undertaken) Caravan, The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP**

Councillor Palmer left the meeting before the application was presented by the Officer.

**Comments from members of the public included;**  
(summarised)

- The site was in a highly prominent location between the cliff edge and the B3191 with the cliff being unstable and gradually being lost to the sea;
- Temporary Rock Armour had been used to help the situation, but it had not solved the problem;
- Concerns with the works undertaken to site the caravans. This would add to the coastal erosion;

- No development should be permitted between the road and the cliff edge;
- The caravans spoil the visual amenity of the area;
- The site should be reinstated to its previous condition;
- The application was policy compliant;
- Concerns with the limiting conditions for occupation of the caravans;
- The previous site was just scrub land so now improved it looked better than it did 30 years ago;

### **Question raised by Cllr Wren**

Cllr Wren stated that when he brought a planning application before the Committee of Taunton Deane as a Councillor, he was required to leave the room during the debate. Cllr Wren declared that the applicant who was until two days ago a member of the Executive was remaining in the room. He asked if he could he have a ruling on this from the Solicitor.

### **Response from Shape Legal, Martin Evans**

On checking with the SWT Deputy Monitoring Officer and the rules around having a disclosable pecuniary interest and having taken no part in the decision relates to members on the committee so if you were a committee member bringing the application here then you play no part at all, however that is not the case for members who were not on the committee.

### **Comments from Members included; (summarised)**

- Happy that this application was Policy compliant;
- Concerns with land sustainability;
- Concerns with the Landscape comments (in the update sheet);
- Concerns that the hardstanding for this site was probably aiding percolation which may assist with the instability of the land;
- Concerns that this application was between the road and the cliff edge;
- Concerns that the caravans would be permanently occupied;
- The caravans were not sustainable from a heating and Carbon Footprint opinion;
- No public transport available to the site;
- This application had a negative impact on the coast and landscape character and not suitable for the area;

Councillor Lithgow proposed and Councillor Hill seconded a motion that planning permission be GRANTED subject to conditions as per update sheet to read;

### **Amended Conditions**

3. Remove the time scale from the 1<sup>st</sup> April-31<sup>st</sup> October so the condition would now read;

“The caravans shall be occupied as holiday accommodation only for 10 months in each calendar year.

The caravans shall not be occupied as a person’s sole or main place of residence.

The site operator or owner shall maintain an up to date register of the names of all occupiers of individual caravans on the site and their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason to prevent permanent occupation of residential units within the open countryside”

The motion was carried.

At this point in the meeting a 30-minute extension was approved.

10. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 4.20 pm)

<b>Application Details</b>	
Application Reference Number:	<u>48/20/0050</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	21 December 2021
Expiry Date	<u>19 February 2021</u>
Extension of time	14 January 2022
Decision Level	
Description:	Erection of a 66 bedroomed care home (Class C2) with associated parking, access and landscaping at Heathfield Industrial Park, Hardys Road, Bathpool
Site Address:	<u>HEATHFIELD INDUSTRIAL PARK, HARDYS ROAD, BATHPOOL, TAUNTON</u>
Parish:	48
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/A
Case Officer:	<u>Mike Hicks</u>
Agent:	
Applicant:	LNT CARE DEVELOPMENTS
Committee Date:	
Reason for reporting application to Committee	Recommendation is contrary to the Parish Council and 4 individual neighbours.

## 1. Recommendation

1.1 That planning permission be **REFUSED**

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is for a carehome which is located on allocated employment land in the Monkton Heathfield urban extension allocation. The application is recommended for refusal for three reasons. Firstly, due to the impact on the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar site due to phosphate discharge as there is no information within the application to demonstrate nutrient neutrality Secondly, the proposal is recommended for refusal on the basis of poor quality design and layout which would fail to present and acceptably distinctive and high quality development and would not enhance the prominent corner plot. This would be to the detriment of the area and to the future residents and users of the development. Thirdly, the

proposal is recommended for refusal on the basis of lack of public art provision within the scheme.

### **3. Planning Obligations and conditions and informatives**

3.1 N/A

### **4. Proposed development, site and surroundings**

#### **4.1 Details of proposal**

The application proposes the construction of a 66 bed carehome with associated parking, hardstanding, boundary treatment. The carehome would be a two storey H shaped form and would be located approximately in the centre of the plot. It would have an eaves and ridge height of 5.2 and 9.5 metres respectively. During the course of the application amended plans were received to show solar panels on the roof and minor alterations to the elevational treatment. External materials would consist of two tones of brick in a buff/brown colour and some smaller panels of render and artificial cladding. Windows would be grey powder coated aluminium. Grey tiles are proposed to the roof.

4.2 The vehicular access and egress would utilise two existing accesses from the site onto Coker Close on the northern boundary. A total of 21 parking spaces and 8 cycle spaces are proposed.

#### **4.3 Sites and surroundings**

The site consists of an undeveloped corner plot on the corner of the A38 and Hardys Road. Vehicular access is via Coker Close runs off Hardys Road along the northern site boundary. The site is allocated under Policy SS1 of the Taunton Deane Core Strategy for employment use and forms part of a site that has an extant full planning consent for B1 and B8 use. This consent has been partially built out with one of the buildings to the west of the site complete and occupied.

4.4 A landscaped bund is located to the southern boundary was constructed as part of the formation of the new section of the A38. To the north of the site are residential properties which have been built as part of Monkton Heathfield Urban Extension, access to these properties is off Hardy's Road.

## Relevant Planning History

### 5. Planning history

Reference	Description	Decision	Date
48/17/0043	Erection of commercial buildings for Class B1/B8 usage, with amenities,	Approved	28/03/2018
48/05/0072	PROPOSED MIXED USE URBAN EXTENSION DEVELOPMENT COMPRISING RESIDENTIAL, EMPLOYMENT, LOCAL CENTRE, NEW PRIMARY SCHOOL, A38 RELIEF ROAD, GREEN SPACES AND PLAYING FIELDS	Approved	20/11/2015

### 6. Environmental Impact Assessment

6.1 N/A

### 7. Habitats Regulations Assessment

- 7.1 The site is located within the catchment for the Somerset Levels and Moors Ramsar site. The development is therefore required to demonstrate how it will achieve nutrient neutrality in order to comply with the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The County Ecologist has objected on the basis that the applicant has not submitted a phosphate mitigation scheme to demonstrate nutrient neutrality.
- 7.2 Having regard to the above, there is insufficient information to determine nutrient neutrality and the proposal would be contrary to Policy CP8 of the Taunton Deane Core Strategy, the Habitats Regulations and paragraphs 180-182 of the NPPF.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation:  
20/11/2020

8.2 Date of revised consultation (if applicable):  
30/06/2021 and 30/11/2021

Additional letters sent to an adjoining address on 30/05/22.

