

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 26 February 2019 at 6.15 pm.

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**Agenda**

- 1 Apologies.
- 2 Minutes of the previous meeting of the Planning Committee. (Pages 5 - 28)  
  
Minutes of the Planning Committees on 5 December 2018, 16 January 2019 attached.
- 3 Public Question Time.
- 4 Declaration of Interests.  
  
To receive and record any declarations of disclosable pecuniary interests or personal or prejudicial interests 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.)
- 5 43/18/0122 (Pages 29 - 36)  
  
Formation of vehicular and pedestrian access with erection of security fencing, gates and barriers at Station Mills, Station Road, Wellington
- 6 48/18/0055 (Pages 37 - 52)  
  
Erection of 4 No. detached dwellings with associated works on land to the south of The Coach House, Sidbrook, West Monkton
- 7 49/18/0074 (Pages 53 - 62)  
  
Outline Planning Permission with all matters reserved, except for access and layout, for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe
- 8 Latest appeals and decisions received (Pages 63 - 72)

Bruce Lang  
Assistant Chief Executive

18 February 2019

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.

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

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



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

**For further information about the meeting, please contact the Governance and Democracy Team on 01823 356356 or email [democraticservices@tauntondeane.gov.uk](mailto:democraticservices@tauntondeane.gov.uk)**

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## **Planning Committee Members:**

Councillor R Bowrah (Chairman)

Councillor M Hill (Vice-Chair)

Councillor J Adkins

Councillor M Adkins

Councillor W Brown

Councillor S Coles

Councillor J Gage

Councillor C Hill

Councillor S Martin-Scott

Councillor I Morrell

Councillor S Nicholls

Councillor J Reed

Councillor N Townsend

Councillor P Watson

Councillor D Wedderkopp

## **Planning Committee – 5 December 2018**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs J Adkins, M Adkins, Brown, Coles, C Hill, Horsley,  
Martin-Scott, Morrell, Mrs J Reed, Townsend and Watson

Officers: - Tim Burton (Assistant Director – Planning & Environment)  
Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),  
Martin Evans (Solicitor, Shape Partnership Services) and Tracey  
Meadows (Democracy and Governance Case Manager)

Also present: Councillors Habgood, Cavill and Mrs A Elder, Chairman of the  
Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

### **83. Apologies/substitutions**

Apologies: Councillors Nicholls, Wedderkopp

Substitutions: Councillor Horsley for Councillor Nicholls

### **84. Minutes**

The minutes of the meeting of the Planning Committee held on 12 September,  
10 October and 7 November 2018 were taken as read and were signed.

### **85. Public Question Time**

Question received from Mr James Cashmore.

Planning Application No: 20/17/0017, for which a decision was made in late  
Oct/early Nov 2017. "Please could officers provide an update on the  
revocation of the Certificate of Lawfulness at Cattlewash, Fitzroy, which  
officers accept was granted following false statements being made in the  
application?"

The response from Martin Evans, Solicitor, Shape Partnership. The Local  
Planning Authority had discretionary powers which enables it to revoke  
Certificates of Lawfulness. The allegation was that the Certificate of  
Lawfulness at this particular property was granted on the basis that there  
were false or misleading evidence that was provided that were material to that  
decision. The Council in deciding whether to use its discretionary powers to  
revoke the Certificate had to consider only the evidence that was submitted at  
the time rather than the planning merits of what's being granted. The authority  
must also consider whether the information that was given would have  
effected its decision to grant the Certificate. The information related to the size

of the application site that was applied for and the red line that was put around the application site. Officers were looking into whether the extent of the land that was applied for in this Certificate was greater than it should have been granted and whether the information given in the application, which was not the current owner of the site, whether that was false and whether that was misleading to the Council when it granted the Certificate. If the Council came to the view that it was false and it did effect the decision to grant the Certificate, the Council before it went down the route of revoking the Certificate, would consult the current owner and would have representations. At this point I can confirm that Officers were currently considering that issue and would be making a decision upon it. It would also be considered whether it came to this committee or whether it was a matter for delegated authority. Stated that a response would be given to Mr Cashmore in writing in due course.

#### Question from Councillor Morrell

A week ago I received a copy of a letter that was sent to a member of the public who had sought pre-application advice. Unfortunately the letter states and I quote "we are currently without a Conservation Officer to advise on your enquiry, we are currently looking to for a replacement Conservation Officer, if you and your client are happy to wait for a time until we can find a replacement we will be in contact with you regarding your inquiry". The query clearly states that we have a lack of resource in the Planning Department at the moment. If you are a member of the public seeking/paying for advice and there is no conservation officer to provide that advice that seems to rather a poor show and causing a resource deficit in this authority. The question I therefore have is what impact and what inconvenience is this causing potential applicants who wish to make applications within this borough. Following on from that particular point what is the potential ramifications to this authority by not having a Conservation Officer. At this point Councillor Morrell was asked to put his question to Officers for a response.

#### **86. Declarations of Interest**

Councillor Watson declared an interest on application 06/17/0033 as Ward Member and Parish Councillor for Bishops Lydeard. He declared that he had received correspondences but had not 'fettered his discretion' All Councillors declared that they had received correspondence from Origin 3.

#### **87. Applications for Planning Permission**

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

- (1) That **the detailed plans be approved** for the under-mentioned development:-

**88. 06/17/0033**

**Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent for the provision of a care home (Class C2) on land at Taunton Road, Bishops Lydeard**

**Reported** this application

Resolved that subject to a S106 agreement to secure affordable housing, travel plan, off-site highway works and maintenance of the public open space. 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:-

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 0640-940(a3) DrNo 0640-909A Plans & Elevations Plans & Elevations Plot 111;
  - (A3) DrNo 0640-939 Plans & Elevations Plots 6-11, 34-37, 98 & 99;
  - (A3) DrNo 0640-938 Plans & Elevations Plots 4, 5, 12, 13, 44, 93-97, 100-104, 110, 112 & 113;
  - (A3) DrNo 0640-937 Plans & Elevations Plots 160 & 163;
  - (A3) DrNo 0640-936 Plans & Elevations Plots 161-162;
  - (A3) DrNo 0640-935 Plans Plots 40-43;
  - (A3) DrNo 0640-934 Elevations Plots 40-43;
  - (A3) DrNo 0640-933 Plans & Elevations Plots 38, 39, 114 & 115;
  - (A3) DrNo 0640-932 Plans Plots 22, 23, 45, 46, 50, 58, 66, 74, 76, 132 & 144;
  - (A3) DrNo 0640-931 Elevations 132 & 144;
  - (A3) DrNo 0640-930 Elevations 50, 58 & 74;
  - (A3) DrNo 0640-929 Elevations Plots 22, 23, 45, 46, 66 & 76;
  - (A3) DrNo 0640-928 Plans Plots 120, 135 & 153;
  - (A3) DrNo 0640-927A Elevations Plot 153;
  - (A3) DrNo 0640-926A Elevations Plot 135;
  - (A3) DrNo 0640-925A Elevations Plot 120;
  - (A3) DrNo 0640-924 Plans Plots 73, 121 & 141;
  - (A3) DrNo 0640-923A Elevations Plots 73, 121 & 141;
  - (A3) DrNo 0640-922 Plans & Elevations Plots 47, 60, 69, 72 & 125;
  - (A3) DrNo 0640-921 Plans & Elevations Plots 52 & 89;
  - (A3) DrNo 0640-920 Plans & Elevations 56, 57, 67, 123, 138, 142 & 143;

- (A3) DrNo 0640-919 Plans & Elevations 14, 15, 24, 25, 55, 59, 84, 122, 136, 146 & 150;
- (A3) DrNo 0640-918 Plans & Elevations 1 & 78;
- (A3) DrNo 0640-917 Plans & Elevations 90, 145 & 147;
- (A3) DrNo 0640-916 Plans & Elevations Plots 75, 159 & 172;
- (A3) DrNo 0640-915 Plans & Elevations Plots 27 & 65;
- (A3) DrNo 0640-914A Plans & Elevations Plot 88;
- (A3) DrNo 0640-913A Plans & Elevations 109, 124 & 151;
- (A3) DrNo 0640-912A Plans & Elevations Plots 28, 51, 63, 64 & 68;
- (A3) DrNo 0640-911A Plans & Elevations 19, 26,70, 71, 77, 137 & 152;
- (A3) DrNo 0640-910 Plans & Elevations 29, 154, 157 & 158;
- (A3) DrNo 0640-909A Plans & Elevations 168-171;
- (A3) DrNo 0640-908 Plans & Elevations Plots 2,3,17,18,20,21,61,62,91,92,107, 108 118,119, 139,140, 148 & 149;
- (A3) DrNo 0640-907 Plans & Elevations Plots 53, 54, 86 & 87;
- (A3) DrNo 0640-906 Plans & Elevations Plots 32, 33, 79, 80,105, 106, 126,127, 133,134, 155,156, 166 & 167;
- (A3) DrNo 0640-905 Plans & Elevations Plots 83;
- (A3) DrNo 0640-904 Plans & Elevations Plot 16 & 85;
- (A3) DrNo 0640-903 Plans & Elevations 165 & 173;
- (A3) DrNo 0640-902 Plans & Elevations 164;
- (A3) DrNo 0640-901 Plans & Elevations plots 48 & 49;
- (A3) DrNo 0640-900 Plans & Elevations plots 30,31, 81,82, 116,117 & 128-131;
- (A3) DrNo 0640-HTB-Issue 6 House type Booklet;
- (A0)DrNo 0640-104-1E External Works Layout;
- (A0)DrNo 0640-104-2F External Works Layout;
- (A0)DrNo 0640-104-3E External Works Layout;
- (A0)DrNo 0640-104-4E External Works Layout;
- (A0)DrNo 0640-104-5E External Works Layout;
- (A0)DrNo 0640-104-6F External Works Layout;
- (A0)DrNo 0640-104-7E External Works Layout;
- (A1) ES017-ES-00 XX GA C 0531 Rev P6 Drainage Layout for Planning Sheet 2 of 2;
- (A1) ES017-ES-00 XX GA C 0530 Rev P4 Drainage Layout for Planning Sheet 1 of 2;
- ES017-ES-00-XX-GA-C-0601REV P3 Finished Floor Levels;
- ES017-ES-00-XX-GA-C-0600REV P2 Finished Floor Levels;
- (A3)0750-016 RevH Site Access Layouts;
- (A3)0750-017 RevH Site Access Layouts;
- (A3)0750-018 RevH Site Access Layouts;
- (A0) DrNo 0640-111 RevE Refuse Strategy Layout;
- (A0) DrNo 0640-110 RevE Building Heights Layout;
- (A1) DrNo 0640-109 RevB Garages;
- (A1) DrNo 0640-108 RevF Materials Layout;
- (A0) DrNo 0640-107 RevE Adoption Plan;



