



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 11TH SEPTEMBER 2002 AT 17:00.

(RESERVE DATE : MONDAY 16TH SEPTEMBER 2002 AT 17:30)

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AGENDA

1. Minutes
2. Apologies
3. Public Question Time
4. TAUNTON - 38/2002/221 REPORT ITEM  
CHANGE OF USE FROM A2 (FINANCIAL SERVICES) TO A3 (FOOD AND DRINK) AT FORMER LLOYDS TSB PREMISES, 25 FORE STREET, TAUNTON.
5. WEST BUCKLAND - 46/2002/022 REPORT ITEM  
ERECTION OF INDUSTRIAL UNITS USE CLASSES B1 (LIGHT INDUSTRY), B2 (GENERAL INDUSTRY) AND B8 (WAREHOUSING AND DISTRIBUTION), LAND ADJOINING CHELSTON BUSINESS PARK, CHELSTON, WELLINGTON
6. BRADFORD ON TONE - 07/2002/013  
CONTINUED USE OF LIGHT INDUSTRIAL UNIT FOR THE CARRYING OUT OF VEHICLE REPAIRS AT UNIT 1, FORD FARM, BRADFORD ON TONE.
7. CHURCHSTANTON - 10/2002/015  
CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO DWELLING AT PAYE FARM, CHURCHSTANTON.
8. CHURCHSTANTON - 10/2002/016  
ALTERATIONS TO FORM GRANNY ANNEX INCLUDING INSERTION OF DORMER WINDOWS AND RAISING OF ROOF AT NEWBERRY HOUSE, CHURCHINFORD.
9. CREECH ST MICHAEL - 14/2002/010  
ERECTION OF AN EXTENSION TO THE REAR OF IONA, BULL STREET, CREECH ST MICHAEL TO FORM A GRANNY ANNEXE AS AMPLIFIED BY AGENTS LETTER DATED 7TH MAY, 2002
10. HATCH BEAUCHAMP - 19/2002/009  
RETENTION OF VEHICULAR ACCESS AND HARDSTANDING

AT 8 CRIMTHORNE COTTAGES, HATCH BEAUCHAMP AS AMENDED AND AMPLIFIED BY LETTERS AND PLANS RECEIVED 18TH JULY, 2002 AND 12TH AUGUST, 2002

11. OTTERFORD - 29/2001/013  
RETENTION OF GARAGE/WORKSHOP TO SIDE OF WOODCROFT, BISHOPSWOOD AS AMENDED BY APPLICANT'S FURTHER INFORMATION AND PHOTOGRAPHS RECEIVED 20TH MARCH, 2002.
12. TAUNTON - 38/2002/232  
DEMOLITION OF BUILDING AND ERECTION OF PART 3 STOREY, PART TWO STOREY BUILDING FOR 14 FLATS AT 46 ST JAMES STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 14TH AUGUST, 2002 AND DRAWING NO. 1640/5A
13. TAUNTON - 38/2002/272  
RESITING OF 1.9 M HIGH BOUNDARY WALL AT 45 FARM VIEW, TAUNTON.
14. TAUNTON - 38/2002/286  
CHANGE OF USE TO CLASS A3 (TAKEAWAY) AND RETENTION OF WALL ABOVE FLAT ROOF AT REAR, 193 GALMINGTON ROAD, TAUNTON.
15. TAUNTON - 38/2002/287  
ERECTION OF PORCH AT 17 WHITEHALL, TAUNTON AS AMENDED BY PLANS RECEIVED 1ST AUGUST, 2002
16. TAUNTON - 38/2002/297  
CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (PUBLIC HOUSE) AT 21-22 HIGH STREET, TAUNTON AS AMPLIFIED BY AGENTS LETTER DATED 23RD AUGUST, 2002
17. WEST BUCKLAND - 46/2002/024  
CONVERSION OF AGRICULTURAL BARN TO TWO DWELLINGS, MANLEYS FARM, WEST BUCKLAND AS AMENDED BY
18. BURROWBRIDGE - 51/2002/006  
ERECTION OF AN AGRICULTURAL STORAGE BUILDING AT SAMWAYS FARM, BURROWBRIDGE.
19. E207/30/2002 LAND OFF FOSGROVE LANE, POUNDISFORD, TAUNTON. ENFORCEMENT ITEM
20. APPEALS LODGED / APPEAL DECISIONS

G P DYKE  
Member Services Manager

The Deane House  
Belvedere Road  
TAUNTON  
Somerset

05 September 2002

Tea will be available from 16.45 onwards in Committee Room No.1

**PLANNING COMMITTEE – 21 August 2002**

Present: Councillor Mrs Hill (Chairman)  
Councillor Bishop (Vice-Chairman)  
Councillors Mrs Allgrove, Mrs Angus, Debenham, Denington, Eckhart, Escott, Floyd,  
House, Mrs Lippiatt, Mrs Miller, Mrs Parrish and Vail

Officers: Mr N T Noall (Chief Planning Officer), Mrs J M Jackson (Senior Solicitor) and  
Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00pm.)

180. Minutes

The Minutes of the meeting held on 31 July 2002 were taken as read and were signed.

181. Apologies

Councillors Edwards and Hunt.

182. Applications for Planning Permission

The Committee received the report of the Chief Planning Officer on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

- (1) That **outline planning permission be granted** for the undermentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**17/2002/004**

Erection of agricultural dwelling on land part of Manor Farm, south of Brewers Farm Buildings, Fitzhead.