8.3 Press Date:  
27/11/2020  
21/04/2022- Advertised as a departure from the Local Plan.

8.4 Site Notice Date:  
Original site notice not dated.  
Second site notice dated 01/06/2022

8.5 **External Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WEST MONKTON PARISH COUNCIL	Supports the granting of planning permission. Detailed comments are made on matters relating to West Monkton Neighbourhood Plan Policies covering the following topics: external lighting, landscaping, water conservation, biodiversity.  Support the proposed solar panels on the roof and the amendments to design and appearance.	The support from the Parish Council is acknowledged, however the application is not considered to be acceptable when assessed against the development plan as a whole. These considerations are set out in the report below.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - ECOLOGY	Object due to the phosphates impact without mitigation being agreed. Other than phosphates, comments made relating to the potential for impacting on protected species and ecology of the site. No	Refer to section 13.1- 13.6

	objections are raised to these impacts subject to conditions relating to ecology friendly site clearance, external lighting to be agreed, ecological enhancements.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - TRANSPORT DEVELOPMENT GROUP	No objections subject to conditions relating to visibility, parking clear of obstruction, surface water drainage, CEMP.	Refer to section 14.1- 14.4
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEAD LOCAL FLOOD AUTHORITY	No objections subject to conditions to secure a detailed drainage scheme, details of the management of the drainage scheme,	Refer to section 18.1
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESSEX WATER	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
POLICE ARCHITECTURAL LIAISON OFFICER	No objections. Detailed comment and design advice is given. Reference to the proposed scheme is generally positive when assessed against designing out crime criteria.	There are no adverse issues raised that should lead to a reason for refusal on the basis of designing out crime.
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WESTERN AMBULANCE SERVICE	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No objections. Comments are made relating to the need to comply with Building Regulations for means of escape and rescue service access.	There are no planning objections raised. The issues raised would be subject to consideration under Building Regulations.

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WEST HERITAGE TRUST	Initially stated that a desk based field evaluation is required prior to the determination of the application. Subsequently confirmed that the issue can be acceptably addressed via a planning condition.	Refer to section 17.1- 17.2
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NHS SOMERSET, SOMERSET PRIMARY CARE TRUST	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ECONOMIC DEVELOPMENT	No comments received.	N/A
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESTERN POWER DISTRIBUTION	No comments received.	N/A

## 8.6 Quality Review panel:

- 8.6.1 The application was reviewed by the Quality Review Panel on 10/02/2022. The following is the summary quoted from the Panel's report:

*“The panel welcomes the employment opportunities offered by the care home, and accepts that this could be a satisfactory use for the site. However, the site is quite isolated, and also dominated by the main road and adjoining industrial development. The design needs to overcome these challenges and provide an outstanding environment for residents, which also enhances the overall neighbourhood for the benefit of the wider community. At present it fails to meet these needs and ambitions. The panel considers the proposed design to be generic and unrelated to its location, failing to meet Somerset West and Taunton’s aspirations for contextual, responsive, high-quality design. To achieve these standards, the panel feels significant changes are needed to the design approach, beginning with the building form which should express the building’s function. Re-orientating the block could improve both external form and quality of accommodation. A high quality of materials and detailing is an essential to delivering an appropriate external appearance. The panel encourages the applicant to employ a local architect to create a distinctive design approach, and to involve a landscape architect in developing the designs. Given the prominence of the site on the A38, the panel also asks the applicant to identify opportunities to make the building more architecturally distinctive and responsive to its location.*”

*Further thought is also needed to ensure outdoor communal spaces are embedded into the overall design and are of a high quality. The adjacent plot to the west could form part of this solution. The current proposals are also dominated by car parking areas, which should be reduced and integrated into a landscape vision for the site”.*

**8.7 Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
PLACEMAKING SPECIALIST	Objects to the application on the basis of poor design. Layout and design are mediocre quality. Lack of visual interest, imagination, focal building required on the corner. Sustainable principles not incorporated into design. Two electric charging points insufficient. Layout both internally and externally does not accord with up-to-date design standards.	Refer to section 12.1-12.13
PLANNING POLICY	No objections. The following points are raised: <ul style="list-style-type: none"> <li>• Significant need for specialist housing for older people over the period 2020-2040.</li> <li>• No objection to the principle of the development taking into account the overall development plan.</li> <li>• Applicant should provide evidence that the proposal would mitigate potential noise nuisance from the adjacent commercial use.</li> </ul>	Refer to paragraph 11.7  Refer to section 11.1-11.19  Refer to paragraphs 15.4-15.5  Refer to paragraph 11.1

	<ul style="list-style-type: none"> <li>The Council are expecting to confirm a housing land supply of 4.04 years.</li> <li>In the absence of a 5 year housing land supply, paragraph 11 of the NPPF is engaged (the tilted balance).</li> </ul>	In accordance with paragraph 182 of the NPPF the 'tilted balance' is not engaged as the proposal would harm a protected habitat site (Somerset levels and Moors Ramsar/SPA).
LANDSCAPE	No objections, however further landscaping detail required.	Scheme is not acceptable in design terms and accordingly a detailed landscaping scheme has not been pursued.
TREE OFFICER	Application is an opportunity for some high quality landscaping and specimen trees. Defer to landscaping and place making specialists for further comment.	As above.
ECONOMIC DEVELOPMENT	No comments received	N/A

## 8.8 Local representations

8.8.1 Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

9 letters have been received from 7 local households making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Not enough parking spaces for the development. Surrounding roads are inadequate for overflow parking.	Refer to paragraph 14.3
Site is tight for a 66 bed carehome. The area of land adjacent to Bridgwater Road may be more appropriate.	Concerns are raised over the design and layout of the proposal. Suggestions have been made to enlarge the site to provide additional soft landscaping.
More sustainable construction measures should be included such as solar panels and EV charging points.	Refer to paragraphs 16.1- 16.3

Support	Officer comment
Improvement over the original permission for 4 employment buildings. Will better reflect the existing character of the area.	Refer to paragraph 12.2
Will not generate the heavy traffic that a commercial use would	Refer to section 14.1- 14.2
2 stories is appropriate for this location. 3 storeys would not be appropriate adjacent to existing dwellings.	There are concerns raised over the design of the proposal. This is not necessarily due to the height of the building per-se. A building with three store elements may also be appropriate in principle on this site.

#### 8.9. Summary of support - non planning matters

- Comments are made querying who will be responsible for the completion of the pavement and cycle path and bollards adjacent to 50-52 Roys Place.
- Existing industrial building is devaluing property in the area.

### 9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013) and the West Monkton and Cheddon Fitzpaine Neighbourhood Plan (2017).

9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

9.3 Relevant policies of the development plan in the assessment of this application are listed below:

Taunton Deane Core Strategy:  
SB1 - Settlement Boundaries,  
DM1 - General requirements,  
DM - Design,  
DM5 - Use of resources and sustainable design, CP1 - Climate change,  
CP2 - Economy,  
CP6 - Transport and accessibility,  
CP8 - Environment,

Taunton Deane Site Allocations and Development Management Plan  
EC1 - Other uses in employment areas,  
A1 - Parking Requirements,  
A5 - Accessibility of development,  
D7- Design  
D13 - Public Art,  
C6 - Accessible facilities,  
ENV4 - Archaeology,  
ENV2 - Tree planting within new developments,

#### 9.4 Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021  
District Wide Design Guide, December 2021

##### Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim  
Guidance Statement on Planning for the Climate Emergency (February 2021)

#### 9.5 Neighbourhood plans:

The site is within the West Monkton and Cheddon Fitzpaine Neighbourhood  
Plan area. The following policies are relevant:

E3- Retain Existing Employment Land/Buildings for Employment Usage

E4- Social care Employment Opportunities

R1- Dark skies

R2- Green space and wildlife

R3- Water and flood attenuation/water conservation

R6- Trees and hedgerows

H2- External materials for residential development

#### 9.6 National Planning Policy Framework (the NPPF)

The NPPF is a material consideration.