- (A3) DrNo 0640-106 RevB External Detailing;
- (A1) DrNo 0640-103 RevD Street Scenes;
- (A0) DrNo 0640-102 RevF Planning Layout;
- (A1) DrNo 0640-101 Location Plan;

- (c) Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the care home site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development of the care home site is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (d) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than Greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details to be submitted to and approved in writing by the Local Planning Authority ;
- (e) Prior to the construction of the dwellings above dpc samples of the materials to be used in the construction of the external surfaces of the development (including dormers) shall be submitted to, and approved in writing by, the Local Planning Authority. A sample panel of any brick or stone walling shall be constructed on site and agreed in writing by the LPA. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecology solution ltd.'s submitted report, dated September 2107 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for the species
  4. A LEMP

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, and bird boxes and related accesses have been fully implemented;

- (g) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme;
- (h) Construction work on any dwelling above DPC shall not commence until the improvement to the Taunton Road/A358 junction and the highway re-alignment works to the Taunton Road shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and be fully implemented in accordance with the approved detail;
- (i) No dwelling to the south of Taunton Road shall be occupied until a pedestrian crossing of the road has been fully installed;
- (j) There shall be no occupation of the dwellings until the traffic calming, new footway provision and new accesses on Taunton Road in relation to the relevant phase are completed in accordance with the approved details;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the approved phasing plan. Such provision shall be installed before first occupation and thereafter maintained at all times;
- (l) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath to at least base course level between the dwelling and highway;
- (m) Details of the cycleway and footpath connections for each phase of development shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation of the phase concerned and thereafter so provided;

- (n) Details of the street lighting to the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority and installed prior to occupation of housing in that phase;
- (o) No dwelling shall be occupied until a scheme that secures the provision of suitable electric vehicle charging points has been submitted to, and approved in writing by, the Local Planning Authority;
- (p) Secure cycle storage facilities of one space per bedroom shall be fully provided prior to the occupation of each dwelling, and shall thereafter be retained for those purposes;
- (q) Detail of the public art element to be designed into the public realm of the site shall be submitted to, and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90<sup>th</sup> dwelling;
- (r) Details of the design and finishes to the new electricity sub-station shall be submitted to, and approved in writing by the Local Planning Authority prior to its construction;
- (s) Notwithstanding the detail shown on submitted drawings, the surface treatment to the traffic calming features along Taunton Road shall be submitted to and approved in writing by the Local Planning Authority prior to them being installed and thereafter carried out as agreed;
- (t) i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior 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 from the date of commencement of the development subject to any approved phasing plan; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (u) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA): Report No. 70024551-FRA-P2-001. No residential development should be undertaken within Flood Zones 2 and 3, and there should be no change of ground levels within Flood Zone 3. This should include no surface water attenuation facilities within Flood Zones 3; The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA;

Notes to Applicant:- (1) Applicant was advised that In accordance with paragraph 38 of the National Planning Policy Framework the Council has

worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that they will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats, reptiles, dormice, badgers and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development; It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (4) Applicant was advised that Part of the above proposal falls within Flood Zones 2 and 3, which are areas with a medium and high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources for Flood Zone 3 (i.e. it has a 1% or greater chance of flooding in any given year). For Flood Zone 2 the probability is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

**89. 38/18/0162  
Residential development of 176 no. dwellings on land to the North of  
Tangier and Castle Street, Taunton**

**Conditions**

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

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

- (A0) DrNo 877-01F Landscape Proposals;
- (A4) DrNo 877-02 Landscape Context;
- (A3) DrNo 877-03 Landscape Assessment Plan;
- (A3) DrNo 1000-P01 Site Location Plan;
- (A1) DrNo 1001-P01 Existing Site Plan;
- (A1) DrNo 1002-P01 Existing Site Section;
- (A1) DrNo 1003-P07 Proposed Site Plan;.
- (A1) DrNo 1004-P03 Proposed Site Section;
- (A1) DrNo 1005-P10 Street Elevations;
- (A1) DrNo 1006-P07 Ground Floor - Parking, Bikes and Bins;
- (A1) DrNo 1007-P06 Castle Street Visual;
- (A1) DrNo 1008-P06 Riverside Visual;

- (A1) DrNo 1009-P06 Tangier Way Visual;
- (A1) DrNo 1010-P02 Block A - House Types;
- (A1) DrNo 1011-P02 Block A Corner - House Type;
- (A1) DrNo 1012-P02 Block B - House Types;
- (A1) DrNo 1013-P04 Block C1 – Floorplans;
- (A1) DrNo 1014-P03 Block C1 – Elevations;
- (A1) DrNo 1015-P06 Block C1 – Elevations;
- (A1) DrNo 1016-P08 Block C2 Floorplans;
- (A1) DrNo 1017-P08 Block C2 Elevation;
- (A1) DrNo 1018-P10 Block C2 Elevation;
- (A1) DrNo 1019-P04 Block D – Floorplan;
- (A1) DrNo 1020-P03 Block D – Floorplan;
- (A1) DrNo 1021-P03 Block D – Floorplan;
- (A1) DrNo 1022-P04 Block D – Elevations;
- (A1) DrNo 1023-P06 Block D – Elevations;
- (A1) DrNo 1024-P03 Block D – Elevations;
- (A1) DrNo 1025-P07 Block E – Floorplan;
- (A1) DrNo 1026-P06 Block F – Floorplan;
- (A1) DrNo 1027-P05 Block F - Floor Plan;
- (A1) DrNo 1028-P07 Block E-F - Elevation;
- (A1) DrNo 1029-P07 Block E-F – Elevation;
- (A3) DrNo A1030-P01 Materials Sample Board;;
- (A0) DrNo C06718/C/002 Rev C Levels Strategy
- (A0) DrNo C06718/C/001 Rev E Drainage Strategy & Exceedance Routes;

- (c) Prior to the wall construction of the buildings samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) No works, other than site clearance and preparation works, shall be undertaken on site until a phasing programme for the provision of (a) the amenity/play areas, (b) associated roads, (c) footpaths, (d) open spaces, (e) boundary treatments including screen walls and fences, (f) parking spaces, (g) garages, (h) drainage, (i) street lighting, (j) bin storage, (k) cycle storage, (l) access's indicated on the approved plans has been first submitted to, and approved in writing by, the Local Planning Authority and the development shall not be carried out other than in accordance with this programme and agreed timings of works;
- (e) There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of all accesses and extending to points on the nearside carriageway edge either side of the accesses for a distance of 33 metres. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times;

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

i) Implementation of Approved Remediation Scheme

The approved remediation scheme outlined in the document “Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018” must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out additional investigations or remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works; ii) Reporting of Unexpected Contamination. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority; iii) Verification of remedial works. Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

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

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority; iv) Long Term Monitoring and Maintenance. If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

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

- (g) (i) Prior to the wall construction of any buildings on the site, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted and a phasing programme for implementation; (ii) Each phase of the landscaping scheme shall be completed in accordance with the timetable set out in the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority; (iii) 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;
- (h) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted report, dated April 2018 and "It does lighting's" Planning application lighting assessment for Tangier dated April 2018 and an up to date otter and badger survey and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  3. Measures for the retention and replacement and enhancement of places of rest for nesting birds;
  4. A CEMP and LEMP;
  5. Full Details of lighting;

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented;

- (i) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to, and approved by, the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme;
- (j) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2018 and the Technical addendum dated 30 July 18 ref: 5005-UA006933-02, and the mitigation measures which provides betterment

compared to the extant permission. Specifically, ground floor levels raised to 16.86m AOD, and finished floor levels no lower than 17.13m AOD.

The mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme;

- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule (2) Part (1) Class (A, B, C & E) and Schedule (2) Part (2) Class (A) of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (l) The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use;
- (m) Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling;
- (n) The garage and parking spaces hereby approved shall be retained as such and not used for any other purpose other than parking of vehicles;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (3) Applicant was advised that attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Somerset West Police District, Police Station; (4) applicant was advised that WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats.



Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained (5) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with appropriate wildlife legislation. Otters are known to use the river adjacent to the site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.)