Conditions

- (a) C007 - outline - reserved matters;
- (b) C009 - time limit;
- (c) C010A - drainage - not commenced until percolation tests approved;
- (d) C014 - time limit;
- (e) C101 - materials;
- (f) C210A - landscaping;
- (g) C321B - parking;
- (h) C305 - access and drive to be hard surfaced;
- (i) Any gate(s) provided shall be hung to open inwards only and shall be set back a minimum distance of 4.5m from the edge of the adjoining highway carriageway;

- (j) 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;
- (k) C401 - agricultural tying condition;
- (l) No work on the approved development shall commence until such time as the buildings the subject of planning permission 17/2002/003 have been erected;
- (m) The dwelling hereby approved shall not be occupied until such time as the buildings the subject of planning permission 17/2002/003 are substantially stocked with livestock in line with the applicants agricultural appraisal;
- (n) C416 - details of size, position and materials of meter boxes.  
(Notes to applicant:- (1) Applicant was advised that the design of this new dwelling in the open countryside should respect the local vernacular form, scale and materials; (2) Applicants attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (3) N112 - energy conservation; (4) N114 - design - meter boxes; (5) N115 - water conservation; (6) N119 - Design Guide; (7) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (8) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata will be required; (9) Applicant was advised to contact Wessex Water with regard to connection to their infrastructure; (10) Applicant was advised that the Local Planning Authority will be looking for a modest three bedroom dwelling of traditional cottage design on this site).

### **38/2002/250**

Erection of a Hospital Oncology Centre comprising treatment areas and wards on land adjacent to Musgrove Road, together with two deck car park on land to north of Hoveland Lane, Musgrove Park Hospital, Taunton.

#### Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - time limit;
- (c) C014 - time limit;
- (d) C201 - landscaping;
- (e) C206A - existing and proposed levels;
- (f) C918 - floodlighting;
- (g) The building hereby approved shall be orientated so as to avoid overlooking of existing dwellings to the north of the site;
- (h) The work on the development hereby approved shall not begin until the improvements to the Wellington Road access (reference No: 38/1997/225) have been completed to the satisfaction of the Local Planning Authority;
- (i) The additional parking areas hereby approved shall be consolidated, surfaced and marked out before the new building is first occupied;
- (j) C926 and C926A - remediation investigation/certificate;
- (k) Noise emissions arising from the air handling plant or other machinery on any part of the land or premises to which this permission relates shall not exceed background levels at any time when expressed in terms in an A-Weighted, 2 Minute Leq when measured at any point on the boundary of any residential or other noise sensitive premises. Noise emissions having tonal

characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission, "background levels" shall be those levels of noise which occur in the absence of noise from the development which this permission relates, expressed in terms of an A-Weighted 90<sup>th</sup> percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes. (Notes to applicant:- (1) Applicant was advised that access arrangements should conform with the requirements of BS17.2. You should contact the Fire Safety Officer for further advice; (2) Applicant was advised that these premises are subject to the Fire Precautions (Workplace) Regulations 1997 as amended by the Fire Precautions (Workplace) (Amendment) Regulations 1999 for which a Fire Risk Assessment must be carried out by the employer or responsible person. This may result in the requirement of other fire safety provisions; (3) Applicants attention is drawn to the Home Office Publication "Fire Safety - An Employers Guide", which provides guidance on the employers responsibility for carrying out risk assessment inspections. This publication is available from Her Majesty's Stationery Offices; (4) N051B - health and safety; (5) N051C - workplace legislation; (6) N123 - noise emissions during construction).

#### **42/2002/021**

Erection of one dwelling on land adjacent to 4 Patricks Way, Staplehay, Taunton.

#### Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C101 - materials;
- (d) C013 - site levels;
- (e) One garage and one parking space, together with a vehicular access thereto shall be provided for the dwelling. The said garage space, parking space and access shall be constructed prior to the occupation of the dwelling and shall not be used other than for the parking of domestic vehicles or for access thereto;
- (f) C014 - time limit;
- (g) C215 - walls and fences;
- (h) Before the development hereby permitted is commenced, details of the surface treatment to the drives shall be submitted to, and approved in writing by, the Local Planning Authority;
- (i) C112 - details of guttering, downpipes and disposal of rainwater;
- (j) C201 - landscaping;
- (k) Any gate(s) provided shall be hung to open inwards only and shall be set back a minimum distance of 2m from the edge of the adjoining highway carriageway;
- (l) C207 - existing trees to be retained;
- (m) C208 - protection of trees to be retained;
- (n) All trenching works within the canopy spread of existing trees shall be agreed with the Local Planning Authority's Landscape Officer. All works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality top soil shall be used to backfill the trench and compacted without using machinery;

- (o) The mature Sycamore on the western boundary of the site shall not be felled, topped, lifted, cut or disturbed in any way without the written consent of the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (o), applicant was advised that there should be no damage to the mature Sycamore and the access to the property should be positioned to avoid any potential damage to the tree; (2) N112 - energy conservation; (3) N114 - design - meter boxes; (4) N037 - drainage/water; (5) N040A - drainage/water; (6) N041A - drainage/water; (7) N110 - design; (8) N092 - trees).

- (2) That **planning permission be granted** for the undermentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**06/2002/035**

Conversion of chapel to public house, function room, shop and two flats, St Luke's Chapel, Cotford St Luke.