## 10 Material Planning Considerations

10.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of development
- Design of the proposal
- Ecology, Biodiversity and Phosphates
- Access highway safety and parking provision
- Residential amenity
- Energy efficiency and climate change
- Archaeology
- Flood risk/drainage
- Public art

## 11. The principle of development

11.1 Somerset West and Taunton Council have recently published the 2022 Strategic Housing Employment Land Assessment. It shows that the former Taunton Deane Borough Council Local Plan Area has around a 4.04 housing land supply. Where there is an absence of five year housing land supply, the 'presumption in favour of sustainable development' in paragraph 11 of the NPPF applies. This is also known as the 'tilted balance'. However paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant impact on a habitats site, including Ramsar and SPA sites unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. As stated above, no phosphate mitigation proposals have been agreed for the development. As such, the 'tilted balance' is not engaged in this case and therefore Development Plan policies remain in full effect in determining the proposal.

11.2 The policies relating to the principle of a carehome on employment land consist of CP2 and SS1 of the Core Strategy and Policy EC1 of the Development management Plan. Policies E3 and E4 of the Neighbourhood Plan are also relevant.

11.3 Policy CP2 'Economy' of the Core Strategy states:

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

11.4 Policy SS1 applies to this site. Policy SS1 states:

*"22.5 hectares of additional employment land for research and development (B1 (b)), light industrial (B1 (c)), general industrial (B2) and storage and distribution (B8) to be provided in the first phase of development, of which, 3*

*ha to be at and adjacent to The Hatcheries and 19.5 hectares south of Langaller. A further 10 ha shall be reserved for longer term release around Walford Cross.”*

11.5 Policy EC1 states that other employment generating uses within existing committed employment areas will generally be permitted subject to the following criteria

:

- A. Other relevant development plan policies being satisfied;
- B. The proposal must be in a location accessible by means of a range of transport modes including public transport;
- C. The proposal must not undermine the operational capabilities of Class B uses in the area;
- D. Where applicable, appropriate landscaping and screening is provided

11.6 Paragraph 122 of the National Planning Policy Framework (NPPF) states:

*'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

- a) It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area'.*

11.7 There is an established need for specialist housing for older people in the District. The Local Housing Needs assessment suggests that 3,705 units of sheltered housing and extra care being required over the period 2020-2040. There is also evidence available relating to the need for employment land. The Employment, Retail and Leisure Study (2018) was commissioned which concluded that there was an oversupply of industrial and office land within the former Taunton Deane area.

11.8 The original consent for B1/B8 buildings on the site contained 5 buildings. The largest of these has been built and is occupied (2330 square metres). The remaining buildings consented (block A, B1, B2 and C) would not be completed as a result of this application and these total 4708 square metres. However, it is noted that the proposed site area allows for potential further employment development between the carehome and the existing completed employment building.

- 11.9 The applicant has confirmed that there was speculative marketing carried out which related to the unbuilt commercial units and was for the land only. It is understood from the applicant that there was insufficient interest for the remaining buildings to be developed. Detail on this marketing strategy is lacking as the submitted information relates to the units in the completed employment building. Accordingly the marketing information can be given very limited weight. Furthermore, it has not been demonstrated by the applicant that the site is unviable for Class B employment use.
- 11.10 The proposed carehome would not provide a Class B employment use and therefore there would be technical conflict with Policy SS1; however the applicant has confirmed that the carehome would generate 42 full time jobs on the day shift and 12 full time jobs on the night shift. These jobs include a range of roles from managers, carers and other ancillary/support staff. The applicant has referenced an appeal decision for a comparable situation which was allowed (ref. PP/C2741/A/11/21267481). In this appeal the employment generation of the carehome was a relevant material consideration that weighed in favour of granting the appeal. Notwithstanding this, the application needs to be judged on its individual merits taking into account relevant policy and site circumstances.
- 11.12 In terms of employment density, the 54 jobs would equate to 88 square metres/job for the carehome. This can be compared against guidance in the 'Homes and Communities Agency Employment Density Guide' 2015. Employment densities in the guide for B1/B8 use range from 12 square metres/job to 77 square metres/ job. Light industrial uses are listed at 47 square metres/job. Based on the above, it is difficult to make a prediction of the likely total employment generation of the employment units as this depends on the end users of which there would likely be a wide range within the extant employment scheme. Furthermore, the complete build out of the remaining four employment buildings may take many years to be realised as opposed to a carehome which delivers a large number of jobs at once.
- 11.13 Having regard to the above, it is considered that the density of employment generated by the carehome is likely to be lower but not necessarily significantly lower than the extant B1/B8 buildings. Accordingly, while there is some conflict with SS1 as the proposal does not provide Class B employment, this must be balanced against the employment that would still be generated by the proposal and any other benefits.
- 11.14 Policy E3 of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan requires at least two years of marketing or data in line with a pre-agreed marketing strategy and a viability assessment to demonstrate that the employment use is no longer viable. Significant weight is given however to the employment generating nature of the carehome and accordingly whilst not a Class B use can be considered an employment use with comparable employment densities to a typical B8 use. Accordingly there would be no conflict with the overall aims of Policy E3 which seeks to retain sites for employment purposes.

- 11.16 Policy SS1 of the Core Strategy also seeks along with employment provision to provide a mix of residential accommodation, including care facilities and accommodation for the elderly. As such there would be compliance with this aspect of SS1. Furthermore, the proposal would comply with Policy E4 of the West Monkton Neighbourhood Plan which supports the principle of a carehome as an employment generating use within the Neighbourhood Plan area.
- 11.17 Policy EC1 seeks to allow alternative employment generating activity in an employment area. Having regard to the above considerations, the provision of a carehome would accord with the general aims of EC1, subject to the criteria A-D being met. Criteria A requires compliance with other development plan policies. Whilst there would be some conflict with SS1 on the basis of the carehome not being a Class B use, this conflict is given reduced weight given that the employment generating nature of the carehome complies with the aims of Policy EC1 as well as the overall aims of SS1 to provide employment. Lack of compliance with other issues not relating with the principle of the use are considered separately. The proposal would comply with criteria B and C. These are discussed elsewhere in the relevant sections of the report below. Criteria D requires appropriate landscaping and screening. As discussed in the report below, there is an objection to the design of the proposal. This includes the layout and of the building along and landscaped areas. Accordingly as proposed the landscaping is not appropriate and accordingly this criteria is not met.
- 11.18 Policy CP2 of the Core Strategy requires an assessment of the overall benefit of the loss of employment land against the disadvantages. Having regard to the accepted employment generating nature of the use it is considered that the only disadvantage of the proposed use relates to the potentially higher employment densities of B1 uses. However the advantage of the proposal in employment terms is that it delivers a relatively large number of jobs at once and accords with the general policy aims to retain alternative employment uses. In addition, the proposal would provide specialist care accommodation for which there is an evidenced need and which is supported by Policy E4 of the Neighbourhood plan as well as Policy SS1 of the Core Strategy. It is therefore considered that the advantages of the proposed use would outweigh the disadvantages and would therefore comply with Policy CP2 of the Taunton Deane Core Strategy.
- 11.19 Overall, it is considered that there is a technical conflict with Policy SS1 as the employment would not be within the Class B uses and with Policy E3 of the Neighbourhood Plan because there is inadequate marketing or viability information submitted. Notwithstanding this, the overall aim of these policies would be met given the employment generation of the carehome. Furthermore, Policy E4 of the Neighbourhood Plan accepts the principle of such facilities as employment generating uses. Additionally, the proposal complies with Policy EC1 which seeks to permit alternative employment on allocated sites. In addition to the above the proposal would meet an

evidenced need for specialist care housing within Monkton Heathfield as supported by Policy SS1. Whilst there would be limited conflict with aspects of Policies SS1 and E3, the proposed use would accord with the Development Plan as a whole. Accordingly the proposed use is considered to be acceptable in principle.