**48/18/0035**

**Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 17-16.01B Location and Block Plan;
  - (A1) DrNo 17-16.03.J Proposed Site Layout Plan;
  - (A1) DrNo 17-16.04.D Proposed Site Sections;
  - (A2) DrNo 17-16.08.H Block D, Proposed Plans, Elevations and Section;
  - (A1) DrNo 120904-C.01 Rev D Drainage Layout;
- (b) Prior to the construction of the buildings samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (c) (i) A landscaping scheme that includes the planting of native extra heavy standard trees along the northern side of the access road shall be submitted to, and approved in writing by, the Local Planning Authority prior to the use of the building commencing. 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 from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition

and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;

- (d) Prior to use of the building commencing works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with the approved details. The works shall be retained in that form;
- (e) No deliveries or vehicle movements, other than staff arriving and leaving, to and from the premises, shall take place within the site outside the hours of 7.30hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays;
- (f) No business operations, other than within the building, including staff arriving and leaving the premises, shall take place within the site outside the hours of 6.00hrs – 22.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays;
- (g) The use of the building shall not be commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development;
- (h) Prior to the use commencing the cycle parking shall be provided on site in accordance with the approved details and shall be maintained thereafter in connection with the use hereby granted;
- (i) The waste storage facilities shown on the approved plan shall be constructed and fully provided prior to the use of the building commencing, and shall thereafter be retained for those purposes;
- (j) There shall be no storage of materials and waste other than in the designated areas shown on the approved plan;
- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences or means of enclosure shall be erected on the site, other than that expressly authorised by this permission, without the further grant of planning permission;
- (l) The Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first use or occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision

and control of car parking, teleworking, and emergency taxi cover. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year;

- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the north elevation of the all blocks shall be constructed with tinted glass. The details of the tinted glass shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (n) Prior to the use of the building commencing, the details of external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The external lighting shall be carried out in accordance with the approved details and thereafter maintained as such;
- (o) The ecology details approved on the 23rd August 2018 shall be fully implemented in accordance with the approved details and timing of the works; The development shall not be occupied until the scheme for the maintenance and provision of the new reptile hibernacula, bat and bird boxes and related accesses have been fully implemented; Thereafter the resting places and agreed accesses shall be permanently maintained;
- (p) Development shall be constructed in accordance with the levels shown on the approved plans;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

## **90. Appeals**

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

(The meeting ended at 21:24 pm)



## Planning Committee – 16 January 2019

Present: - Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs J Adkins, M Adkins, Brown, Coles, C Hill, Martin-Scott,  
Morrell, Nicholls, Mrs J Reed, Townsend and Watson

Officers: - Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),  
Martin Evans (Solicitor, Shape Partnership Services) and Tracey  
Meadows (Democracy and Governance Case Manager)

Also present: Councillors Berry, Warmington, Williams and Mrs A Elder, Chairman of  
the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

### 1. Apologies/Substitution

Apologies: Councillors Bowrah, Gage and Wedderkopp

Substitution: Councillor Booth for Councillor Wedderkopp

### 2. Declarations of Interest

All Councillors declared that they had received correspondences from the objectors of application No.09/18/0012. They all declared that they had not 'fettered their discretion'. Councillor Booth declared that a work colleague was in the public gallery for application No. 09/18/0012. He declared that he had not 'fettered his discretion'. Councillor Watson declared that he was the Ward Councillor for Bishops Lydeard and Cothelstone. Councillor Brown declared that he had received a telephone call from a member of the public, he declared that he had not 'fetter his discretion'.

### 3. Applications for Planning Permission

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

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

### 4. 42/18/0040

**Erection of 1 No. four bedroomed dwelling with detached single garage and ancillary works on land to the side of The Old Rectory, Wild Oak Lane Trull**

**Conditions**

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

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

- (A1) DrNo 3056.001 Tree Survey & Constraints;
- (A1) DrNo 3056.002 Rev B Structure Planting Plan ;
- (A4) DrNo S0\_229\_101 Location Plan;
- (A4) DrNo S0\_229\_102 Block Plan;
- (A1) DrNo 229\_103 Existing Site Plan;
- (A1) DrNo 229\_104 Proposed Site Plan;
- (A1) DrNo 229\_201 Proposed Ground Floor Plan;
- (A1) DrNo 229\_202 Proposed First Floor Plan;
- (A1) DrNo 229\_203 Roof Plan;
- (A1) DrNo 229\_204 Site Elevations and Images;
- (A1) DrNo 229\_205 Dwelling and Garage Elevations;

(c) Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(d) The applicant shall undertake all the recommendations made in jh Ecology's report dated September 2018, and provide mitigation for bats as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority;

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

(e) (i) Prior to its implementation, the landscaping scheme shall be carried out as per drawing 3056.002 Rev.B; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;
- (g) There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing 2229\_104:6. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;
- (h) Before construction commences (including site clearance and any other preparatory works) the scheme for the protection of the TPO tree to be retained shall be implemented. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

Notes to Applicant:- (1) Applicant was advised that In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised of the following; WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained).

**11/18/0015**

**Variation of Condition No. 02 of 11/18/0007 to enable holiday let to be used as a permanent dwelling on land to the east of Yarde Farm, Combe Florey**

- (a) The building shall be constructed using the materials approved by Local Planning Authority on 6 October 2010 in relation to planning consent 11/05/0009;
- (b) The landscaping scheme approved by Local Planning Authority on 6 October 2010 in relation to planning consent 11/05/0009 shall be completely carried out within the first available planting season from the date of completion of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (c) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no addition or extension to the building(s) unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (e) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (f) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;

**Reasons for granting planning permission:-**



The planning committee felt that although the proposals were contrary to the development plan, material considerations such as:

- the presence of a previous farmhouse being on the site until it was burnt down;
- that the building would be in a group of other dwellings and holiday lets, and
- that there would be limited harm arising from the proposals to remove the condition outweighed the conflict with the development plan and indicated that planning permission should be granted;

5. (2) That **planning permission be refused** for the under-mentioned developments:-

**28/18/0004**

**Conversion and extension of agricultural building to the residential dwelling at Orchard Portman Farm, Orchard Portman Road, Orchard Portman**

**Reason**

The proposal, by reason of the size and position of the extension, inappropriately projecting and elongating the barn, the resultant profile of which would be transformed in a way that would not reflect its simple utilitarian form, together with the resulting increase in residential curtilage, exacerbated by the obtainable views of the site from the road, would unacceptably harm the character and appearance of the host building thereby being incompatible and adversely affecting the setting and open, rural countryside location. The proposal would therefore be contrary to policies DM2, DM4 and CP8 of the Core Strategy and Policy D7 of the Site Allocations and Development Management Plan;

(Notes to applicant:- (1) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**36/18/0043**

**Replacement of agricultural building with the erection of 2 No. dwellings with associated works at Crossways Farm, Slough Lane, Stoke St Gregory**

**Reasons**

1. The proposed development site is outside of recognised settlement limits and is considered to be in an unsustainable location which would rely on travel by private motor vehicles, and is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policies CP1a, SP1, DM2, and SADMP policy H1(a), and NPPF (2018) paragraphs 78 and 79;
2. The proposed development is considered to be harmful to the pastoral character of the location, and is not considered to be conserving and enhancing the area in relation to the listed building at Crossways Farm in that it would introduce suburban elements into a predominantly rural location, which has designated heritage assets located in close proximity. Therefore the proposal is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policy CP8, and Taunton Deane Site Allocations and Development Management Plan (adopted December 2016) policy D7(A & B) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**38/18/0429**

**Erection of a single storey extension to the rear and conversion of loft at 6 Birch Grove, Taunton**

**Reason**

The impact of the proposed extension beyond the rear building line of this terraced row will be an adverse impact on the amenity and design of the terrace and would not preserve or enhance the character of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. (3) That the following application **be deferred** for the reasons stated:-

**09/18/0012**

**Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)**

**Reason–**

- Application deferred to allow the applicant to submit a second application for the Chalet and other parts of the development. Note that

If the second application was not received by 15th February 2019, Application No. 09/18/0012 would be determined at the Planning Committee on the 26 February 2019;

**The following points to be noted;**

- Landscape - the key piece of land for the planting of trees should be on the church side of the arena;
- S215 - Officers to look into a Section 215 on the site;
- Drainage - details to be reported back to the Planning Committee;

**7. Appeals**

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

(The meeting ended at 9:58 pm)



43/18/0122

RETAIL INTERESTS LTD

**Formation of vehicular and pedestrian access with erection of security fencing, gates and barriers at Station Mills, Station Road, Wellington**

Location: STATION MILLS, STATION ROAD, WELLINGTON, TA21 8NN

Grid Reference: 313526.121358

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

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

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

(A1) DrNo P01 Site Location Plan  
(A1) DrNo P04 Proposed Sub-Station Building Details  
(A2) DrNo P06 Existing Site Plan  
(A2) DrNo P08 Shelter Details  
(A1) Long Section  
(A3) DrNo P07 Rev A Proposed Site Tracking  
(A1) DrNo P05 Rev B Proposed New Entrance  
(A2) DrNo P03 Rev A External Surfaces Plan  
(A2) DrNo P02 Rev A Proposed Site Plan

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

3. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is

brought into use and shall thereafter be maintained at all times.

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

4. The proposed access shall incorporate pedestrian visibility splays on both its sides appropriate for the speed of approaching traffic and these shall be submitted to and agreed in writing the Local Planning Authority. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

Reason: In the interests of pedestrian safety.

5. Prior to the access hereby permitted being first brought into use the proposed access over at least the first 12 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and to ensure that access to the site is maintained.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

Formation of vehicular and pedestrian access with erection of security fencing, gates and barriers at Station Mills, Station Road, Wellington.

## Site Description

The site is an existing commercial complex of two factories, Reylon and Pritex, who had formerly operated as one enterprise. The site and commercial operations are being split up and the proposed development area represents the Pritex half of the site. It has extant car-parking bays, and is set lower than the adjacent road (Lillebonne Way/Normandy Row). The existing access to the complex is located off of Brendon Road and leads into the Reylon part of the site.

## Relevant Planning History

None of relevance

## Consultation Responses

*WELLINGTON TOWN COUNCIL* - Members of the committee expressed disappointment that the traffic situation in the town centre would not be completely alleviated but considered that any relief would be welcome, support the application.

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above-mentioned planning application received on 4 January 2019 and after following a site visit on 25th January 2019 have the following observations on the highway and transportation aspects of this proposal:-

I refer to the above-mentioned planning application received on 4th January 2019 and following a site visit have the following observations on the highway and transportation aspects of this proposal:-

The application seeks consent for the formation of a vehicular and pedestrian access to the site known locally as 'Pritex' in Wellington. The application also includes the erection of security gates and fencing to the perimeter of the site and security barriers at the proposed new entrance.

The proposed new vehicular and pedestrian access would link the site with Lillebonne Way to the north west of Wellington. The road is currently not adopted highway, but has been designed to enable it to take large traffic as a distributor road.

The design and location of the proposed access is such that there is likely to be limited detrimental impact to highway safety in the immediate area. The security barriers are set sufficiently far from the boundary to allow large vehicles to leave the public highway while awaiting entry into the site. Due to the topography of the land it is suggested that the applicant make every effort to ensure that the security barriers are visible to traffic, with the possibility of an illuminated barrier with skirt.