Conditions

- (a) C001 - time limit;
- (b) C106 - second hand materials;
- (c) C112 - details of guttering, downpipes and disposal of rainwater;
- (d) C201 - landscaping;
- (e) C205 - hard landscaping;
- (f) C207 - existing trees to be retained;
- (g) C208A - protection of trees to be retained;
- (h) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (i) C210 - no felling or lopping;
- (j) C215 - walls and fences;
- (k) Plans showing a parking area providing for 14 vehicles shall be submitted to, and approved in writing by the Local Planning Authority before the development is commenced. This area shall be properly consolidated with a pervious surface before the use commences and the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (l) C416 - details of size, position and materials of meter boxes;
- (m) C917 - services - underground;
- (n) P006 - no fencing;
- (o) Noise emissions arising from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than 3 decibels expressed in terms of an A-Weighted, 2 Minute Leq when measured at any point 1m from any residential or other noise sensitive boundary. Noise emissions having tonal characteristics, for example, hum, drone or whine, shall not exceed background levels at any time, when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90<sup>th</sup> percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;



- (p) Odours arising from cooking shall not be detectable at the façade of any residential or other odour sensitive premises;
- (q) Details of access to the inside roof area above the nave for maintenance purposes shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.  
(Notes to applicant:- (1) With regard to condition (p), applicant was advised that the possibility of odours could be overcome by the fitting of a suitably filtered air extraction system; (2) N111 - disabled access; (3) N114 - design - meter boxes; (4) N115 - water conservation; (5) N066 - listed building; (6) N065A - owls and bats; (7) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of connection to their systems for water supply and drainage. You are further advised that the foul sewers surrounding the site are subject to a Section 104 Agreement and are currently owned by the developer, Messrs Barratt. It will be necessary for the developer to agree with Barratt if a connection onto the existing system is required; (8) Applicant was advised that the car park should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access).

#### **06/2002/036LB**

Conversion of chapel to public house, function room, shop and two flats, St Luke's Chapel, Cotford St Luke.

#### Conditions

- (a) C002 - time limit - listed building;
- (b) The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C601 - schedule of works to ensure safety and stability of structure;
- (d) Prior to any works for which consent is hereby granted are commenced, a detailed schedule of repairs to the existing fabric (internal and external) shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) All new internal doors, linings and architraves and skirtings shall match the existing unless otherwise first agreed in writing by the Local Planning Authority;
- (f) C659 - cornices, skirtings and other features;
- (g) Prior to any works for which consent is hereby granted are commenced, specific details of the materials and finishes to be used for new internal spaces shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) Details of all new services or works such as damp proofing, heating, lighting, plumbing and ventilation shall first be approved in writing by the Local Planning Authority prior to the installation of the same;
- (i) None of the works for which consent is hereby granted shall be commenced until the relevant conditions attached to this consent have been discharged and a contract let for the approved conversion;
- (j) Prior to the works for which consent is hereby granted are commenced, specific details of the new windows, staircases, screens to first floors, balustrades, introduction of a first floor and insulation of roofs shall be submitted to, and approved in writing by, the Local Planning Authority;

- (k) The works for which consent is hereby granted shall provide for a maximum reuse of existing fixtures and fittings within the building;
- (l) Details of access to the inside roof area above the nave for maintenance purposes shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.  
(Note to applicant:- N067 - listed building).

**10/2002/014**

Erection of rear conservatory at 23 Fairfield Green, Churchinford.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials.

**14/2002/013**

Conversion of former pumping station to form dwelling at Charlton Engine House, Creech St Michael.

Conditions

- (a) C001 - time limit;
- (b) The external surfaces of the extension(s) hereby permitted/approved shall be of materials to match in all respects, including colour and texture, those of the existing building. Before any works are commenced, a sample panel or panels shall be erected on site and the details agreed and approved in writing by the Local Planning Authority;
- (c) C106 - second hand materials;
- (d) No development, other than necessary repair works to the building, approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before development commences;
- (e) C111 - materials - for drives;
- (f) C601 - schedule of works to ensure safety and stability of structure;
- (g) The new doors and windows indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto;
- (h) C664 - windows recessed;
- (i) Prior to the commissioning and commencement of conversion or extension works on site, specific details of the iron railings, iron staircase and balcony, semi-circular window and glazed lantern light shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) P010 - no further windows;
- (k) P001A - no extensions;
- (l) P003 - no ancillary buildings;
- (m) P006 - no fencing;
- (n) P013 - provision of oil storage tanks;
- (o) Prior to their erection on site, all details of external lighting shall be submitted to, and approved in writing by, the Local Planning Authority;
- (p) C910A - archaeological access.

(Notes to applicant:- (1) N25A - conversion; (2) N025 - conversion; (3) N114 - design - meter boxes; (4) N111 - disabled access; (5) N112 - energy conservation; (6) N041B - drainage/water; (7) N095A - owls and bats; (8) N117 - crime prevention; (9) N116 - disabled access; (10) Applicant was advised to take note of the contents of construction comments supplied by Railtrack and British Waterways; (11) Applicant was advised to ensure that no works impinge upon the canal side footpath; (12) Applicant was advised to contact the British Waterways office for information on the original design of the pump house; (13) Applicant was advised that the surface water soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (14) Applicant was advised that as a septic tank is to be used to dispose of foul sewage, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage).

### **17/2002/003**

Erection of general purpose cattle shed and specialist calf rearing shed on land part of Manor Farm, south of Brewers Farm buildings, Fitzhead.

#### Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) C201 - landscaping.

(Note to applicant:- Applicant was advised that provision should be made for the disposal of effluent and dirty water from the proposed buildings in accordance with the relevant Codes of Practice).

