



Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 26 April 2017 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 5 April 2017 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/17/0002 Change of use of former agricultural building to Class D2 (recreational hall) with associated works at Greenway Farm, Greenway Road, Bishops Lydeard (resubmission of 06/16/0046)
- 6 Latest Appeals and Decisions received

Bruce Lang
Assistant Chief Executive

22 June 2017

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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

Planning Committee Members:-

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

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Bishop Fox's Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

06/17/0002

MR S PITHER

Change of use of former agricultural building to Class D2 (recreational hall) with associated works at Greenway Farm, Greenway Road, Bishops Lydeard (resubmission of 06/16/0046)

Location: GREENWAY FARM, GREENWAY ROAD, BISHOPS LYDEARD,
TAUNTON, TA4 3DD

Grid Reference: 315987.128916

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

C0477 P1 Floor Plans & Elevations received on 17th January 2017

C0477 P2 Site Location Plan

C0477 P4 B Landscape Plan received 6th April 2017

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

2. The development shall provide for bin storage facilities, details of which shall be indicated on plans to be submitted to and agreed in writing by the Local Planning Authority prior to their provision. Such approved facilities shall be provided within 3 months of the date of this planning permission and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future users of the site and that the proposed development does not harm the character and appearance of the area.

3. The premises shall only be used for indoor sports recreation and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses which may have an adverse effect on the amenity of adjoining residential occupiers.

4. Within 3 months of the date of this permission, the parking spaces shall have been laid out within the site in accordance with the approved Landscape plan no. 4A for 25 parking spaces to be provided, and thereafter retained as such.

Reason: In the interests of highway safety.

5. (i) The landscaping scheme shown on drawing C0477 P4 Revision B hereby permitted shall be fully implemented in the next available planting season (between 30 October 2017 and 31 March 2018).

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

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

6. The use hereby permitted shall not take place outside the following times
0900 hrs – 2200 hrs Monday - Saturday and 1000 hrs - 2100 hrs on Sundays.

Reason: To minimise the impact of the development in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

Proposal

Retrospective planning permission is being sought for a change of use of a former agricultural building, to use as a recreational hall (Use Class D2). The building is understood to be being used for exercise classes. Retrospective permission is also sought for a new access onto the site from Greenway Road, a bund running along the length of the new drive and a new car park to the east serving approximately 25 cars.

Site Description

The application site lies on the south side of Greenway Road at the western end of Bishops Lydeard, to the west of the bypass. It comprises a modern agricultural building which has not been used for agricultural purposes for some time. The site is located outside of the settlement limit of Bishops Lydeard and within walking distance of the West Somerset Railway Station and village amenities to the east. There are residential properties located in close proximity to the site, on the opposite side of the road.

Relevant Planning History

06/12/0013 - Planning permission was granted in May 2012 for the conversion of former agricultural buildings to form 2 units of holiday accommodation. The modern portal frame building that forms the current application site, was to be used for a play area, swimming pool and games room associated with the holiday units. The

permission also included modest alterations mainly consisting of the erection of stone walls and additional timber boarding in order to fully enclose the sides of the building. This application has not been implemented but the external alterations have been carried out to the modern barn.

06/16/0046 - An application for the change of use of a former agricultural building, currently being used for martial arts, to Class D2 (recreational hall) was withdrawn in November 2016.

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - The Parish Council supports the granting of permission but still has concerns regarding the adequacy of the proposed drainage system and the lack of detail about the proposed frequency and hours of use and the anticipated numbers of people likely to use the hall if consent is obtained and therefore the level of any local disturbance by the proposed use. The Parish Council therefore supports appropriate conditions being added to the planning consent to deal with these concerns.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice, which requires the provision of appropriate visibility splays and parking provision.

ECONOMIC DEVELOPMENT - No objections.

Representations Received

Seven letters of **objection** have been received and are summarised as follows:

- the building is already being used for fitness classes but not martial arts as applied for;
- loud music can be heard and there is no soundproofing;
- there is no need for another village hall as the existing hall has been extended recently and has capacity;
- a licence will be required to play music;
- the building could be used for discos and weddings with associated noise and unsocial behaviour;
- devaluation of property prices;
- the access has already been widened without planning permission and the visibility is poor;
- when will the parking spaces be laid out?
- will there be any restrictions on the maximum capacity of the building?
- concern about foul drainage;
- no detail on the proposed hours of operation;
- the noise will impact on the wildlife within the Ash Priors Common Local Nature Reserve.