It is noted that the gradient of the access is in the region of 1 in 15, it is recommended that the gradient is reduced to at least 1 in 20 to allow HGV's to pull away from the site with ease.

The Taunton Deane Borough Council adopted Core Strategy 2011-2028 identifies a need to provide a Northern Relief Road for Wellington, the Local Planning Authority are advised that whilst there are no highway safety concerns for this proposed development it is noted that the proposal does not deliver this Northern Relief Road and may, in fact, hinder the delivery thereof.

Taking the above comments into consideration the Highways Authority does not object to the proposal and should the Local Planning Authority be minded to recommend permission the Highways Authority would recommend that the following conditions are added to the permission:

- There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
- The proposed access shall incorporate pedestrian visibility splays on both its

sides appropriate for the speed of approaching and to be submitted and agreed in writing the Local Planning Authority. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

- Prior to the access hereby permitted being first brought into use the proposed access over at least the first 12 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

*SCC - RIGHTS OF WAY* - No comments received

*LANDSCAPE* - No objections

## **Representations Received**

1no. letter of support received stating that the development would help to alleviate traffic problems in the town.

1no. letter received giving qualified support to the application if the existing entrance on Brendon Road is closed off, as a condition of any permission granted.

27no. letters of objection have been received (excluding cases where more than one letter was sent from the same household). These are mainly from residents on the new Longforth (Bloor Homes) residential development, the points raised are:

- The development will not relieve traffic
- An increase in traffic including by HGVs
- Traffic congestion
- An increase in air-borne pollution
- There are only 120 spaces (in other letters 112 spaces) for 190 cars
- Increased traffic including from HGVs will be a danger to children
- Figure 4.1 layout wrong
- The council should relocate Reylon site now
- An increase in parking on surrounding streets stopping existing residents and their visitors parking there
- Parking (and traffic/congestion) problems will get worse when consented school is built, congestion impacts, splitting site in half and creating new entrance only moves problems around, were not told when buying properties on the Longforth Farm development by Bloor Homes that a new access might be created

1no. letter of objection was also received from Wellington Town Councillor, and planning committee member John Thorne, who said that he has reconsidered his decision as a member of the planning committee (after the vote of support for the application) and now believes it should be refused after reading the information and consultation responses from the Somerset County Council highways officer about hindrance to the NRR (Northern Relief Road) which were not available at the time of the committee meeting. He has stated that he understands the concerns of residents and would only now support the application if the suggested conditions for closure of the first access on Brendon Road and for restrictions on hours are taken up, and that the local authority should get the owners of the Pritex site to sign a legal



covenant enabling continued access/egress for Reylon through the Pritex site after sale of the site.

## **Planning Policy Context**

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

The development plan for 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.

ROW - Rights of Way,  
CP6 - Transport and accessibility,  
DM1 - General requirements,  
SP3 - Realising the vision for Wellington,  
SS3 - Wellington Longforth,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

None

## **Determining issues and considerations**

This application is for a redesigned car park, with a new access. It is the result of a split in the businesses operating at the site and would enable separate accesses for Reylon (who currently have the only vehicular access to the site) and Pritex.

## **Principle of development**

The site is in a pre-existing commercial use and is inside the settlement limits of Wellington so is likely to be supported for such developments. However the site has been allocated for redevelopment under policies SS3 and SP3 including the provision of the Northern Relief Road and re-location of the Reylon/Pritex buildings. This conflict with Local Plan policies is expanded on below.

## **Design**

The design for the re-arranged car park within the site would include plans to

remove an existing grass bank to create newly positioned parking spaces, with 'grasscrete' surfacing. This is considered to be acceptable and would not have detrimental impact outside of the site. The new access would be onto Lillebonne Way, a new and as yet un-adopted highway that is part of the Longforth Farm residential development. It was designed as a distributor road and has capacity for additional traffic and the new access is not considered to be significantly harmful to the existing streetscape. The proposed outbuildings within the site for cycle storage and electricity infrastructure are considered to be acceptable.

## **Highways**

The site is adjacent to the Longforth Farm residential development and connects to the new road network and roundabout via Longforth Road. Improvements and new highways from this roundabout from the outskirts of Wellington have created a distributor roadway which was designed with HGV usage in mind. This does allow for removing of HGV traffic from the town centre and the proposal will to an extent at least continue with the process of traffic diversion. The application includes a Transport Statement which details public transport and pedestrian connectivity to the site, and proposed works include a covered bicycle shelter. Some preparation has therefore been done for making the development sustainable in regards to minimising traffic impacts through promoting sustainable transport choices as an alternative to private cars. So whilst the proposal is mainly concerned with new car parking arrangements and access to the Pritex half of the extant site by HGVs and other larger vehicles, it is acknowledged that the applicants have given due consideration to making the development sustainable. Impacts on the highway network are within acceptable limits and the works would help to divert traffic away from Wellington town centre which would be a net benefit. The initial designs for the new access included creating a cutting through an existing bank which drops down into the site from the roadway above. The gradient proposed was 1 in 15 this has been amended to 1 in 20. Subject to the revisions and conditions as suggested by the highways officer it is considered that the proposal is acceptable from a highways perspective.

## **Parking**

Concerns have been raised about the potential for workers from the site using surrounding roads for private parking. As there are roads which do not have residents only restrictions this could not be stopped by the LPA or Highways Authority. However it is considered to be a relatively low risk as the allotted parking spaces within the site would appear to be enough to accommodate workers on shift patterns, although it is recognised that during change-over periods there may be some temporary on-street parking and/or traffic congestion. This is not however considered to provide sufficient grounds to refuse the application as any potential impacts would be likely to be relatively minor and time-limited.

## **Amenity**

The site is already in use as a factory and with ancillary car and HGV parking. Harmful impacts on amenity are not considered to significantly increase given the

existing use of the site. It is acknowledged that there will be an increase in vehicular movements to and from the new access however the road was designed as a local distributor and has the capacity for a marked increase in vehicles utilising it. The amenity impacts are therefore considered to be acceptable.

### **Conflict with allocated site and Local Plan policies**

The site proposed for development has been allocated under policies SS3 and SP3 of the adopted Local Plan, for a mixed use redevelopment including the relocation of the Reylon and Pritex factories to a new location, and for a new arterial highway known as the Northern Relief Road (NRR), with this route travelling through the Pritex/Reylon site. As such there is a presumption against development which could hinder implementation of the plan. However given that the proposed works are relatively minor and would not involve an increase in productive floor space at the site it is not considered correct to recommend refusal on conflict with policy grounds in relation to SS3 and SP3.

The agent has offered a letter of comfort dated 1 February 2019 stating that the policies envisaged a phased series of steps towards implementation of the masterplan, that the proposed works would not hinder future development of the site, and that the Highways Authority has not directly objected to the current proposal and as such there are no grounds to refuse the application or to delay a decision

### **Other matters**

This application has attracted a considerable level of objection from local residents who would be directly impacted by the proposed new access and resultant traffic increase, with issues related to pollution, road safety, especially for children, congestion, and parking on residential streets near to the development highlighted as areas of significant concern. This includes one of the local town councillors, and a planning committee member, who initially supported the application at the Wellington Town Council planning committee but later wrote to the local planning authority objecting to the scheme and stating that the consultation response from Somerset County Council's highways officer was not available at the time of the committee meeting.

### **Conclusion**

The proposed development includes an access and changes to the existing car-park to an extant factory site. The adjoining road is capable of handling additional capacity and has width for HGV movements. Whilst residential concerns are understandable the proposal is not considered to be significantly detrimental to amenity and the highways officer has commented that it would not significantly increase risks to highway safety. It is therefore considered acceptable and is recommended for approval.

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

**Contact Officer: Mr Alex Lawrey**

48/18/0055

MR G L PHIPPEN

## **Erection of 4 No. detached dwellings with associated works on land to the south of The Coach House, Sidbrook, West Monkton**

Location: LAND TO THE SOUTH OF SIDBROOK COACH HOUSE,  
GREENWAY, MONKTON HEATHFIELD, TAUNTON, TA2 8NJ  
Grid Reference: 325391.127604 Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

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

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

(A3) DrNo 41113/1 Existing Site Plan  
(A3) DrNo 41113/19 Proposed Site Plan  
(A3) Location Plan  
(A3) DrNo 41113/28 Plots 1 & 2 Ground Floor Plan  
(A3) DrNo 41113/29 Plots 1 & 2 First Floor Plan  
(A3) DrNo 41113/30 Plots 1 & 2 North and West Elevations  
(A3) DrNo 41113/31 Plots 1 & 2 South and East Elevations  
(A3) DrNo 41113/24 Plot 3 Ground Floor Plan  
(A3) DrNo 41113/25 Plot 3 First Floor Plan  
(A3) DrNo 41113/26 Plot 3 South and East Elevations  
(A3) DrNo 41113/27 Plot 3 North and West Elevations  
(A3) DrNo 41113/20 Plot 4 Ground Floor Plan  
(A3) DrNo 41113/21 Plot 4 First Floor Plan  
(A3) DrNo 41113/22 Plot 4 South and East Elevations  
(A3) DrNo 41113/23 Plot 4 North and West Elevations  
DrNo 3064.001 Tree Survey and Constraints Plan

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

3. Prior to the wall construction of the dwellings, samples of the materials to be

used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwellings. Such provision shall be installed prior to any occupation of the development hereby permitted and thereafter maintained at all times.

Reason: In the interests of highway safety.

5. Prior to construction, a "lighting design for bats" shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. 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 in writing from the local planning authority.

Reason: To prevent disturbance to bats.

6. The applicant shall undertake all the recommendations made in Crossman Associate's ecological appraisal dated January 2014 and HalpinRobbins's ecological dated October 2018 and provide mitigation for birds as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: to protect and accommodate wildlife.

7. Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

8. Prior to the dwellings being occupied visibility splays shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. There shall be no obstruction to visibility greater than 900 mm above the adjoining carriageway level within the visibility splays approved by this condition. The visibility splays shall thereafter be maintained in the approved form.

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

9. The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

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

(ii) For a period of five years after the completion of the development, 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.