### **21/2002/010**

Erection of a first floor extension to the rear of Little Pippen, Langford Budville (amended scheme).

#### Conditions

- (a) C001 - time limit;
- (b) C102A - materials.

### **23/2002/008**

Use of land to site one mobile home for residential purposes and use of outbuildings for domestic purposes, High Park View, Milverton.

#### Conditions

- (a) The mobile home to be stationed on the site shall not be used other than for the purpose of providing accommodation for gypsies as provided by Part II of the Caravan Sites Act 1968;
- (b) Not more than one mobile home shall be stationed on the site at any one time, in accordance with the details submitted to the Local Planning Authority;
- (c) No business activities shall be conducted at the site;
- (d) There shall be no open storage of any material used in connection with business activities;

- (e) Hedges and verges to the west of the site access shall be kept trimmed back so as to maintain visibility forward of a point 2m back at the point of the access and the western extremity of the site fronting the highway;
- (f) The use of the site hereby permitted shall be carried on solely by Mr Edward Thomas Tucker and his spouse, together with their children as one family unit.  
(Notes to applicant:- (1) N024 - drainage/water; (2) Applicant was advised that the soakaways shall be constructed in accordance with Building Research Digest 365 (September 1991)).

### **30/2002/013**

Permanent use of land as site for residential mobile home and two towing caravans for a single family's occupation and erection of utilities block and retention of two lamp standards at Fosgrove Paddock, Shoreditch.

#### Conditions

- (a) Within three months of the date of this permission, the poles supporting the lamps shall be reduced to less than 2m in height;
- (b) The site shall be occupied by a single gypsy family as defined by Circular 1/94 paragraph 5 or subsequent legislation;
- (c) No trade or business or storage of goods or materials in connection with any trade or business shall take place at the site;
- (d) P004 - no ancillary buildings;
- (e) No more than one commercial vehicle shall be parked at the site at any one time;
- (f) No caravans or mobile homes other than those hereby approved shall be sited on the land at any time without the prior written approval of the Local Planning Authority.

### **38/2002/259**

Conversion of first and second floors to form four flats and provision of parking area to rear at 1 East Reach, Taunton.

#### Conditions

- (a) C001 - time limit;
- (b) C324 - parking;
- (c) C331 - provision of cycle parking;
- (d) A 1.8m high brick wall shall be erected along the eastern boundary of the yard/car park area prior to the parking area being first brought into use. Details shall be submitted, and approved in writing by, the Local Planning Authority prior to any works commencing;
- (e) Full details of the means of disposing of roof water and foul drainage shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing. The works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any of the flats hereby approved;
- (f) A refuse store shall be provided prior to the flats hereby approved being first occupied. Details shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence;

- (g) The dwellings hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been constructed within the site in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back from and parallel to the nearside carriageway edge over the entire access and parking area frontage. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times.  
(Notes to applicant:- (1) N080 - sound proofing; (2) N051B - health and safety).

**38/2002/267LB**

Installation of air conditioning units to north elevation at 23 The Crescent, Taunton.

Conditions

- (a) C002 - time limit -listed building;
- (b) The units shall be painted a colour to blend in with the brickwork to which it is intended that they be attached.  
(Note to applicant:- Applicant was advised that noise emissions arising from the air conditioning units to which this permission relates should not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Minute Leq when measured at any point 1m from any residential or other noise sensitive boundary. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at anytime when measured as above. For the purposes of this permission “background levels” shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90<sup>th</sup> percentile level, measured at an appropriate time of day for a suitable period of not less than 10 minutes).

**42/2002/025**

Erection of storage shed at Canonsgrove House, Staplehay.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) The building hereby permitted shall be used for ancillary storage in conjunction with Canonsgrove House only and shall be used for no other purpose without the prior written consent of the Local Planning Authority;
- (d) C210 - no felling or lopping.

**42/2002/029**

Erection of two storey extension, veranda and detached double garage at Greystone, Comeytrowe Road, Trull.

Conditions

- (a) C001 - time limit;
- (b) C104 - materials to match existing;
- (c) C238 - tree protection in relation to construction;
- (d) No services trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (e) The garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only.  
(Notes to applicant:- (1) N040A - drainage/water; (2) N051B - health and safety).

(Councillor Mrs Allgrove declared a personal interest in the following application).

**46/2002/006**

Erection of extension and continued siting of caravan as a temporary building, Piccadilly House, Taunton Road, Chelston, Wellington.

Conditions

- (a) The extension hereby permitted shall be begun within five years of the date of this permission;
- (b) The caravan hereby permitted shall be removed and the land restored to its former condition on or before 21 August 2007;
- (c) C102 - materials.  
(Notes to applicant:- (1) N040A - drainage/water; (2) Applicant was advised to investigate extending Piccadilly House during the five year temporary approval to accommodate any future staff).

**49/2002/028**

Alterations to vehicular and pedestrian access at Rosebank, Langley Marsh, Wiveliscombe.

Conditions

- (a) C001 - time limit;
  - (b) C102 - materials.
- (3) That **planning permission be refused** for the undermentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

**38/2002/171**

Erection of single dwelling on land adjacent to 55 Alder Close, Taunton.

Reason

- (a) The erection of a dwelling in this location will result in the loss of an open area accommodating two trees which make an important contribution to the character and appearance of the area. The proposal is therefore contrary to the requirements of Policies H1(G) and E7 of the Taunton Deane Local Plan - Revised Deposit.