## **12. Design of the proposal**

12.1 Paragraph 126 of the NPPF states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”.*

12.2 Policy D7 of the Taunton Deane Site Allocations and Development Management Plan states:

*“New housing and commercial developments shall create a high standard of design quality and sense of place by:*

- 1. Creating places with locally inspired or otherwise distinctive characteristics and materials;*
- 2. Reflecting the site and its context, including existing topography, landscape features and the historic environment;*
- 3. Integrating into their surroundings through the reinforcement of existing connections and the creation of new ones, and creating legible, connected street networks; and*
- 4. Ensuring that buildings define and enhance the streets and spaces, and that buildings turn street corners well”.*

12.3 Policy DM 1(d) states that development will be required to ensure that the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development.

12.4 Policy SS1 states: The development form and layout for Monkton Heathfield should provide; A variety of character areas which reflect the existing landscape character and the opportunities and constraints provided by natural features to create a place that is distinctive and memorable;

12.5 Further to the above, in accordance with paragraph 129 of the NPPF, the Council has adopted the Districtwide Design Guide Supplementary Planning Document (SPD). The SPD along with accompanying documents, the Garden Town Vision document, and the Taunton Design Charter and Checklist seek to set a local aspiration for a high standard of design in the District. The Garden Town Vision document sets out the expectations for

new garden neighbourhoods, including a distinctive local identity, landmark buildings, key groupings and character areas. The Taunton Design Charter and Checklist and the District Wide Design Guide SPD set out in greater detail how good design is expected to be achieved.

- 12.6 The application was considered by the Quality Review Panel (QRP) during consideration of the proposal. The Quality Review Panel expressed concerns over the design of the proposal.
- 12.7 The QRP and the Council's Placemaking Specialist both object to the proposal that the proposed design fails to provide high quality design, would not enhance the site and surroundings and would not provide a high quality environment for residents.
- 12.8 The proposal is considered by the QRP and Placemaking Specialist to be a standard, generic design as opposed to a bespoke response to the requirements of the site. Its form, siting, materials and overall appearance is considered to be unimaginative with overly horizontal emphasis and lack of visual interest. Of significance the site is a prominent corner plot and terminating view for approaching traffic on the A38 to the North of the site. The proposed design fails to present an acceptable focal point or solution to the prominent corner plot. This is contrary to page 81 of the Design Guide which states that in such situations the design should be legible at a relatively long distance, terminating the vista and that the design should 'assert itself'. Furthermore that corner plots present an architectural opportunity (p. 80). In terms of Local Plan Policy this aspect of the development would be contrary to Policy D7 which requires that buildings '*define and enhance the streets and spaces, and that buildings turn street corners well*'.
- 12.9 In further detail, the form has a very horizontal emphasis, a large unbroken area of roof and lack of visual interest in the elevations. This is contrary to Pages 123-124 of the Design Guide which refers to the need to avoid overly horizontal emphasis in the street scene, stresses the importance of variety within the elevations, varying the roof scape, eg heights and maintaining active frontages. These aspects of the scheme are considered to be deficient in design terms.
- 12.10 The QRP commented for example that the building elevations should reflect the functions within and architectural interest should come from inside, not from applied decoration. As an example the communal areas are currently hidden meaning that identical bedroom windows are the dominant external openings. The Placemaking Specialist commented that the unbroken two storey form along with the deficiencies in elevational treatment would not provide any visual interest, focal point or enclosure to the corner plot. This is contrary to Policy D7 which requires that places are created with locally inspired or otherwise distinctive characteristics and materials and that streets and spaces are enhanced. Policy H2 of the Neighbourhood plan requires that residential developments incorporate locally distinctive materials such as red sandstone and natural slate/clay roof tiles. The application form indicates grey

concrete tiles for the roof. There are no locally distinctive materials throughout the building elevations. Accordingly, the proposal does not comply with Policy H2 of the Neighbourhood Plan.

- 12.11 In terms of landscaping, the QRP further comment that the building is dominated visually by car parking. There is no detailed landscaping scheme with the proposal and the landscaped areas would be fragmented. There are also concerns raised that the proposal does not create a sufficiently high quality environment for residents. Additionally, there is a high proportion of North facing rooms. These factors combined with the drawbacks of the site such as its relatively constrained dimensions, remoteness from wider open space and local facilities such as shops along with road noise would result in a poor environment for residents. These factors place an even greater requirement on a developer to provide a high quality design and an appropriately high quality environment for residents within the site.
- 12.12 It is acknowledged that some of the neighbour comments have supported the design of the proposal and this is taken into account; however it does not override the primary assessment against policy outlined in this report. The applicant has suggested that the proposal would be an enhancement compared to the earlier consent for commercial buildings. It is, however, considered that proposals should be judged on their merits against current policies. Since the earlier consent in 2017, Taunton has achieved Garden Town status and accordingly local policy documents have been adopted. Furthermore, the NPPF has been altered to place greater emphasis on design, creating 'beautiful' and distinctive places and also on the need for development to follow local design guides and codes. In this regard, the Design Guide provides detailed advice on how to achieve high quality design as discussed above.
- 12.13 Given the above concerns over the design it is considered that the proposal would be contrary to Policy D7 of the Taunton Deane Site Allocations and Development Management Plan, DM1 and DM4 of the Taunton Deane Core Strategy, paragraphs 126-136 of the NPPF and the District Wide Design Guide SPD December 2021.

### **13. Ecology, Biodiversity and Phosphates**

- 13.1 Policy CP8 of the Core Strategy requires amongst other criteria that development protects habitats and species and provides for any necessary mitigation measures. Paragraph 99 of the Government Circular (06/2005) Biodiversity and Geological Conservation requires that the Planning Authority establish the presence or otherwise of protected species and the extent to which they might be affected by the proposed development before planning permission is granted.
- 13.2 The submitted ecological assessment concludes that the site is of low ecological value, unlikely to support notable or protected species. There are no other features on or surrounding the site that suggest the site may be a

habitat for protected species such as amphibians, bats, badgers, hedgehogs or reptiles. The site is used for foraging by a range of bird species, however there are no nesting opportunities. Having regard to the above, the absence of protected species on the site can be reasonably concluded. Subject to enhancements and mitigation it is considered that the proposal would ensure no harm to protected species and would provide ecological enhancements. The proposal would therefore have an acceptable impact on ecology and biodiversity within the site in accordance with Policy CP8 of the Taunton Deane Core Strategy.