11. The development shall provide for bin storage facilities, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

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

12. The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

14. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
- ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure that tree protection measures are agreed prior to development commencing on site.

#### Notes to Applicant

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

## Proposal

The proposal is for the erection of four detached chalet bungalows on 1.12 ha of land to the south of Sidbrook Coach House and Sidbrook Lodge. The site lies outside the settlement limit of Monk ton Heath field on land up hill of the settlement. The site will be separated into four plots each served by new driveways from the



existing access into the site. New hedging is proposed around the gardens and drives serving the new development.

The dwellings will be single storey with rooms within the roof space. Each dwelling will have an attached double garage with parking in front. Further information is being sought on the proposed materials.

## **Site Description**

The site is located to the north of the settlement limit of Monkton Heath field, in open countryside. It is currently used as an extended area of grass lawn in association with Sidbrook Coach House and is separated from the main garden and tennis court by a high hedge. The boundaries of the site are a mix of hedge and trees. The southern boundary of the site is formed by a row of more mature trees which currently forms the northern limit of the settlement. In the southern area of the site there is an existing access off Greenway. The access visibility splays are formed by hedging and there is a 2m high wood gate blocking views from Greenway into the site. To the west and east of the site lies open grassland/farmland. The site lies within the Hestercombe Special Area of Conservation, a known habitat of the Lesser Horseshoe Bat.

## **Relevant Planning History**

48/83/0011 - Erection of one dwelling on land to the South of Sidbrook Coach House, Greenway. Permission refused and subsequent appeal dismissed March 1984.

48/13/0082 - Erection of four detached dwellings with garages and associated works. Permission refused and dismissed on appeal.

The reason for refusal stated "The proposed development represents an unacceptable extension of ribbon development beyond the settlement boundaries of Monkton Heath field into open countryside and an area of green wedge. It would result in the loss of open space beyond the settlement limit and have an unacceptable impact on both the rural character and appearance of the area."

In dismissing the appeal, the Inspector noted that the impact of the development on the wider area would be limited. However, it was concluded that four large detached two storey houses with detached triple garages would cause harm to the character and appearance of the area.

## **Consultation Responses**

*WEST MONKTON PARISH COUNCIL* - unable to support this application for the reasons set out below.

The site location is the same as application 48/13/0082. Application 48/18/0055 is for 4 No. three bedroomed chalet style bungalows. Comments with reference to the previous application and this one made in the Landscape and Visual

appraisal are noted.

The Parish Council is unable to comment on the acceptability of the chalet bungalows as insufficient information has been provided: no ridge heights shown, no materials indicated (see H2 below).

The site location is the same as 48/13/0082, i.e. demonstrably beyond the defined settlement limit (Core Strategy page 79). See para 3.2 of the Planning Statement submitted with this application.

The tall trees to the southern boundary of the application site form part of the 'green necklace' of the Monkton Heath field Urban Extension and fall within the Hestercombe House SAC Appropriate Assessment (which conserves local populations of Lesser Horseshoe Bats and other rare bat species).

The application does not comply with the WM & CF Neighbourhood Plan (2017) Policies as listed below (policies are quoted in italics):

## **H2 External materials for residential development**

Materials are not specified on the application form nor on any of the drawings. Please comply with NP Policy H2:

*Residential developments must incorporate the use of appropriate local and traditional external building materials, such as red sandstone\* (or suitable equivalent) and natural slate/natural clay roof tiles (or suitable equivalent), particularly with respect to the use of traditional materials on prominent entrance and corner buildings.*

## **H3 Refuse bin storage**

Bin store is not drawn on the drawing 41113/19. The words are written on the drawing but no information is provided about the structure of the store to accommodate wheelie bins etc in a concealed position. Please comply with NP Policy H3.

*Where there is no provision for direct access to the rear of a new dwelling, other than through the dwelling itself, a suitable refuse bin store must be incorporated into the front of the dwelling/curtilage so that wheelie bins, or other containers for household refuse and recycling, can be stored in a concealed position.*

## **T1 Footpath network**

Parish Council would wish to see provision made in the wooded area for a potential link to the Somerset Wood/Country Park, through the landscape buffer shown on drawing SPP02 labelled 'Landscape buffer with Sidbrook Orchards left to regenerate naturally and managed as a woodland belt'. There is no statement as to how the woodland belt would be managed. The corresponding drawing 41113/19 does not show the woodland belt as a separate area, but within the curtilage of Plot 2. Is the buffer zone to be fenced off (not shown on any relevant drawings but stated in the Ecological Update page 1 and page 6)?

How would this fenced off buffer zone be managed?

- *Provide safe and convenient public cycle and footpaths which connect with existing foot and cycle networks within the NP area and which also link into cycle and foot networks adjoining the NP area, particularly with respect to the Urban Extension and associated green space areas such as the green wedge and country*

park;

### **R1 Dark Skies**

Directional lighting is mentioned with reference to construction works, (Ecological Update page1), but no reference to external lighting on drawings 41113/20 □ 31. Please ensure external lighting on all buildings including garages complies with Policy R1 by installing LED downlighters of an appropriate wavelength. A sensitive lighting scheme is recommended in the Ecological Appraisal submitted with this application (para 4.4).

*Otherwise acceptable development proposals which include measures to maintain and enhance dark skies within the NP area will be supported. Applications for new development requiring a lighting scheme should show how dark skies will be protected, and must seek to minimise additional light pollution.*

### Other comments

The Parish Council notes very strongly that measures to protect the local bat population must be retained and therefore there must be no diminution of the hedgerows and trees on the site, some of which are protected by TPO. The Parish Council would support the recommendations in the Ecological Update page 6 which recommends further planting of diverse native trees, shrubs and floral species to improve and enhance the biodiversity of the site. The Hestercombe House SAC Ecological Zone of Influence (EZI) (describing bat foraging areas) includes the application site, and the Ecological Update provides supporting evidence of this.

The Parish Council would support the recommendation made in the Ecological Appraisal that bird boxes should be installed (para 4.3)

**SCC - TRANSPORT DEVELOPMENT GROUP** - The proposed development is situated along Greenway a classified unnumbered highway to which a 30mph and National Speed Limit apply.

It was noted from on site observations that Greenway does not provide any street lighting or pedestrian footway provision in proximity to the site. Furthermore, having checked accident data, I can confirm that there are no known recorded accidents in proximity to the site.

### Traffic Generation

Currently the plot of land is an extension to the domestic curtilage of the property known as The Coach House. It is not indicated within the submitted information what the previous use of land was and therefore it is considered that the proposed development would result in an intensification of vehicular traffic.

Somerset County Council takes the view that estimated vehicle movements for a single residential dwelling are approximately 5-7 movement per day. As a result, the proposed development is likely to generate approximately 20-28 vehicle movements per day.

TRICS (Trip Rate Information Computer Systems) indicates that trip rates for a 'Land use 03 – Residential/A – Houses Privately Owned', would result in

approximately a maximum of 2.309 vehicle movements within the peak hour. Therefore it is considered that the introduction of an additional four dwellings in this location would not have any significant impact on the highway network.

#### Access Arrangements

The proposal seeks to utilise an existing access onto Greenway, which was granted approval under planning application 48/05/0059 on the 23rd December 2005.

The access provides suitable width to accommodate two-way vehicle flows is properly consolidated and incorporates appropriate drainage. Additionally the entrance gates are set back a suitable distance from the adopted highway. As a result the general layout/formation of this existing access is considered acceptable. However, on site observations indicate that vehicular visibility is obstructed by high hedgerow either sides of the access and therefore considered that the proposed access does not provided the required vehicular visibility for the proposed residential development.

The signage denoting the position of the transition from National Speed Limit to 30mph is located approximately 60m south of the Traffic Regulation Order limit and it is therefore considered that the existing access can be provided with design guidance from Manual for Streets (March 2007) for SSDs (Sight Stopping Distances).

As a result, it is the view of the Local Highway Authority that the provision of visibility splays based on coordinates of 2.4m x 43m with no obstruction greater than 900mm to the nearside carriageway edge would be acceptable in this location.

However, the Local Highway Authority require that a suitably scaled drawing (1:200) is provided detailing the required improvements to vehicular visibility, as the submitted site layout drawing is not considered appropriate.

#### Internal Layout

The following comments below have been received from my colleague within the Estate Roads Team and reflect that of the internal layout of the proposal and its future maintenance:

1. SCC will not wish to adopt the site therefore it is to remain within private ownership.
2. Surface water from the proposed private drive will not be permitted to discharge out onto the existing publicly maintained highway. Private interceptor drainage systems will need to be put in place to prevent this from happening.
3. The first 6.0m of the private drive, as measured from the back edge of the existing publicly maintained highway, must be of a bound material.
4. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to

a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

5. The developer will be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

6. Any existing services located within the carriageway/verge fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services should be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over.

7. Any works within or immediately adjacent to the public highway will require a Section 171 licence. They are obtainable from DevelopmentEngineering@somerset.gov.uk. Applications should be made at least four weeks in advance of works commencing in order for Statutory Undertakers to be consulted concerning their services.

8. A Section 50 licence will be required for sewer connections within or adjacent to the highway. They are obtainable from BSupport-NRSWA@somerset.gov.uk At least four weeks' notice will be required.

It should be noted that Manual for Streets indicates that residents should not be required to carry waste more than 30metres to a refuse collection point and that waste collection vehicles should be able to access this facility within 25m of adopted highway. Clarification will be required on this matter.

#### Vehicle Parking Provision

Drawing No. 41113/19, indicates that each dwelling will be provided with a double garage and additional parking provision, which is considered acceptable. It is also considered that sufficient vehicle turning can be achieved within the site to allow motor vehicles to manoeuvre successfully to obtain access onto Greenway in a forward gear, which is essential in terms of highway safety.

#### Cycle Parking Provision

Additionally, as part of the Somerset County Council – Parking Strategy, new residential development is required to provide cycle storage facilities. It is considered that Drawing No. 41113/19, indicates that each plot can accommodate this require to provide cycle storage provision facilities promoting sustainable travel.