- (e) That the following application be **deferred** for the reason stated:-

**43/2002/085**

Retrospective change of use of agricultural yard for the storage of materials for road repairs and maintenance at Black Boy Farm Buildings, Wellington Relief Road, Wellington.

Reason

For further negotiations.

- (5) That the following application be **withdrawn**:-

**42/2002/027**

Erection of 10 garages on existing parking area to north of Haygrove Caravan Park, Mill Lane, Trull.

183. Conversion of agricultural barns to form a dwelling and ancillary garage at Ham Farm, Creech St Michael (14/2002/023).

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the County Highway Authority, the Environment Agency or the Drainage Officer, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C106 - second hand materials;
- (c) Before any works commence on site, details of the materials to be used for the proposed wall and the garage shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C601 - schedule of works to ensure safety and stability of structure;
- (e) Prior to the conversion works commencing, the structure attached to the northern elevation of the barn shall be demolished and all materials removed from the site area;
- (f) C654A - windows;
- (g) C664 - windows - recessed;
- (h) Within a period of five years from the date of this permission, details of the proposed sewage disposal plant and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (i) The garage for the parking of domestic vehicles, shown on the submitted plan, shall be fully converted and available for use prior to the occupation of the dwelling hereby permitted. The garage shall be used for the parking of cars in association with the converted barn and for no other purpose;
- (j) Prior to the use commencing, details of the finish to the timberwork shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) C926 and C926A - remediation investigation/certificate;
- (l) (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges on the west, south and east field boundaries,

which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development; (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;

- (m) P001A - no extensions;
- (n) P003 - no ancillary buildings;
- (o) P006 - no fencing;
- (p) P010 - no further windows.

(Notes to applicant:- (1) N025 - conversion; (2) N25A - conversion; (3) N111 - disabled access; (4) N112 - energy conservation; (5) N114 - design - meter boxes; (6) N117 - crime prevention; (8) N116 - disabled access; (9) N095A - owls and bats; (10) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (11) N033A - drainage/water).

184. Conversion of barns to form two residential units at Listock Farm, Helland (24/2002/019).

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) acceptable amended plans; and
- (2) no objections from the West Sedgemoor Drainage Board, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
  - (a) C001 - time limit;
  - (b) C106 - second hand materials;
  - (c) C601 - schedule of works to ensure safety and stability of structure;
  - (d) Prior to the commencement of works on site, details of the proposed sewage disposal plant shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (e) Prior to the works for which consent is hereby granted are commenced, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:- All new windows and doors (internal and external); staircases; skirtings; means of venting enclosed bathrooms/en-suites; means of venting recovered roofs; finished treatment for joinery and timber boarding;
  - (f) The new windows indicated on the approved plans shall be made of timber only and of no other materials, and shall be recessed in the wall of the building to match the existing traditional, first floor window in the northern gable of Unit 1, unless the written consent of the Local Planning Authority is obtained to any variation thereto;
  - (g) C215 - walls and fences;
  - (h) C211 - new hedge required;
  - (i) C201A - landscaping;



- (j) P013 - provision of oil storage tanks;
- (k) Prior to the occupation of either or both of the Units hereby permitted, parking and turning facilities as shown on the approved plans shall be provided;
- (l) 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;
- (m) P001A - no extensions;
- (n) P003 - no ancillary buildings;
- (o) P006 - no fencing;
- (p) The Dutch barn to the east of the barns shall be removed prior to the occupation of any of the dwellings;
- (q) C926 and C926A - remediation investigation/certificate.  
(Notes to applicant:- (1) N095A - owls and bats; (2) N048A - remediation strategy).

185. Erection of three and two storey block to provide reception, administration area, canteen and teaching facilities at Somerset College of Arts and Technology at Wellington Road, Taunton (38/2002/162).

Reported this application.

RESOLVED that subject to the completion of the Section 106 Agreement and the subsequent issue of outline planning permission 38/2001/222, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) The shop units shall be used as ancillary to the teaching/educational facilities only and shall not operate as independent retail units.  
(Notes to applicant:- (1) N075 - Section 106 Agreement and (2) N021 - conditions).

186. Erection of porch at 17 Whitehall, Taunton (38/2002/287).

Reported this application.

RESOLVED that subject to the receipt of a satisfactory amended plan showing a reduction in the size of the proposed porch, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C102A - materials.  
(Notes to applicant:- (1) N040A - drainage/water; (2) Applicant was advised that with regard to the disposal of rainwater water, should you intend to connect into an existing drainage system which is outside of your ownership, the permission of the relevant owner would be necessary).

187. Erection of single storey extension to the front of 57 Manor Orchard, Taunton (38/2002/321).

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 23 August 2002, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) The ground floor window on the northern elevation of the extension shall be glazed with semi obscured glass and such glazing shall thereafter be maintained;
- (d) P011 - no windows on the northern elevation.  
(Note to applicant:- N040A - drainage/water).

188. Erection of orangery to the rear of Canonsgrove House, Staplehay (42/2002/024).

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 27 August 2002, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C414 - no increase in site levels;
- (d) Details of all windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority before work commences;
- (e) The building hereby permitted shall be used for domestic purposes solely in connection with Canonsgrove House and shall not be converted into further living accommodation without the prior written consent of the Local Planning Authority.  
(Notes to applicant:- (1) N040A - drainage/water; (2) N021 - conditions).

189. Construction of earth dam to impound flood water from Halse Water and formation of temporary pond/wetland under flood conditions on land west of Monty's Lane, Norton Fitzwarren (25/2001/036).