- 13.3 The site is located within the catchment for the Somerset Levels and Moors Ramsar/Special protection Area (SPA) site. The development is therefore required to demonstrate how it will achieve nutrient neutrality in order to comply with the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The County Ecologist has objected on the basis that the applicant has not submitted a phosphate mitigation scheme to demonstrate nutrient neutrality.
- 13.4 The proposed care home would increase the residential population within the catchment for the Somerset Levels and Moors thereby increasing phosphate levels within the Ramsar/SPA. Following the court Judgement (known as Dutch N), In light of the current unfavourable condition of the Somerset levels and Moors due to phosphates, Natural England have advised that any development that potentially raises phosphate levels within the protected site would be deemed to have a 'significant effect'.
- 13.5 Regulation 63 of the Habitats Regulations 2017 requires the LPA (as the competent authority) to undertake an appropriate assessment of the implications of any development that is likely to have a significant effect on the Ramsar site. The LPA is under a statutory duty not to grant planning permission unless it has first ascertained that the proposed development will not adversely affect the integrity of the Ramsar
- 13.6 Having regard to the above, there is insufficient information to determine that the development will achieve nutrient neutrality. Consequently, in the absence of any satisfactory mitigation and the necessary mechanism for achieving it, Officers are not satisfied that the proposals would not affect the integrity of the Ramsar site. As such, the proposals would conflict with paragraphs 174 and 180-182 of the NPPF which indicates that development should protect sites of biodiversity value and contribute to and enhance the natural environment having regard to water quality and pollution. This precautionary approach is in line with the requirements of the Habitats Regulations
- 13.7 For the same reason, the proposal would also be contrary to Policy CP8 of the Taunton Deane Core Strategy. .

## 14. **Access, Highway Safety and Parking Provision**

- 14.1 The Highway Authority have been consulted and have commented that no objections are raised to the proposal. Visibility splays at the access comply with the required standards. The access is designed to facilitate two way vehicular flow. Accordingly, the access and egress, including for refuse and emergency vehicles is considered to be acceptable.
- 14.2 The Highway Authority comment that the parking provision is slightly above the recommended optimum standards in the Somerset Parking Strategy. In addition, the parking provision is slightly over the maximum provision set out by Policy A1 of Site Allocations and Development Management Plan. However the slight over provision is not sufficient grounds to warrant a refusal in the absence of an objection from the Highway Authority.
- 14.3 Concerns have been expressed by a nearby neighbour that the proposal will result in over spill parking on surrounding roads due to a lack of spaces in the site. These concerns are acknowledged; however given that the number of spaces within the site exceeds the policy requirement and the Highway Authority do not object, there is insufficient evidence to suggest that there would be any notable additional on street parking as a result of the proposal.
- 14.4 The Highway Authority have recommended conditions relating to visibility splays, retention of parking spaces, cycle storage, provision of 2 EV charging points, and agreement of a construction environmental management plan. Subject to these conditions it is considered that the proposal would no have an unacceptable impact on highway safety and on the highway network in the locality. The proposal therefore accords with Policy DM1 of the Taunton Deane Core Strategy.

## 15. **Residential amenity**

- 15.1 The proposed building is located a minimum of 29 metres from the nearest dwellings which are located within Coker Close. This distance is considered to be sufficient to safeguard the amenities of these existing residents in relation to overshadowing and overlooking. The proposed carehome would not generate adverse impacts by way of noise and disturbance. The impact on existing residential properties is therefore considered to be acceptable.
- 15.2 The building would be located approximately 63 metres to the East of the existing commercial building which has a B1/B8 use. This distance is slightly less than the distance between Coker Engineering and several of the existing dwellings in the locality. These separation distances were assessed and considered to be acceptable when the commercial buildings were originally permitted in 2017.
- 15.3 The Environmental Health Department have commented and do not raise an objection to the application. They mention that one noise complaint was

received from a nearby resident relating to noise coming from within the commercial building but that this was not pursued further by the complainant it suggests that this was a one off incident. Other factors are cited by Environmental Health as being favourable such as the orientation of habitable rooms, the distance from the employment building B1 and the restrictive planning condition on outside activities and deliveries. The condition attached to the commercial building restricting deliveries and vehicular movements to 07.30-19.00 Monday- Friday and 08.00-13.00 on Saturdays.

- 15.4 The Environmental Health Department suggested that mitigation could be provided within the building such as acoustic ventilation. The applicant has confirmed that they use such ventilation within their developments where noise is a potential issue and have raised no objections to such mitigation being secured via a planning condition.
- 15.5 Given the above considerations, the carehome is not considered likely to be adversely affected by the existing employment use. Accordingly, the carehome would not undermine the operational capabilities of the adjacent businesses. As such the proposal would accord with Policy EC1 (C ) of the Site Allocations and Development Management Plan.
- 15.6 Having regard to the above, it is considered that the commercial use would be compatible in this residential area and there would be no undue impact on existing or future occupiers by way of noise or general disturbance. The proposal would therefore accord with Policy DM 1 of the Taunton Deane Core Strategy.
16. **Energy efficiency/Climate change**
- 16.1 Policy CP 1 requires that development addresses the issue of climate change through various measures. These include factors such as reducing the need to travel through locational decisions, the use of water conservation measures, enhancing ecosystems and measures to reduce the 'heat island effect'.
- 16.2 The proposal includes several measures to address the above within the design of the scheme such as the use of ground source heating, 2 electric vehicle charging points, PIR sensors on lighting. During the course of the application amended plans were received showing the installation of solar panels on the roof. The sustainability statement submitted with the application states that the solar panels would provide most of the homes' electricity. The statement concludes that the on site renewable energy provision would be equivalent to a BREEAM 'Very Good' rating. The design of the landscaping around the site through appropriate design is capable of providing cooling in the summer once mature.
- 16.3 Having regard to the above, it is considered that the proposal would provide sufficient renewable energy and other measures to comply with Policy CP1

of the Taunton Deane Core Strategy, paragraphs 180 and 182 of the NPPF and the relevant sections of the Habitats Regulations.

**17. Archaeology:**

- 17.1 The County Archaeologist has been consulted and has commented that the site is located in an area where relatively significant archaeological remains have been found. Accordingly, the archaeologist initially commented that an archaeological assessment and field evaluation would be required prior to the application being determined.
- 17.2 Following this, the archaeologist amended their response confirming that there are archaeological investigations already taking place in the area which has included the application site. Accordingly, has been confirmed by the County Archaeologist that further archaeological investigations of the site are not necessary. The proposal would therefore accord with Policy CP8 of the Taunton Deane Core Strategy.

**18. Flood risk/drainage:**

- 18.1 The site is located within flood zone 1. The LLFA have been consulted and have commented that no objections are raised subject to a condition to agree a detailed drainage scheme and a condition to agree the management of the scheme. These conditions are considered necessary and reasonable to ensure that Suds drainage principles are incorporated into the scheme to ensure that there is no increase in flood risk elsewhere. Subject to the above condition the proposal would comply with Policy CP8 of the Core Strategy.