As a result whilst the Local Highway Authority considers that the principle of development is acceptable the applicant is requested to provide a suitably scaled drawing detailing the provision of the required vehicular visibility splays.

Should the Local Planning Authority be minded to grant planning permission the Highway Authority recommend the following conditions are attached:-

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the development hereby permitted, and thereafter maintained until all construction on site has ceased.
- The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to any occupation of the development hereby permitted and thereafter maintained at all times.
- There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

*BIODIVERSITY* - The application is for the erection of four detached dwellings on land south of the coach house, Sidbrook, West Monk ton.

The site comprises mainly of amenity grassland with two individual trees (lime and holly) and a species poor hedgerow boundary. The south boundary comprises a small broadleaf woodland area on a steeply sloping south bank. Crossman Associates carried out an ecological appraisal of the site in January 2014.

HalpinRobbins carried out an ecological update of the site in October 2018. The updated survey concluded that the details of the original report are still valid.

### **Birds**

The site has potential for nesting birds so removal of vegetation should take place outside of the bird nesting season. I support the erection of four new bird boxes.

### **Bats**

The site is located 1.8km to the SE of Hestercombe SAC. The site does not provide optimal habitat for lesser horseshoe bats associated with the SAC.

There are several holes in the mature pine tree that could support both bats and birds. Bats are likely to forage in the woodland area to the south.

Any external lighting should be sensitively designed.

### **Reptiles**

Material piles and log piles on site could support reptiles. I support the recommendations with regards to reptiles.

## **Badger**

The site does not currently support badgers and no setts were noted within the surrounding land. A number of paths are present within the amenity grassland that could be attributed to badgers.

## **Condition for protected species:**

The applicant shall undertake all the recommendations made in Crossman Associate's ecological appraisal dated January 2014 and HalpinRobbins's ecological dated October 2018 and provide mitigation for birds as recommended.

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

**Reason:** to protect and accommodate wildlife.

## **Informative Note**

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

*WESSEX WATER* - no objections to this application and can advise the following information for the applicant:

## **The Planning Application**

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway.

## **Applying for new drainage and water supply connections**

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found [here](#).

## **Are existing public sewers or water mains affected by the proposals?**

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

## **Is the surface water strategy acceptable to Wessex Water?**

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaway. The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations. The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.

There must be no surface water connections to the foul sewer network.

*TREE OFFICER* - The additional information shows that it should be possible to accommodate the new houses without damaging the trees, so long as the tree protection plans are fully adhered to, the fencing is installed prior to commencement and retained for the duration of the build.

*ENVIRONMENT AGENCY* - No comment.

*NATURAL ENGLAND* - It is not expected that the proposed development would have a significant effect on the Favourable Conservation Status of the local population of Lesser Horseshoe bats subject to the following condition.

Prior to construction, a "lighting design for bats" shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. 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 in writing from the local planning authority.

*SOUTH WEST HERITAGE TRUST* - there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **Representations Received**

Two letters of objection received:

- the site is outside the development boundary;
- a previous application for 4 dwellings was refused;



- the dwellings will be on high ground and therefore visible from afar;
- potential impact on tree roots and on the tree laine.

## 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.

SP1 - Sustainable development locations,  
 SP1 - Sustainable development locations,  
 CP4 - Housing,  
 CP8 - Environment,  
 DM1 - General requirements,  
 DM2 - Development in the countryside,  
 DM4 - Design,  
 CP6 - Transport and accessibility,  
 SB1 - Settlement Boundaries,  
 D7 - Design quality,  
 D10 - Dwelling Sizes,  
 D12 - Amenity space,  
 ENV1 - Protection of trees, woodland, orchards and hedgerows,

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.  
 Proposed dwellings measure approx. 1293sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £161,750.00. With index linking this increases to approximately £215,000.00.

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough

£4,316

Somerset County Council	£1,079
<i>6 Year Payment</i>	
Taunton Deane Borough	£25,898
Somerset County Council	£6,464

## Determining issues and considerations

### Principle of Development

The application site lies outside the defined settlement boundary. Core Strategy Policy SP1 establishes the desire to provide sustainable development focusing development at the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within open countryside. Policy DM2 then identifies the type of development considered as acceptable within the open countryside. New open market housing is not listed under this policy. The Local Planning Authority has interpreted this as meaning that new residential development is therefore unacceptable in these areas. The previous application was therefore refused on this basis.

Since that decision, there has been a recent appeal decision for residential development at Bagley Green. The Inspector concluded that if a use/development is not explicitly listed under Policy DM2, it does not follow that it should be refused. Such proposals should be assessed under Policy CP8. Therefore the principle of residential development on this site cannot be ruled out, subject to the consideration of other material considerations.

### Visual Impact on the Landscape Character of the Area

The site forms part of the wider curtilage of Sidbrook Lodge and comprises a large area of closely mown lawn. It is physically separated from the main dwelling by a hedge. The site is well screened from public view points by established hedges and by belts of trees along the boundaries. It is proposed to retain all the trees and landscaping to preserve the natural setting to the site. The current proposal differs from the previous application dismissed on appeal, as it proposes bungalows rather than two storey houses. The houses dismissed at appeal were 10 metres high whereas the proposed bungalows will be 6.6 metres high. This is a significant height reduction of 3.4 metres. This thereby lessens the visual intrusion of the proposed development into the surrounding area.

Policy CP8 states "Unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced." Development will be strictly controlled to conserve the "environmental assets and open character of the area". The interior of the site is not visible due to the boundary screening and therefore it cannot be described as contributing to the openness of the area. The character of the area and surroundings is enclosed and private due to the landscape features and it does not function as an open space between settlements. The application is supported by a Landscape and Visual Assessment which assessed the proposed development from a number of longer view points including the New Cross Road junction; Volis Cross Road; Whales Farm; Hestercombe Road as well as closer views from Greenway.

The report concluded that the site was indiscernible from distant views due to the topography and landscape features. There will be negligible change to medium range views which will be mitigated by new planting within the site. The development will only be visible from Greenway when the gates are open.

Policy CP8 also emphasises the role of green wedges on the boundary of settlements to perform a range of functions from the protection of open spaces around and between urban areas to the provision of valuable wildlife corridors and habitats. The green wedge proposed for the strategic housing site at Monk ton Heath field lies to the east and west of the site. The site itself lies outside the green wedge. However, the belt of trees along the southern boundary are shown as part of the green wedge. Under Core Strategy Policy SS1, a "green necklace" of landscape features is proposed around the Monk ton Heath field strategic allocation. This does not affect the application site. Development on this site will not have an impact on the green wedge as the trees along the southern boundary will be retained.

In addition, Policy CP8 seeks to conserve and enhance the natural and historic environment. In this case there are no archaeological records for this site. The site is located approx 70 m from the grade 2 listed building, Sidbrook Lodge. There is a high hedge between the site and it lies outside the curtilage of the lodge. The proposed development is not considered to have a detrimental impact on either the listed building or its setting.

The Parish Council have referred to Policy H3 within the West Monk ton Neighbourhood Plan which requires the use of natural red sandstone and slate materials. The applicant has been requested to provide further details, however materials can be subject to condition.

### **Highway Impact**

The site lies just outside the settlement boundary, some 200 metres from Sidbrook Orchard to the south. Greenway is a narrow country lane with no footway along it. Under Policy CP1, there is a requirement for proposals to reduce the need to travel by car. This site lies in excess of 400m (reasonable walking distances to services) from bus services, local shops and schools and is therefore not in a highly sustainable location. Notwithstanding this, the development areas immediately to the south east and south west will come forward for development in the future. It would therefore be difficult to argue that this site is not sustainable for development given the large housing allocations proposed in the locality.

Further details on the proposed cycle storage and bin storage will be secured by condition. The Highway Authority raises no objection to the proposal subject to the imposition of conditions.

### **Ecological Impact on the Hestercombe House SAC**

The site has been managed as a lawn with well maintained trees and hedges along the perimeter. The ecological assessment notes that due to the high maintenance of the lawn it is of low ecological value. This application site lies in close proximity of the Hestercombe House SAC, with its colony of Lesser Horseshoe bats. As a result,

a test of the likely significant effect on the site has been undertaken by TDBC. It is concluded that there would be no significant impact on the European Site provided planting and lighting is controlled by condition. This is clarified in the response from Natural England.

### **Impact on Trees**

The trees on the site boundaries make a significant contribution to the character of the area. These trees are to be retained with the proposed dwellings to be sited within the open grassed part of the site. Additional plans have been submitted which demonstrate that the trees will be protected in accordance with the relevant British Standards to protect the root zones. Significant additional landscaping will be planted along the western boundary and also within the site to form the property boundaries. The proposal is therefore considered acceptable in landscape terms.

### **Conclusion**

Officers have taken into consideration the planning history relating to this site and the recent appeal Inspector's interpretation of Policy DM2. The principle of residential development cannot be resisted unless the proposal conflicts with other local plan policies. There has been a material change in circumstances and there are clear differences between the current proposal and the appeal. The size and scale of the proposed dwellings have been reduced in order to lessen the visual impact on the area. The protected trees along the southern boundary will be retained and will not adversely affect the adjoining areas of green wedge. The proposal will not affect the proposed "green necklace" around Monkton Heathfield. The submitted landscape assessment has appraised the development proposal from a number of public view points. It concludes that there will be limited visual impact to public receptors. On this basis, it would be difficult to sustain a refusal on the grounds that the development will cause harm to the "open character" of the area.

On balance, it is recommended that planning permission is granted subject to conditions.

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

**Contact Officer: Ms A Penn**

49/18/0074

MR & MRS E GAINES

**Outline Planning Permission with all matters reserved, except for access and layout, for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe**

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4  
2RE

Grid Reference: 308582.128011

Outline Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval**

### Recommended Conditions (if applicable)

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

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

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

2.
  - i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
  - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
  - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local

## Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

3. Prior to commencement of works for the creation of the access within the canopy spread of the existing Holm Oak and Monkey Puzzle trees all excavating works shall be agreed with the Local Planning Authority. All excavation works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill any excavated areas and compacted without using machinery.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.