Reference Minute No 13/2002, reported that a letter had been received from the two landowners affected by the proposal objecting to the amendment to the application which showed a construction road to the south of the dam site across their land.

Reported that details of the proposed road were presented to the Committee in June 2002 when the application had been discussed. The Chief Planning Officer considered that the proposed construction and access road was an essential and integral part of the proposed development. It was considered that the works for the road and the widening of the lane would not have such a detrimental effect on the environment of the area to justify any change to the previously agreed resolution of the Committee.

Further reported that the First Secretary of State had decided not to call in the application and the decision on whether or not to grant planning permission would be for the Local Planning Authority to determine.

RESOLVED that the content of the objection letter be noted but that the previous decision of the Committee be confirmed.

190. Unauthorised use of land at the former Dipford Nursery Site, Dipford Road, Trull.

RESOLVED that this matter be deferred for further negotiations with the owners of the land.

(Councillor Eckhart left the meeting at 7.25pm)

(The meeting ended at 7.52pm).



LLOYDS TSB  
38/2002/221

CHANGE OF USE FROM A2 (FINANCIAL SERVICES) TO A3 (FOOD AND DRINK) AT FORMER LLOYDS TSB PREMISES, 25 FORE STREET, TAUNTON.

22690/24510

FULL

**1.0 RECOMMENDATION**

I recommend that permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Odours arising from cooking should not be detectable at the facade of any residential or other odour sensitive premises. (This potential problem could be overcome by the fitting of a suitably filtered air extraction system).
- 02 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of smell.
- 03 Noise from any air extraction system should not exceed background noise levels by more than 3 dB(A) for a 2 minute leq, at any time when measured at the facade of residential or other noise sensitive premises.
- 03 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise.

**Notes to Applicant**

- 01 You are advised that in planning, designing and operating this establishment you will need to have regard to the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995. Failure to comply with the regulations is a criminal offence. You are strongly urged to obtain a copy of the relevant Industry Guide, which provides detailed guidance on compliance with these regulations. Industry Guide to Good Hygiene Practice: Catering Guide, Industry Guide to Good Hygiene Practice: Retail Guide, Industry Guide to Good Hygiene Practice: Baking Guide, Industry Guide to Good Hygiene Practice: Markets and Fairs, Industry Guide to Good Hygiene Practice: Fresh Produce, Industry Guide to Good Hygiene Practice: Wholesale Distributors. Available from: CHGL, Chadwick Court, 15 Hatfields, LONDON SE1 8DJ priced at ú3.60 each. Telephone 020778275882 or,

in the case of the catering, retail and baking guides, by calling in person at the Environmental Health reception at Deane House, Taunton.

- 02 You are advised that if this is a new food business, then at least 28 days prior to opening, the food premises must be registered with the Environmental Health Department. Telephone 01823 356342 for a registration form. Failure to register is a criminal offence
- 03 You are advised that any new shop front, signage or material alteration to the appearance of the building, or major internal alterations, will require listed building consent and planning permission.

## 2.0 **APPLICANT**

Lloyds TSB

## 3.0 **PROPOSAL**

The proposal is for the change of use of the former TSB premises (Use Class A2) to Use Class A3, which includes restaurants, pubs, snack bars, cafes, wine bars, and shops for sale of hot food. There are no proposals included for any external or internal works to the premises. Appendix A includes a letter from the agent indicating how the property has been marketed for A1 and A3 uses and the enquiries and interest shown for these uses.

## 4.0 **THE SITE**

The site comprises the former Lloyds TSB bank building situated on the corner of Fore Street and Corporation Street, and directly opposite the northern end of High Street. The building, now vacant, is a Grade II listed building, and was built in 1857. The building is situated within the primary shopping area of Taunton, and the Castle Green Conservation Area. It is also within the curtilage of the Taunton Castle Ancient Monument.

## 5.0 **RELEVANT PLANNING HISTORY**

None.

## 6.0 **RELEVANT PLANNING POLICIES**

### **Somerset & Exmoor National Park Joint Structure Plan Review (Adopted April 2000)**

POLICY STR1

SUSTAINABLE DEVELOPMENT

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;

- develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- give priority to the continued use of previously developed land and buildings;
- enable access for people with disabilities.

## POLICY STR2

### TOWNS

Bridgwater, Burnham-on-Sea and Highbridge, Chard, Crewkerne, Frome, Glastonbury, Ilminster, Minehead, Shepton Mallet, Street, Taunton, Wellington, Wells, Wincanton and Yeovil are identified as Towns. They will function as locations for employment and shopping, cultural, community and education services and residential use. Taunton and Yeovil will provide a subregional role for certain services including, shopping and financial & administrative services.

## POLICY 21

### TOWN CENTRE USES

The functional centres of Towns and Rural Centres will be the primary focal points of new facilities particularly for shopping, leisure, entertainment and, financial and administrative services, which need to be accessible to a wide range of the population and are suitable for access by a choice of means of transport. In identifying sites for such development, a sequential approach, that respects the sustainable development principles of this plan, should investigate opportunities in the following order:

- 1 in town centres,
- 2 in edge-of-town centre locations,
- 3 in local centres, and only then,
- 4 in new locations within or well related to the settlements concerned, that are accessible by a choice of means of transport.

Consideration should be given to the impact that the development might have on the vitality and viability of the existing town or rural centre and other similar settlements nearby, and to measures necessary to maintain a balance between them.