**19. Public Art**

- 19.1 Policy D13 of the Site Allocations and Development Management Plan requires that commercial developments of over 2500 square metres will be required to contribute towards the provision of public art through integrating public art into the design of the building and public realm. This has not been addressed within the application and therefore the proposal is contrary to Policy D13,

**20. Local Finance Considerations**

20.1 Community Infrastructure Levy

The proposed carehome is a C2 (residential accommodation and care) use as opposed to a standard C3 (dwellinghouse) residential use. Accordingly, it is not a CIL liable development.

**21. Planning balance and conclusion**

- 21.1 The proposed carehome would be located on an allocated employment site, However, it would provide a similar level of employment to a Class B

employment development. In addition, a benefit of the proposal is that it would contribute towards an identified specialist housing need in the District. Accordingly, the principle of a carehome use on the site is accepted.

- 21.2 Notwithstanding this, the proposal is considered to be of poor quality design contrary to guidance in the National Planning Policy Framework, Local Plan Policies and the Districtwide Design Guide SPD. In addition, the proposal does not incorporate public art into the development contrary to the Local Plan.
- 21.3 The proposal is not, therefore, in accordance with the policies in the Development Plan, taken as a whole.
- 21.4 Furthermore, the site is located within the catchment for the Somerset Levels and Moors SPA/Ramsar site and the applicant has not demonstrated a phosphate mitigation solution. Without such a solution being submitted and accepted by the Local Planning Authority, the proposal would conflict with the Habitats Regulations (2017) , the NPPF and Policy CP8 of the Local Plan. in relation to adverse impacts on the integrity of the SPA/Ramsar and harm to the natural environment.
- 21.5 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.
- 21.6 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## Appendix 1 – Reasons for Refusal and Informatives

- 1 The site is located in a prominent corner position and provides a terminating vista along the A38. The proposal by reason of its design, form, scale, materials, detailing, layout, boundary treatment and landscaping treatment does not respond acceptably to its surroundings or the site constraints. Accordingly, the development would represent poor design that fails to create an acceptably locally distinctive, beautiful and high quality development and would not enhance the street or turn the corner well, to the detriment of the streetscene, and the future residents and users of the development. Accordingly the proposal is contrary to Policies DM1, DM4 and SS1 of the Taunton Deane Core Strategy, Policies D7 and EC1 of the Site Allocations and Development Management Plan, Policy H2 of the Neighbourhood Plan, paragraphs 126-136 of the NPPF and the District Wide Design Guide Supplementary Planning Document December 2021.
  
- 2 The proposed development is located within the catchment of the Somerset Levels and Moors SPA and Ramsar site and accordingly foul drainage from the development is expected to impact upon the unfavourable conservation status of the protected site. No information has been submitted to demonstrate that the development would incorporate mitigation measures to ensure phosphate neutrality. Accordingly, the LPA, having undertaken an appropriate assessment of the proposal as the competent authority, cannot be satisfied that the development would not affect the integrity of the SPA/Ramsar site. As such, the proposal would be contrary to Policy CP8 of the Taunton Deane Core Strategy and paragraphs 174 and 180-182 of the National Planning Policy Framework and Regulation 63(5) Habitats Regulations 2017.
  
- 3 No information has been submitted to demonstrate that public art has been integrated into the design of the building and public realm. Accordingly, the development is contrary to Policy D13 of the Site Allocations and Development Management Plan.

### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.



**Somerset West and Taunton Quality Review Panel**

**Report of Chair's Review Meeting: Heathfield Industrial Park**

Thursday 10 February 2022

Zoom video conference

**Panel**

Andrew Beharrell (chair)

Marie Burns

**Attendees**

Michael Hicks	Somerset West and Taunton Council
Fiona Webb	Somerset West and Taunton Council
Tom Bolton	Frame Projects
Abigail Joseph	Frame Projects
Miranda Kimball	Frame Projects

**Apologies / report copied to**

Alison Blom-Cooper	Somerset West and Taunton Council
Rebecca Miller	Somerset West and Taunton Council
Deborah Denner	Frame Projects

## **1. Project name and site address**

Heathfield Industrial Park, Hardy's Road, Bathpool, Taunton, TA2 8GR

Planning application: 48/20/0050

## **2. Presenting team**

Graeme Booth                      LNT Construction Ltd

Jo Kemp                              LNT Construction Ltd

Alistair Wood                      LNT Construction Ltd

## **3. Planning authority briefing**

The site is located in an area designated for employment use within the Monkton Heathfield urban extension site allocation, which is identified as a new garden community on the outskirts of Taunton.

As there was no interest in the site for commercial uses, the applicant has argued that the proposed use for the site, as a care home, will provide employment at a similar rate to Class B uses and that the design will be an improvement over the employment scheme. The application proposes a two storey, 66-bedroom care home to provide residential and dementia care for 66 local older people. Provisions at the care home include a range of indoor facilities as well as communal outdoor spaces.

Officers understand the design requirements for the proposed specialist housing and that the site has been allocated for employment use; nevertheless, officers have concerns about the overall layout, elevational treatment, given the site's interaction with the wider public as a terminating vista for traffic on the A38, and the general quality of design. Officers asked for the panel's view on these issues in particular, and on whether the submitted scheme meets the design standards required for the garden community.

## **4. Quality Review Panel's views**

### *Summary*

The panel welcomes the employment opportunities offered by the care home, and accepts that this could be a satisfactory use for the site. However, the site is quite isolated, and also dominated by the main road and

adjoining industrial development. The design needs to overcome these challenges and provide an outstanding environment for residents, which also enhances the overall neighbourhood for the benefit of the wider community. At present it fails to meet these needs and ambitions. The panel considers the proposed design to be generic and unrelated to its location, failing to meet Somerset West and Taunton's aspirations for contextual, responsive, high-quality design. To achieve these standards, the panel feels significant changes are needed to the design approach, beginning with the building form which should express the building's function. Re-orientating the block could improve both external form and quality of accommodation. A high quality of materials and detailing is an essential to delivering an appropriate external appearance. The panel encourages the applicant to employ a local architect to create a distinctive design approach, and to involve a landscape architect in developing the designs. Given the prominence of the site on the A38, the panel also asks the applicant to identify opportunities to make the building more architecturally distinctive and responsive to its location. Further thought is also needed to ensure outdoor communal spaces are embedded into the overall design and are of a high quality. The adjacent plot to the west could form part of this solution. The current proposals are also dominated by car parking areas, which should be reduced and integrated into a landscape vision for the site. These comments are expanded below.

### *Architecture*

- The panel notes that the proposals are based on a standard design, rather than an architectural response to the requirements of this particular site. It understands that the layout has evolved through the applicant's extensive experience of care home development and operation, but considers that operational needs can be met in a more contextual design.
- The panel encourages the applicant to reconsider its design approach to ensure the scheme meets the Taunton Garden Town Vision and associated design aspiration expressed through the Design Charter, Design Guide and other policy documents, and provides a scheme that will benefit both residents and the wider area.
- The building should express the functions within, and architectural interest should come from inside, not from applied decoration, for example by celebrating the entrance and communal areas. The form of the proposals should therefore be reconsidered. Communal areas are currently hidden, meaning that identical bedroom windows are the dominant external openings. If, for example, windows could differ by

floor, expressing room types and stairs from the outside, a much higher level of integrity and variety could be provided.