4. Details of the relative heights of the existing and proposed ground levels and the height of the ground floor of the proposed dwellings shall be submitted as part of the reserved matters application, as required by Condition 1 and the development shall be carried out wholly in accordance with the approved plans.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

5. No works shall be undertaken on site, other than those required by this condition, unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained.

### Notes to Applicant

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

## Proposal

Outline application for the erection of 2no. open market dwellings, with the re-siting of an existing access to the north and associated works, all other matters reserved

## Site Description

The site is to the northern side of Wiveliscombe and within the grounds of a large detached property of Victorian/Edwardian provenance, Tor House, which is Grade II listed. There is an existing access which would be moved slightly. The site overall is on a hill although the land proposed for the two dwellings is fairly flat and setback from the road. There are modern houses to the south of the plot and a converted outbuilding, now a dwelling to the north. There is a pre-existing access from the road which cuts into the bank to the front of Tor House and is supported by a stone retaining wall. There is some domestic planting and landscaping to the front of the site nearest the road including a semi-mature Holm oak tree, most of the garden is laid to lawn. The access is shared with Tor House and the converted outbuilding. To the immediate south of the plot and existing access there is a public footpath but this is located outside of the land owned by the applicants.

## Relevant Planning History

- 49/18/0071, 49/15/0072/LB and 49/18/0073/LB - conversion of coach house into 1no. dwelling – currently under consideration
- 49/15/0037 and 49/15/0038/LB - outline permission for the erection of 2no. dwellings with all matters reserved except for access – Approved - 13/11/2015
- 49/15/0009 and 49/15/0012/LB - conversion of coach house into 1no. dwelling - Approved - 15/06/2015

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - support the application

*SCC - TRANSPORT DEVELOPMENT GROUP* - standing advice

*SCC - RIGHTS OF WAY* - Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site (public footpath WG 15/6). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. General Comments

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

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

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

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

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

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov>.

*LANDSCAPE* - The alteration of the access will impact on the street scene but the proposed houses will be viewed in conjunction with neighbouring properties and so I have no landscape objection.

*TREE OFFICER* - Re the proposed development at Tor House and its effect on existing trees, my only concern is the potential effect of the revised access on the Holm Oak tree at the front of the house, as the tree is significantly raised above the proposed access, which would require excavation. I think that we would need detail about the Root Protection Area for this tree, and details of the required excavation. If the access can be left as it is, or the new one moved in a southerly direction, so much the better.

Otherwise, no problem subject to the trees at the eastern end being retained and protected during construction, and the house in plot 1 being outside the RPAs of these trees as much as possible.

Also, the RPA of the Monkey Puzzle near to the southern boundary should be avoided when locating and constructing the driveway. The trees shown to be removed are not of sufficient quality to be a constraint to development, and would not merit TPO in this location.



WESSEX WATER - Thank you for the consultation in respect of the above. Please find attached a map showing the approximate location of our services near the site.

Wessex Water has no objections to this outline application and can advise the following information for the applicant:

#### The Planning Application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway and sustainable drainage systems.

#### Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

#### The surface water strategy

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

If planning approval is obtained we advise that a further detailed plan is submitted to the planning authority showing the surface water strategy for the proposed site following the SuDS hierarchy, which is subject to building regulations. There must be no surface water connections into the foul network.

## **Representations Received**

none

## **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.

SP1 - Sustainable development locations,  
SD1 - Presumption in favour of sustainable development,  
CP4 - Housing,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
SB1 - Settlement Boundaries,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Outline application so residential testing assumptions used for 3 bed detached market dwelling.

Proposed dwellings measure approx. 210sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £26,250.00. With index linking this increases to approximately £35,250.00.

### **New Homes Bonus**

The development of this site would result in payment to the Council of the New Homes Bonus, details will be given at the reserved matters stage.

## **Determining issues and considerations**

The main issues are the principle of development, design, access and parking, and amenity issues

### **Principle of development**

This application is mainly intended to effectively renew an earlier outline consent for 2no dwellings on the same plot of land which was approved under reference 49/15/0037. No details in terms of layout and access have changed with this current application. Other than demarcating the individual plots no further details of layout are supplied with the outline application. However it is acknowledged that the plots are of a reasonable size and can accommodate two dwellings with gardens. The site is partially within the settlement limits to Wiveliscombe, which is classified as Major Rural Settlement under TDBC Core Strategy policy SP1. The settlement boundary line runs through one plot (to the west) and the second plot (to the east) is outside of

the settlement limits. However the site is adjacent to a settlement with a range of services and shops and cannot be described as being isolated, or *in* open countryside. So whilst technically in Open Countryside in terms of its planning designation, the site is not considered to be unsustainable and is considered appropriate for residential development of this type and scale.

There have been few significant material changes on the ground at the site since the previous planning approval (although there were some changes in Local Plan and national policies, but none that directly impact on the principle of development) and as such there are no substantive policy objections to the proposal.

A site located very near to the main dwelling has been approved (ref 49/17/0070) for a 71no. dwelling, residential development although construction has not yet commenced.

There have been some junction improvement works at the corner of Ford Road and Burges Lane. This has impacts on highways and access issues related to the current application site as the corner of Burges Lane is opposite the site, but it does not undermine policy support for the development subject to an assessment of standard planning criteria including highway safety and traffic impacts.

It is considered that the proposal is therefore acceptable in principle.

## **Design**

No details of the proposed dwellings have been supplied indicating style, scale, height, materials or design, and the only layout details show plots but not position. However the plots are substantive and would allow for positioning the dwellings in manner which should not have severe impacts on residential amenity. The layout as presented is considered acceptable. Drawings have been supplied showing the access improvements and repositioning. These are considered to be policy-compliant and acceptable subject to protection for trees.

## **Amenity**

The proposed dwellings would be slightly above houses on Ford Road and close to the converted outbuilding a former coach-house associated with Tor House. Therefore amenity concerns in relation to overlooking/privacy, shadowing, overbearing and loss of light impacts must be addressed through the design for any potentially submitted reserved matters applications. It is considered that the plot is large enough to achieve a design and layout which would not present any insurmountable amenity challenges through thoughtful and appropriate designs.

## **Access and parking**

Highways access would be via an existing but amended access to the west of the site on Ford Road. The access would be moved slightly to the north which would involve cutting into an existing stone bound earthen bank. This change would also set the access back allowing for a greater visibility splay and it is recognised that this would be of benefit to highway safety. Given the scale at two dwellings with off street parking it is considered that traffic impacts would be within acceptable limits. It is considered that the amended access and shared drive would have capacity for all existing and proposed dwellings at the site. Off-street parking and reasonable

off-street turning circles are possible within any proposed design given the scale of the plot and therefore there should not be any significant volumes of additional on-street parking created by the proposed new dwellings.

## **Landscape**

The proposed development would have limited impacts on the landscape setting which are considered to be acceptable subject to protection of trees. The front of Tor House to the west direction facing onto Ford Road has several shrubs and a good sized Holm Oak and this should be protected during any future construction activities as it is important in establishing a setting for the listed building and screening the wider site.

Notwithstanding comments from the LPA's tree officer it is considered that subject to a condition for a tree report and hand digging root protection during construction works the proposed works are acceptable. It is considered that the traffic safety benefits of an improved visibility splay outweigh any harm to the landscape and extant street scene, a condition will be attached to any permission granted requiring this.

## **Other matters**

The main dwelling at Tor House is Grade II listed however, as with the earlier outline consent, it is not considered that the proposal would have a significant impact on the setting of the heritage protected building due to it being setback and some distance from it and is likely to be acceptable once an appropriate design is agreed at the reserved matters stage.

There is a public footpath running adjacent to the southern boundary to the site however it is considered that the proposed works would not impact upon public access to the footpath. However the applicants should note and be mindful of comments from the County public rights of way officer above, in regards to works impacting on the access to the footpath.

In regards to drainage, surface water and foul water disposal it is considered to assess these matters at the reserved matters stage. However the applicants' attention is drawn to comments from Wessex water in regards to surface water and the SUDS hierarchy.

Required amounts for the CIL payment and the New Homes Bonus in respect of the proposed development are detailed above, with a representative example. Until details of final designs are agreed it is not possible to give a full breakdown of CIL liabilities or the New Homes Bonus. Although a material consideration officers do not consider that these factors should be attributed significant weight in reaching a determination on this application.

## **Conclusion**

This is an application for 2no new dwellings sited partially within defined settlement limits but overall in close proximity to the settlement so considered as in a sustainable location, and it is also on the border of a major approved residential development site. It is considered to be an acceptable development in conformity with the Local Plan and is recommended for approval subject to conditions detailed

above.

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

**Contact Officer: Mr Alex Lawrey**



## Appeal Decisions February 2019

**Site:** Maundown Cottage, Jews Lane, Maundown, Wiveliscombe, Taunton TA4 2BU

**Proposal:** Application to discharge clauses 7.1, 7.2 and 7.3 of S106 Agreement dated 4 April 2013 on planning application number 49/12/0054 at Maundown Cottage, Jews Lane, Wiveliscombe

**Application number:** 49/18/0019/VSC

### Reasons for refusal

1. The site is located within the open countryside, divorced from any facilities and settlements, where a permanent and self contained residential dwelling, remote from adequate services, would generate the need for additional travel by private motor vehicles. The development is therefore considered to be an unsustainable form of development contrary to Taunton Deane Core Strategy Policies SP1 and DM2 (adopted September 2012). The creation of a separate unit in this location would also fail the tests of sustainability as set out in the National Planning Policy Framework. The applicant's personal circumstances cannot be used to outweigh the strong policy objection set out in the Development Plan and government advice.