## **Taunton Local Plan**

## POLICY S/6 Non-Retail Uses in Main Shopping Streets

### **Taunton Deane Local Plan Revised Deposit (November 2000)**

Policy S1 General Requirements

Policy EC7 Accessibility of new Development- Major Travel Generators

POLICY EN18

#### CHANGE OF USE, ALTERATION, CONVERSION OR EXTENSION OF A LISTED BUILDING

The change of use, alteration, conversion or extension of a Listed Building will not be permitted unless:

- (A) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible;
- (B) the building's internal space would be retained where this is important to its character or historic integrity;
- (C) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity;
- (D) the design, materials and building methods used are sympathetic to the age, character and appearance of the building. Natural materials reflecting those in the original building should be used, where possible;
- (E) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

POLICY T30

#### PRIMARY SHOPPING AREA

Within the Primary Shopping Area, proposals for the conversion of shops to other uses at ground floor level or the provision of non retail units at ground floor level by new build or refurbishment will not be permitted, except where:

- (A) the proposal would help to sustain and enhance the vitality and viability of the Primary Shopping Area; and
- (B) ~~the percentage of permitted non-retail frontage (as a result of the development) within the relevant sub area (as defined on the proposals map) does not generally exceed 15% of the total available frontage at ground floor level, and the proposal will not form a continuous frontage of more than 2 non-retail uses;~~ the retail function of the immediate area



will not be undermined by the increased proportion of non-retail uses:  
or

- (C) the conversion ensures the restoration or rehabilitation of a listed building which is currently in a poor state of repair and which has remained vacant for a significant period of time. Applicants will be required to demonstrate that any such property has been actively marketed for retail use.

#### POLICY T33

#### DIVERSITY IN THE TOWN CENTRE

Proposals which complement the existing range of shopping facilities and create diversity and interest in the town centre will be permitted. Such uses include restaurants, cafes, public houses, leisure and arts facilities.

### 7.0 **RELEVANT CENTRAL GOVERNMENT POLICY**

#### **PPG2 General Policy and Principles**

Paragraphs 4 - 6 Sustainable Development

Paragraph 26 The Importance of Town Centres

#### **PPG6 Town Centre and Retail Development**

Paragraph 2.12 The local planning authority should therefore encourage diversification of uses in the town centre as a whole. Whilst recognising and supporting the shopping function of the primary shopping area, and of distinct quarters in larger city centres, policies should reflect the differences between the type and size of centre. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Leisure and entertainment facilities, museums and libraries, hotels and conference centres, street markets, restaurants, pubs, bars and cafes, universities and colleges all add variety.

Paragraph 2.22

Paragraph 2.25 Changes of use, whether in town, district or local centres, can however sometimes create new concentrations of single uses, such as restaurants and take-away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed not only on their positive contribution to diversification, but also on the cumulative effects on such matters as loss of retail outlets, traffic, parking and local residential amenity. These issues should be resolved when making

planning decisions, rather than permissions being unimplementable when licences are refused.

### **PPG15 Planning and the Historic Environment**

Paragraph 2.18

Paragraph 3.8 Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.

Paragraph 3.9 Judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses. Where a particular compatible use is to be preferred but restoration for that use is unlikely to be economically viable, grant assistance from the authority, English Heritage or other sources may need to be considered.

Paragraph 3.10 The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. But not all original uses will now be viable or even necessarily appropriate: the nature of uses can change over time, so that in some cases the original use may now be less compatible with the building than an alternative. For example, some business or light industrial uses may now require less damaging alterations to historic farm buildings than some types of modern agricultural operation. Policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.

### **DoE Circular 5/94 Planning out Crime**

Paragraph 14

### **Crime and Disorder Act 1998**

#### SECTION 17. DUTY TO CONSIDER CRIME AND DISORDER IMPLICATIONS

17. (1) without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

### **Ministerial Statement (DETR) February 1999 regarding PPG6**

Regarding PPG6 it states that:-

“Proposals for new retail and leisure development which accord with an up-to-date plan strategy or are proposed on sites within an existing centre, should not be required to demonstrate that they satisfy the test of need because this should have been taken into account in the development plan”

Whilst not strictly a leisure use, the A3 use proposed is considered to fall within the general terms of this statement.

## 8.0 **CONSULTATIONS**

### **County Highways Authority**

“From a highway point of view there is no objection to this proposal.”

### **Planning Policy**

“The building is situated within the Primary Shopping Area, where it is the Council's intention to sustain a vibrant shopping core at the heart of the town centre. The relevant policy context is provided by policy S/6 (TLP), and policy T30 (TDLP).

To inform the decision, the relevant considerations must be:-

1. The current use of the property
2. The location of the property
3. The impact of the proposal

1. The current use of the property. The use of the property is currently Class A2, being formerly a bank. Accordingly, the premises are already a non-class A1 use within the Primary Shopping Area. It should be noted that the design

of the building is very typical of an older style bank (late C19th/early C20th). Accordingly, the premises will be difficult to let as a shop, given the limited window display areas.

2. The location of the property. The property is located at the junction of Fore Street and Corporation Street, at the heart of the Primary Shopping Area. The site is one of the busiest pedestrian routes within the town centre, as confirmed by the recent town centre Vitality and Viability Study (refer to Appendix 1). This situation has continued to prevail, even with the property now vacant. It should be noted that draft work on the revision to the Vitality and Viability Study (due for publication later this year) has highlighted that Taunton has a far higher concentration of Class A1 uses within the town centre compared to the national average. Furthermore, monitoring work undertaken by the Borough Council highlights that this particular part of the primary shopping area has remained stable over the past five years with regard to the presence of non class A1 uses (refer to Appendix 2).