- The site sits in a key location on the edge of the Monkton Heathfield Garden Community, prominent in views from the A38. The panel feels a more distinctive building is required to respond to these characteristics.
- The panel also considers that the site has the capacity for a taller building than is currently proposed. This could, potentially, be up to three-storeys in height in parts.
- The roofscape can play an important role in giving the building a distinctive appearance, and the panel suggests breaking it down into smaller, pitched gables.
- The panel feels a local architect could help the team to explore how the building design can better reflect and integrate with the location and character of the area.

### *Building form*

- The panel feels the care home building would be more architecturally successful and offer a higher quality of accommodation if the block form were re-orientated and changed from an 'H' form to a south-facing 'U' form.
- The panel suggests that the 'U' form could support a more prominent central pavilion, with two larger wings and a central garden space. This would make a more prominent feature of the central entrance and would also allow more generous garden spaces for residents.
- Considering residents will spend a significant amount of time in their bedrooms, the panel questions the 'H' form's high proportion of north-facing bedrooms, and how much sunlight will be provided. The panel encourages the team to revisit and improve the quality of accommodation.

### *Materials*

- As part of improving design quality, the panel encourages the applicant to invest in a good quality brick and in ensuring detailing, such as verges, is finished to a high quality.

- The panel also encourages the applicant to consider the use of a highperformance timber frames for windows, rather than uPVC, to help improve the quality of façades and sustainability of the materials.

### *Landscape design*

- Although the development has a high resident-to-open-space ratio, the panel is concerned that communal outdoor spaces have been designed in leftover spaces around the building. They are not integrated into the overall design approach, and there is a risk that they will not provide the quality of space that is so important for care home residents.
- The panel feels that a new form and block re-orientation would allow for a greater variety of communal outdoor spaces to be introduced for residents and their visitors.
- The panel encourages the applicant to work with the owner of the adjacent empty plot to explore incorporating the space into the overall plan to improve the size and quality of outdoor spaces. The panel encourages the team to involve a local landscape architect as an important step towards improving landscape quality.
- To improve the ability of residents to connect to the local area, the panel feels further thought should be given to deliver and incorporate a direct pedestrian link to the nearby bus stop on Hardy's Road.
- The panel asks if the existing bund, which offers protection from the A38, could be extended further around the site along Hardy's Road to provide further enclosure and protection for residents. The current fenced solution does not make a positive contribution to the setting.
- The panel also emphasises the need to reduce the overall amount of hardstanding and car parking within the scheme. The tarmacked parking area dominates the current proposal, and the panel asks for further thinking on how car parking provision can instead be integrated into the landscape.

### *Sustainability*

- The panel suggests the applicant reviews its sustainability strategy to ensure the scheme is designed to meet the ambitions of the forthcoming Future Homes and Buildings Standard.

### *Next steps*

- The panel encourages an ongoing dialogue between the applicant and the council about the best design solution for this site.
- The panel is available to review updated designs at a further chair's review, if required.



Application Details	
Application Reference Number:	49/21/0030
Application Type:	Full Planning Permission
Earliest decision date:	01 July 2021
Expiry Date	14 July 2021
Extension of time	30 September 2022
Decision Level	Committee
Description:	Erection of an agricultural building for the rearing of calves on Simons Holt Farm retained land, Whitefield, Wiveliscombe
Site Address:	SIMONS HOLT FARM RETAINED LAND, WHITEFILED, WIVELISCOMBE, TA4 2UU
Parish:	Wiveliscombe
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	NA
Case Officer:	Briony Waterman
Agent:	NA
Applicant:	T & L CHERRY
Committee Date:	23/06/2022
Reason for reporting application to Committee	Ward member objection

## 1. Recommendation

1.1 That planning permission be GRANTED subject to conditions

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is for a barn to house cattle, the size, scale and location are considered acceptable in principle.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

- 3.1.1 Time Limit
- 3.1.2 Drawing Numbers
- 3.1.3 Roof colour to be grey
- 3.1.4 Lighting for bats
- 3.1.5 Landscaping

### 3.2 Informatives (bullet point only) \_

- 3.2.1 Proactive Statement

- 3.2.2 Nesting bird
- 3.2.3 Badger

## **4. Proposed development, site and surroundings**

### **4.1 Details of proposal**

Erection of an agricultural building for the rearing of calves.

The building is to measure approximately 30.5m long by 15.2m with a ridge height of 6.4m

### **4.2 Sites and surroundings**

The barn is to be located to the south west of an agricultural field laid to pasture. There is an existing access to the east of the site. The field is bounded by hedging and is located to the north of Langely Marsh, surrounded by other agricultural fields.

## **5. Planning (and enforcement) history**

No relevant planning history.

## **6. Environmental Impact Assessment**

NA

## **7. Habitats Regulations Assessment**

The site is located within the catchment of the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the animals are on site and the barn would not lead to an intensification above the legal base line it therefore considered that the proposal would not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either along or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations 2017.

## **8. Consultation and Representations**

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 25/05/2021

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: 10 June 2021

8.5 **Statutory Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WIVELISCOMBE TOWN COUNCIL	No concerns regarding the location and visual appearance of the barn. there are a number of mature trees to the south of the barn - retention of these is vital to screen noise and potential visual impact condition protecting tree and or additional planting scheme. applicant has stated there will be no slurry or liquid waste produced from a calf rearing using a straw bed system issue of phosphates leaking into the water. condition used for the proposed use only and that further consent would be required to change the use to house any other livestock or the system used for housing livestock.	conditions added
SCC - ECOLOGY	within catchment, any vegetation to be removed/lighting added?	condition added
SCC - TRANSPORT DEVELOPMENT GROUP	No observations	
WESSEX WATER	no comments received	

8.6 **Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Environmental Health - all Areas including Housing Standards	normally expect a noise and odour assessment however not aware the Council requires one for a building in this size and location, animals are not a type of noise source that is easy to assess note the nearest property is 200m away and there are other farms that are closer concerns over watercourse	

### 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

39 letters have been received making the following comments (summarised):

- Impact on amenity of neighbouring properties
- Size is disproportionate to the pasture area
- Indication from the size that the building could house 200+ calves
- Application is thin end of the wedge, a home will be required for the carer's of the calves as it will be unsustainable for this amount of calves to be left alone from a security and welfare point of view.
- Site unsuitable and unnecessary for general storage
- Stand alone position unnecessarily spoils a piece of important rolling countryside for the community and is visible from the tourist attraction of the Wivey Way.
- No indicated clear economic or environmental benefits in the building to the parish, economic downside's are evident.
- No resident accommodation on the site to manage the operation.
- Increasing traffic flow.
- Size and scale of the application
- Noise and smell of so many livestock near to Langley Marsh will be an issue given the proximity.
- Contamination of the water course would be an ecological disaster
- Well within 400m curtilage of domestic curtilage
- Size of the cattle lorries required would be hazardous on small country lanes
- According to the Town and Country Planning (General Permitted Development) (England) Order 2015 (page 62 clause B.1 d), this construction should not be permitted as within 400m
- Concerns over air pollution
- No mention in the application on how the storage of slurry or sewage sludge will be managed to avoid contamination of the nearby stream
- A building of 6.4m high will present a degradation of the landscape
- Concerns over no observations from highways there will be an increase in heavy traffic on the difficult roads
- No consideration give to safety, site is constricted due to the width of the lane
- Other farm buildings in the area which could have been adapted
- No excuse to build on green field sites when existing alternatives exist
- Fail to see clear economic imperative for building a new shed
- If it is found permanent care for the animals a future dwelling might be proposed
- No plan for disposal of waste or slurry
- Light pollution and impact upon bats
- There have been no planning applications at the end of the 'new drive' why?
- Two thirds of all properties within Langley Marsh are within 400m of the site
- Water into the existing watercourse
- Farmer lives off site and might not be available if something goes wrong.
- Nutrient neutrality must be considered and mitigated
- Visual impact
- Detrimental to general wellbeing of the people who live nearby
- Detrimental to the environment
- Animal welfare
- Other places the barn could have gone
- Site notice not displayed correctly
- Too close to residents
- Impact upon the sale price of house
- Impact on wildlife
- Not against farming but needs to be sustainable and of a type suited to a location
- Intensive farming is not sustainable, location is a DEFRA priority for reducing the