**Appeal decision: THE APPEAL IS DISMISSED**



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### Appeal Decision

Site visit made on 6 November 2018

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 February 2019**

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**Appeal Ref: APP/D3315/W/18/3207710**

**Maundown Cottage, Jews Lane, Maundown, Wiveliscombe, Taunton, Somerset TA4 2BU**

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
- The appeal is made by Mr Benjamin Stevens and Mrs Rosemary Stevens against the decision of Taunton Deane Borough Council.
- The development to which the planning obligation relates is the conversion of outbuilding to form self contained annexe to the main dwelling.
- The planning obligation, dated 4 April 2013, was made between Taunton Deane Borough Council and Benjamin Stevens and Rosemary Stevens.
- The application Ref 49/18/0019/VSC, dated 7 April 2018, was refused by notice dated 11 June 2018.
- The application sought to have the planning obligation discharged as follows: Application to discharge clauses 7.1, 7.2, 7.3 of Section 106 dated 4 April 2013

## **Decision**

1. The appeal is dismissed.

## **Preliminary Matters**

2. A revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018, replacing the previous version. The appellants were notified of the publication and invited to make comment on any implications the revised Framework's publication has for the consideration of the appeal development. I have had regard to the comments received and to the revised Framework in determining this appeal.
3. Planning permission was granted on 11 April 2013 for the change of use and conversion of an outbuilding to residential accommodation as an annexe to the main dwelling (49/12/0054) (the original planning permission). A s106 Planning Agreement was entered into in that regard restricting the terms of residential occupation of the building. The Agreement includes 3 clauses (the disputed clauses) which can be summarised as follows:
  - i. That the accommodation shall remain as ancillary accommodation to the main dwelling (clause 7.1 of the Agreement);
  - ii. That the main dwelling shall at no time become a separate unit of accommodation from the ancillary accommodation (7.2);



- iii. That the ancillary accommodation be occupied by a dependent relative of the occupier of the main dwelling (7.3).
4. In addition, a fourth obligation required the payment of a financial sum to the Local Planning Authority to pay reasonable legal costs. The latter obligation is not in dispute and, whilst I have seen no details as to whether this has previously been discharged, that is not a matter before me in this appeal. I am therefore proceeding on the basis that the appeal proposal is to modify the s106 Agreement through the discharge of the planning obligations covenanted in Paragraphs 7.1, 7.2 and 7.3 of that Agreement. This is consistent with the appellants' statement submitted with the appeal.
5. For consistency, the appeal property address I have used above is as set out in the s106 Agreement.

### **Main Issue**

6. The main issue is whether the disputed clauses continue to serve a useful purpose, having regard to whether the appeal site would be a suitable location for the creation of a dwelling for independent occupation.

### **Reasons**

7. The buildings on the appeal site comprise Maundown Cottage (the main dwelling) which is a large detached house and the Annexe. The Annexe and main dwelling are each served by independent accesses, parking areas and gardens. According to the Council's calculations, the buildings lie approximately 40m from each other. The main dwelling is unoccupied but appears to be suitable for habitation.
8. The Annexe is a single storey former agricultural building which was converted to self-contained residential accommodation under the original planning permission. That permission was granted, exceptionally, to allow occupation for dependent relatives on site as part of the same household as the main dwelling. The effect of the discharge of the relevant obligations within the Agreement would therefore be to remove the legal sanction against independent occupation of the buildings<sup>1</sup> contained within the Agreement.
9. The adopted Taunton Deane Core Strategy 2011 – 2028 (September 2012) (the Core Strategy) sets out an approach to locating residential development according to a hierarchy of settlements. This is based on a strategy which seeks, amongst other considerations, to steer development to the most accessible and sustainable locations. Accordingly, development in the countryside is supported for a restricted range of exceptional types of development.
10. The appeal site is located on high land in the countryside and access to it is rather tortuous via Jews Lane, a steep and very narrow, single-track rural lane. Jews Lane connects the appeal site to the main road below where there is a cluster of dwellings and other buildings. From here, the nearest settlement with any services is Langley which is some distance quite steeply downhill via a road which is unlit and lacking footways. The larger settlement of Wiveliscombe lies

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<sup>1</sup> I note that planning permission 49/12/0054 itself is subject to a condition restricting occupation of the annexe. Therefore, even if the appeal were allowed, the appellants

would not be entitled to dispose of the main house independently without a new planning permission.

further away beyond Langley. I have been provided with no details to suggest that public transport is available within a reasonable distance of the site and given the nature of the road network and the distances involved, it is unlikely residents would walk or cycle to and from services, especially in inclement weather or during the hours of darkness.

11. Consequently, the appeal site occupies a particularly inaccessible location in terms of access to day-to-day services and facilities by modes other than the private car. Whilst I appreciate some residents in the area do use bicycles I nevertheless consider it highly likely that an additional household at the site would be heavily reliant on the private car.
12. It has been suggested that the occupation of the dwelling by the appellants' family members would lead to increased car use. However, I have no firm basis on which to conclude that would necessarily be the case for all future occupiers on a long-term basis. Indeed in such instances it is reasonable to assume there would be a certain number of shared trips made. It has also been suggested that the main house would remain empty in the event of the appeal being dismissed. However, I see no good reason why the main dwelling could not be fully occupied in the future even with a tied Annexe accommodation. I do not therefore regard the effect of the current planning obligations as being to prevent a large house being available to rent or buy in the Parish.
13. It has been suggested that employees of local businesses could occupy the dwelling in the event of the severance of the main house and annexe and I understand that interest has been shown from an equestrian business in particular in leasing the main house for employees. Nevertheless, I have no secure mechanism before me which would ensure local businesses would benefit in this way. Similar, whilst there is some employment available locally which could be taken up by a future occupier of the main dwelling, I have no information to suggest that this would be likely or that local employers are experiencing particular difficulties in attracting employees to the extent that would justify departing from the spatial strategy of the Development Plan. In this regard, I am mindful that proximity to employment is not, in itself, sufficient to comply with local and national planning policies on the achievement of sustainable development.
14. It has been said that Maundown Cottage was once 2 farmworkers dwellings. However, no such dwellings now exist and even if I had strong evidence of the historical development pattern on the site, my decision rests on the circumstances of the land as it currently exists.
15. Given the above, I conclude that the disputed clauses continue to serve a useful purpose in prohibiting the independent occupation of the Annexe and main dwelling in a countryside location not well served by day-to-day services and facilities. As such the proposal would not accord with Policy SP1 and Policy DM2 of the Core Strategy. Those policies promote development in sustainable, accessible locations and seek to strictly control development in the countryside except for a range of specified acceptable uses. As such, the proposal would also not accord with the revised Framework which, in operating a presumption in favour of sustainable development, requires development proposals to be approved where they accord with an up-to-date development plan, and this harm is not outweighed by any other material considerations.

## Other Matters

16. I appreciate that the appellants have lived at the property for many decades and their strong preference would be to remain living in the Annexe supported by regular visits from family members. I am mindful that dismissing the appeal would mean that the appellants may need to consider alternative options for meeting their accommodation needs. Being mindful of the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, this is a matter to which I attach significant weight. Notwithstanding these important considerations, it does not follow from the PSED that the appeal should succeed. There is no evidence before me to demonstrate the appeal development is the only means by which the appellants' needs may be met and I am also conscious that the removal of the planning obligations would be permanent and so would endure beyond the time when any future personal circumstances exist. Accordingly, dismissing the appeal would be a proportionate response given the harm I have found, as set out above.
17. I have had regard to all the other matters raised including that a triple garage was granted planning permission in the vicinity of the site. However, a domestic development to serve an existing household is not comparable to the creation of an additional residential unit in the countryside.
18. I have also had regard to the fact that third party letters of support have been received, and individual members of Wiveliscombe Town Council (WTC) support the proposal despite the fact that WTC raised a formal objection. However, this would not in itself justify granting permission.
19. I have further noted the appellants' submission that Taunton Deane Borough Council currently levies Council Tax separately on the two buildings and has issued other paperwork in relating to an empty property. However, these are not matters which are relevant to consideration of the planning merits of the appeal.

## Conclusion

20. For the reasons given, the appeal is dismissed.

*Ian Bowen*  
INSPECTOR

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## Enforcement Appeal

**Site:** [Insert site address]

**Alleged Breach of planning control:** [Insert alleged breach]

**Reference Number:** [insert our reference]

**Appeal decision:** [INSERT DECISION]





## APPEALS RECEIVED FEBRUARY 2019

**Site:** Barn and land to east of Gatchell Farm, Dipford Lane, Taunton TA3 7NP

**Proposal:** Demolition of agricultural building with the erection of 1 No. detached dwelling with detached double garage

**Application number:** 42/18/0042

**Appeal reference:** APP/D3315/W/19/3220853

**Enforcement Appeal** No

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**Site:** 33 Dillons Road, Creech St Michael, TA3 5DS

**Proposal:** Erection of dwelling to south of 33 Dillons Road, Creech St Michael, Taunton

**Application number:** 14/18/0010

**Appeal reference:** APP/D3315/W/18/3219264

**Enforcement Appeal** No

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**Site:** Land to east of Stancombe Farm, Langford Budville.

**Proposal:** Change of use of building to dwelling on land to the east of Stancombe Farm, Langford Budville

**Application number:** E/0158/21/16/2

**Appeal reference:** APP/D3315/C/18/3211485

**Enforcement Appeal** Yes

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**Site:** Former Lidl, Tangier Way, Taunton.

**Proposal:** Erection of 72 No. apartments for the elderly, guest apartment, communal facilities, access, car parking and landscaping at former Lidl site, Wood Street, Taunton

**Application number:** 38/18/0079

**Appeal reference:** APP/D3315/W/18/3207391

**Enforcement Appeal** No

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**Site:** THE MOBILE HOME, DAISY CROFT, ALLERFORD ROAD, NORTON FITZWARREN, TAUNTON, TA4 1AL

**Proposal:** Change of use of land for the siting of a mobile home for use as a key worker's dwelling at Daisy Croft, Allerford Road, Norton Fitzwarren (resubmission of 27/16/0029) (retention of works already undertaken)

**Application number:** 27/17/0020

**Appeal reference:** APP/D3315/W/18/3208730

**Enforcement Appeal** No

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**Site:** Barn Oaks, Worthy Lane, Creech St. Michael, TAUNTON, TA3 5EF

**Proposal:** Erection of 1 No. single storey dwelling on land to the north of Barnoaks, Worthy Lane, Creech St Michael

**Application number:** 14/18/0028

**Appeal reference:** APP/D3315/W/19/3220211

**Enforcement Appeal** No