One letter of **support** has been received from a user of the hall stating that the existing facilities within the village are over-stretched and that the site is conveniently

located for residents of Bishops Lydeard.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
CP8 - Environment,
SP1 - Sustainable development locations,
DM2 - Development in the countryside,
SB1 - Settlement boundaries,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

1.The Principle of Development

The application site is located outside of any defined settlement limit and is therefore considered to be within open countryside. The proposal has to be assessed against Core Strategy Policies SP1, SP4, CP1, CP8, and DM2 and SADMP Policy SB1 which generally seek to focus new development in sustainable locations, within existing built up areas.

Development outside defined settlement limits may be allowed under limited circumstances under Core Strategy Policy DM2. It states that the conversion of existing buildings outside of defined settlement limits may be acceptable subject to a sequential approach being followed. The policy sets out 7 potential uses for converted buildings which are listed as follows:

- i) Community uses;
- ii) class B business uses;
- iii) other employment generating uses;
- iv) holiday and tourism;
- v) affordable, farm or forestry dwellings;
- vi) community housing; and
- vii) in exceptional circumstances, conversion to other residential uses.

The proposed recreational use falls within Use Class D2 which includes "cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreation

(except for motor sports, or where firearms are used)". Officers consider that it is appropriate to limit the use of the building to indoor sports and recreation only, to protect residential amenity. Although it is not strictly a community use by definition of the Use Classes Order, many community centres are used for sports and exercise classes. On balance, it is considered that the proposed use meets the requirements of Policy DM2. The proposed use is therefore considered acceptable subject to detailed considerations such as hours of use, noise and landscape impact.

2. Impact on Adjoining Residential Occupiers

Few details were originally provided within the application as to the proposed hours of operation and numbers attending the classes. The applicant has now confirmed that the likely hours of operation will be 9am to 10pm and *"the average class size will be around 30 and most regular classes will be in the morning and evening Monday to Friday, with irregular events during the day on Saturdays. Once a year there will be a 4 day international martial arts event which I have hosted on the farm for the last 3 years"*. Turning to the potential for noise pollution emanating from the building, the applicant has responded that *"the walls are fully cladded in wood, with over 8 inches of gap between them and the inside wall, in addition to which there are sound absorbing materials on the inside to minimise echo and vibration. The roof has 6 inches of insulation and 2 of the 4 sides either connect directly with other farm buildings or face into other farm buildings."*

It is considered appropriate to impose a condition restricting the hours of operation, to protect residential amenity. It is not possible to impose a planning condition restricting the number of people attending the building, as it would be difficult to enforce. Furthermore, there are separate controls and safeguards under the licensing regulations regarding the playing of amplified music.

3. Impact on Landscape Character

The site lies within the Vale of Taunton Deane Landscape Character Area. Regard therefore has to be paid to the impact of the proposal on the appearance, character and landscape quality of the surrounding area. The visual impact of the new access, bund and visibility splays looks rather raw and unfinished partly due to the lack of any new landscaping. Negotiations between the Council's Landscape Officer and the agent have been ongoing to try to achieve a satisfactory landscaping scheme. Officers consider that a new native hedgerow and groups of trees should be planted along the whole length of the bund. This will soften the impact of the new access and bund and this can be controlled by condition.

4. Highway Safety

The new access onto Greenway Road has a visibility splay of 2.4 m x 43 m in each direction which is considered satisfactory in highway terms. The new access drive and car park area currently comprises loose chippings. A tarmac surface will be provided with the parking spaces marked out. County Highways are satisfied that the proposal will not be detrimental to highway safety.

5. Drainage

The applicant has confirmed that the existing septic tank formerly used by the farm will be utilised. This had sufficient capacity for 100 cows and 200 sheep and is therefore considered more than adequate to serve the development.

Conclusions

The application site is located outside of any defined settlement limit within the open countryside. The proposed indoor sport and recreational use meets the sequential test under Core Strategy Policy DM2. The proposed development is considered acceptable subject to appropriate planning conditions to safeguard the amenity of neighbouring residential occupiers.