damage

- An area for Countryside Stewardship Water Quality Priority Area (red), Surface water nitrate issues priority area (red), surface water pesticide issues priority area (red), fecal indicator organisms issues priority area (red), phosphate issues priority area (Red) and former catchment sensitive farming priority areas 2011-2015 (priority catchment).
- This area cannot sustain intensive livestock farming
- Support farming enterprises in general object to this one over concerns of lack of info
- Conflict with policy DM2 unit is 4.61 hectares
- Inappropriate and premature to determine the application without regard to the need for a dwelling
- 49/21/0008/AGN shows piecemeal development of the land and is to be avoided
- No odour management plan has been submitted
- Impact on the listed building
- Layout and density of the building, site is not part of a farm, no farm buildings
- 25m manure heap
- Applicant provides a good level of welfare for his animals

Cllr Mansell

- Concerns over the need for a worker dwelling
- New building would allow more intensive use of the land
- Impact on phosphates
- Potential for noise and odours from intensive calf rearing
- Impact on narrow roads, and no information submitted on expected vehicle movements.
- No farmhouse or dwelling associated with the site, important to establish where the workers would reside.

## **9. Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

Relevant policies of the development plan in the assessment of this application are listed below:

DM2 - Development in the countryside,  
CP8 - Environment,

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

#### Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

### 9.1 National Planning Policy Framework

The proposal accords with the general principle of the NPPF.

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

10.2.1 Principle of development

10.2.2 Visual amenity

10.2.3 Highways

10.2.4 Noise and odour

10.2.5 Additional matters

10.2.6 Phosphates

### 10.2.1 The principle of development

The proposal is for a livestock barn within the open countryside, as such Policy DM2 is considered relevant. The policy states that "*new non residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit.*" may be considered acceptable. Within the Nutrient Neutrality Statement it is noted that the area for the application site is 3.2ha with the total area included within the blue line is 4.6ha with the total amount of land in the It is considered that the proposed barn is of a suitable size and scale for the holding and is considered acceptable in principle.

### 10.2.2 Visual amenity

The proposal is for a 15.24m x 30.48m barn to be constructed of concrete panels with wood space boarding above, the roof is to be fibre cement, a condition has been included to ensure that the colour is anthracite grey to minimise the long range impacts of the proposal. It is considered that the scale and materials are appropriate for the use and area. The barn is to be located in the south west corner of the site

which is well screened by existing hedging and trees which are in part coniferous, which would help screen the proposal all year round. The barn is to be located in the lowest point of the field. It is therefore considered that the proposal would not have a significant impact upon the visual amenity in that it is well screened and any glimpses would be of an agricultural barn which is an expected feature with the rural landscape. The proposal is considered to be acceptable in terms of scale, siting and design and therefore complies with Policy CP8.

### 10.2.3 Highways

There are no alterations proposed to the access and the addition of a barn on the site is not considered to significantly exacerbate the existing vehicle movements to and from the site as the livestock are currently within the field. The proposal is therefore considered acceptable in terms of highway safety.

### 10.2.4 Noise and Odour

Concerns have been raised about the noise and smell of the animals. Following discussions with Environmental Health who are "unaware of any noise assessments being required for a unit of this size, or how a noise assessment would fit with the type of operation as animals are not a type of noise source that is easy to assess" The comments go on to say historically there are some complaints relating to odour from slurry spreading however none have been bad enough to cause a statutory nuisance and no records of noise complaints from animals in agricultural premises." It is noted that the site is over 200m from the nearest residential premises and there are a number of other farms in the area, some of which are much closer to other properties.

Given the comments from the Environmental Health Team it is considered that the proposal would not have a significant impact from noise and odour on the neighbouring properties. The livestock currently occupy the field in an agricultural landscape.

### 10.2.5 Additional matters

A number of comments received raised concerns over the future need for an agricultural workers dwelling to manage the herd, however the application must be determined on its own merits and speculation as to what may or may not occur in the future is not a material planning consideration.

A number of objectors raised that the development was contrary to the GPDO as the proposal was within 400m of a protected building. This is the case and due to the location of the barn it would not have been considered permitted development which is why a full application has been submitted.

Comments received from a neighbour stated that a site notice was not displayed correctly, a site notice was erected to the entrance to the site on the 10th June 2021.

In response to the comments raised the applicant has confirmed that To calculate stocking rate and N produced I have used standard tables published in the Red Tractor Farm Assurance Standards book. One calf to 6 months of age requires

0.005 hectares of land per month.

The proposed shed will have 8 pens of 30m<sup>2</sup> holding 12 calves at a stocking density of 2.4m<sup>2</sup>. Red tractor stocking density for calves to 200kg is 2.4m<sup>2</sup>. The remainder of the shed is utilised by a central feeding passage, handling area, sick/isolation pen and feed bin. Calves arrive on average 14 days of age and are sold at an average of 100 days (3 months rearing). There would be approximately one month between batches for cleaning and resting of the shed.

The proposed shed will therefore be within the legal baseline for stocking density for the size of the 4.6 hectare site.

#### 10.2.6 Phosphates

As mentioned above the proposal for the barn is not considered to exacerbate the existing situation and the barn is to house the stock currently on the field. The number of stock in the field will not increase with this proposal, which has been confirmed by correspondence with the applicant.

### **11 Local Finance Considerations**

#### 11.1 Community Infrastructure Levy

Not applicable.

### **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, it is considered that taking into consideration the number and nature of the objections raised and the policies within the Development Plan and within the NPPF that on balance the proposal is considered to be acceptable and it is recommended that planning permission be granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Planning conditions and Informatives

### Conditions

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) Site Plan

(A3) DrNo PJA/SR/4161/001 North & South Elevations

(A4) Location Plan

(A3) DrNo PJASR4161002 East & West Elevations

(A3) DrNo PJA/SR/4161/003 Proposed Floor Plan

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

3. The fibre cement roof shall be antracite grey in colour. Any changes to the colour of the roof would need to be submitted to and approved in writing by the Local Planning Authority.

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

4. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

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

5. Prior to the installation of any external lighting, a “lighting design for bats”,

following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), 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 Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment

Notes to applicant.

- . In accordance with paragraph 38 of the National Planning Policy Framework 2012 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.



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