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

Contact Officer: Ms A Penn

Appeal Decisions – 26 April 2017

Site: LAND ADJACENT TO ACORNS, MOUNTFIELDS ROAD, TAUNTON

Proposal: Erection of 2 No. dwellings with associated parking and works on land adjacent to Acorns, Mountfields Road, Taunton

Application number: 38/16/0342

Reasons for refusal

1. Erection of 2 No. dwellings with associated parking and works on land adjacent to Acorns, Mountfields Road, Taunton

Appeal decision: Allowed

Appeal Decision

Site visit made on 27 March 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 12 April 2017

**Appeal Ref:
APP/D3315/W/16/3165675 Acorn,
Mountfields Road, Taunton TA1
3DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hyde against the decision of Taunton Deane Borough Council.
 - The application Ref 38/16/0342, dated 31 August 2016, was refused by notice dated 24 November 2016.
 - The development proposed is the construction of 2 new dwellings with associated parking.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of 2 new dwellings with associated parking at Acorn, Mountfields Road, Taunton TA1 3DG in accordance with the terms of the application, Ref 38/16/0342, dated 31 August 2016, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until the following revised drawings have been submitted to and approved in writing by the Local Planning Authority:

Drawing numbers 16.17.02A; 16.17.03A; 16.17.04A; and 16.17.05A

The development hereby permitted shall be carried out in accordance with the approved revised Drawings 16.17.02A; 16.17.03A; 16.17.04A; and 16.17.05A and with Drawing Number 16.17.01.

- 3) The external surfaces of the development hereby permitted shall be constructed in the materials set out in the application details.
- 4) The development shall not be occupied until full details of the proposed boundary treatments on the northern and western boundaries of the site, including a plan indicating existing and additional boundary treatments, the positions, design, materials and type of boundary treatment to be erected, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed before the buildings are occupied or in accordance with a timetable previously agreed in

writing with the Local Planning Authority and shall thereafter maintained as such.

- 5) The development shall not be occupied until the car port areas allocated for parking on the approved revised plan 16.17.02A have been properly consolidated, and further details of the additional 4 parking spaces (2 per

dwelling) in the front courtyard area, haven been submitted to and approved in writing by the Local Planning Authority, and marked out as approved. The Car port and courtyard parking spaces (6 parking spaces in total including the car ports) shall thereafter be kept available at all times for the parking of vehicles in in connection with the development hereby permitted.

Procedural Matter

2. I have noted that Drawing Numbers 16.17.02A; 16.17.03A; 16.17.04A; and 16.17.05A include some minor discrepancies related to the proposed car ports. The site plan does not show the roof form of the car port to Plot 2 correctly and this car port is not shown on the on the south elevation drawing. The car port to Plot 1 is also not shown on the east elevational drawing. The intentions as regards these aspects are apparent to me based upon the application plans and documentation taken together. As such, I consider that this matter can be dealt with by a condition requiring corrected versions these drawings to be submitted. Given the nature of these amendments and clarity and consistency of the plans otherwise, and taken together and application documentation, I do not consider that any party would be prejudiced by my imposing this condition.

Application for costs

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

4. The main issues are: whether the appeal site would represent a suitable location for the new residential development proposed, with particular regard to local policy seeking to direct development within settlement limits, and the effect on the character and appearance of the area.

Reasons

Suitable location

5. The appeal site is located within the Vivary Green Wedge and, when the application was decided, was outside the settlement limits and so in the open countryside for the purposes of Policies CP8 and DM2 of the Adopted Taunton Deane Core Strategy 2011-2028 (September 2012) (CS). As such, the proposed development was considered to be in conflict with these policies.
6. Since the date of the Council's decision, it has adopted the Site Allocations and Development Management Plan (adopted December 2016) and the appeal site is now within the development limits. Accordingly, there is no conflict with the requirements of either Policy CP8 or DM2 of the CS.
7. As regards the location of the site within the Vivary Green Wedge, given that a very large development has been permitted adjacent to the appeal site, there would be no conflict either with the underlying aims of Policy CP8 connected to retaining green wedges and open breaks between settlements.
8. I therefore conclude on the first main issue that the appeal site would represent a suitable location for the new residential development proposed, with

particular regard to local policy seeking to direct development within

settlement limits. There would be no conflict in this regard with the requirements of Policies CP8 or DM2 of the CS as outlined.

Character and appearance

9. The appeal site is currently an area of open, primarily grassed, land which sits behind an existing barn conversion and adjacent to the dwelling at Pool Farm. A large development has been permitted very nearby. The proposed dwellings would reflect the footprint and design of the existing barn conversion and would be read in the context of existing development. Permission was granted recently on site for what the Council considers to be an identical development, and the appellant indicates to be very similar to the appeal proposal. In this context, the proposal would adequately respect the existing character of the area.
10. On the second main issue, I find that the proposal would not have any adverse effect on the character and appearance of the area. It would accord with the requirements of Policy DM1 of the CS in this regard, related to ensuring that the appearance and character of the area are not unacceptably harmed by the new development.

Other Matters

11. Concerns were raised by the occupants of Pool Farm as to the effect of the proposed development on the living conditions of the occupants of that property in respect of privacy and noise and disturbance. The Council has not raised any issue in this regard and the relative positions of the proposed development and the Pool Farm dwelling would prevent any harmful loss of privacy. Noise and distance also would not be at an unacceptable level bearing in mind the small scale and residential nature of the development proposed.

Conclusion and Conditions

12. The appeal site would represent a suitable location for the new residential development proposed and would not result in any harm as regards the character and appearance of the area. For the above reasons, the appeal succeeds.
13. I have imposed the standard time limit condition and specified approved plans, including as revised for the reasons given in my procedural matter above, in the interests of certainty. External materials are required to be as specified, and boundary treatments to be agreed in the interests of achieving a satisfactory visual appearance. Parking arrangements are secured by condition in order to ensure that the proposed development has appropriate off street parking provided. Conditions are slightly amended from those proposed in the interests of clarity and to ensure that reference is made to the correct plans.

Veronica Bond
INSPECTOR

Planning Committee – 26 April 2017

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors M Adkins, Mrs Adkins, Brown, Coles, Gage, C Hill, Morrell,
Mrs Reed, Sully, Townsend and Watson

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

Also present: Councillors Berry and Warmington for application No. 06/17/0002.
Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5 pm)

22. Apologies/Substitutions

Apologies: Councillors Martin-Scott, Nicholls and Wedderkopp

Substitutions: Councillor Coles for Councillor Wedderkopp
Councillor Gage for Councillor Martin-Scott

23. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Coles also declared a personal interest as he was a member of the Devon and Somerset Fire and Rescue Authority. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Watson declared that he was the Ward Member for application No. 06/17/0002, he declared that he had received telephone calls from the public but that he had not 'fettered his discretion'.

24. **Change of use of former agricultural building to Class D2 (recreational hall) with associated works at Greenway Farm, Greenway Road, Bishops Lydeard (resubmission of 06/16/0046) (06/17/0002)**

Reported this application.

Resolved that subject to the Area Planning Manager confirming whether Building Regulations approval was required for the proposed change of use and that an adequate foul drainage arrangement would be secured through this process the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and

Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(Note - If Building Regulations approval was not required for this, then an additional condition would be imposed seeking approval for the means of disposal of foul water.)

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - C0477 P1 Floor Plans and Elevations received on 17 January 2017;
 - C0477 P2 Site Location Plan;
 - C0477 P4 B Landscape Plan received on 6 April 2017;
- (c) The development shall provide for bin storage facilities, details of which shall be indicated on plans to be submitted to, and agreed in writing by, the Local Planning Authority prior to their provision. Such approved facilities shall be provided within three months of the date of this planning permission and shall thereafter be retained for those purposes;
- (d) The premises shall only be used for indoor sports recreation and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (e) Within three months of the date of this permission, the parking spaces shall have been laid out within the site in accordance with the approved Landscape Plan No. 4A for 25 parking spaces to be provided, and thereafter retained as such;
- (f) (i) The landscaping scheme shown on drawing C0477 P4 Revision B hereby permitted shall be fully implemented in the next available planting season (between 30 October 2017 and 31 March 2018);

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) The use hereby permitted shall not take place outside the following times 0900 hours – 2200 hours Monday – Saturday and 1000 hours – 2100 hours on Sundays;

25. Appeals

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

Resolved that the report be noted.

(The meeting ended at 5.30 pm)