3. The impact of the proposal. The change of use to Class A3 will not affect pedestrian footfall at this general location. To the contrary, the current situation should be improved given that the building is currently vacant.

Furthermore, the fact that the use of the premises is currently non Class A1 will make it very difficult to demonstrate any adverse impact upon the function of the Primary Shopping Area. This is supported by the fact that the general area has remained stable with regard to the presence of non class A1 units, together with the high proportion of class A1 units within the town centre compared to the national average.

Given the above, I am of the opinion that the proposal is acceptable from a planning policy perspective.

Any potential problems with Class A3 uses, such as litter, noise and disturbance are matters to be considered in conjunction with other responsible bodies, such as Environmental Health, the Licensing Authority and the police. I suggest that the appropriate consultations are undertaken to seek their advice.”

### **Environmental Health Officer**

“Thank you for consulting on the above Application. Change of use from A2 (financial services) to A3 (food and drink) at former Lloyds TSB premises, 25 Fore Street, Taunton. I would wish to make the following observations due to the possibility of odours from cooking and noise from any air extraction equipment.

ODOURS      Odours arising from cooking should not be detectable at the facade of any residential or other odour sensitive premises. (This potential problem could be overcome by the fitting of a suitably filtered air extraction system).

NOISE Noise from any air extraction system should not exceed background noise levels by more than 3 dB (A) for a 2 minute leq, at any time when measured at the facade of residential or other noise sensitive premises.

**Conservation Officer**

“Clearly my concerns relate to the potential changes to the building to implement the use of approved.

These concerns are:- signs; means of escape; ventilation for public areas/kitchen etc.; use of upper floors.

Please attach Note N020, if permission granted.”

**Avon & Somerset Constabulary (Architectural Liaison Officer)**

“I have no adverse comments to make at this stage regarding the development and have written to the developer to offer my services.

I have passed a copy of the application to Sergeant Peter Yensen of Taunton Police Station for his information.”

**Town Centre Manager**

“I would like to reiterate that the Town Centre Partnership objects profoundly to this application not on the grounds of oversupply as stated in your assessment but on the grounds of safety and diversity and public access.

Safety - the Police are already overstretched in staffing Taunton Town Centre at night indeed a month ago a prisoner had to be taken to Cardiff to find an available cell in effect this removed 2 police officers off the beat for the rest of the shift. This is not in the best interests of the safety of others using the town. Any additional capacity will add to this problem. it is also inevitable that competing outlets will have to compete on price and volume of sales, again, a very unsafe situation where the customers in the town at night are young and susceptible.

With reference to the diversity of use of buildings is it in your plan to concentrate the night time economy into the High Street/Fore Street area of the town? If so the daytime retailers need to know, because their businesses will be marginalised by that policy I regularly receive calls from retailer who have to bear the significant costs and inconvenience of cleaning and repairing their premises after the excesses of customers using the town the night before.

Public Access - by allowing our most architecturally significant buildings to be used as licenced premises a large section of the community is excluded from them.

### **Taunton and District Civic Society**

The Taunton and District Civic Society is of the same opinion and share the sentiments as expressed by the Town Centre Manager.

### **Taunton Deane Licensed Victuallers Association**

"This would apparently provide for another licensed establishment in an already over-provided area.

If this were to happen then we are sure that sooner rather than later some of them would be forced to close their doors - there is not an infinite number of customers in the Taunton area - and we would then have a Town Centre with closed and unsightly buildings in it. Also, the local Police only have limited resources to deal with an already overcrowded workload on a weekend, using more and more police within the Town Centre merely means that other areas are not being properly policed.

### **Taunton Deane Disability Forum**

The Disability Discrimination Act 1995 may apply to the proposed works. Development should consult the BS 8300 to see if he needs to consider carrying out further work.

### **Avon & Somerset Constabulary (Town Centre Sergeant)**

Police policy is that all applications within the town centre for A3 should be challenged at least to restrict the hours of opening to 11 p.m. at the least. Increase in the late night premises are the cause of the increase in violence that has been experienced in the town centre. These applications must not go through without hearing police objections and we seek the committees support and help in preventing the increase in public violence in the Town Centre.

A supporting report by the Avon & Somerset Constabulary entitled "Has an increase in Licensed Premises had an affect on the Crime Levels in the Taunton Town Centre".

This report is included in full in Appendix B.

## 9.0 **REPRESENTATIONS**

There have been no representations received to this proposal.

## 10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the property appropriate for an A3 use having regard to the Development Plan Policies? POLICY

B. What are the implications in terms of Crime and Disorder in Taunton Town Centre of the addition of a further Class A3 property? CRIME AND DISORDER

C. Sustainability? SUSTAINABILITY

### **A. Policy**

Policies STR2 and Policy 21 of the Somerset & Exmoor National Park Joint Structure Plan identifies that Taunton should function as locations for employment, shopping and cultural uses. It states that the town centre should be the focal point of new facilities, and uses which sustain the vitality and viability of the town centre encouraged. The advice in these policies are in line with the guidance in PPG6 which advises that while retailing should continue to underpin town centres, it is only part of what ensures the health of town centres.

The proposal is considered to be acceptable in terms of its impact on the vitality and viability of the town centre, and the use is appropriate to its town centre location.

Policy S1 and EC7 of the Taunton Deane Local Plan- Revised Deposit are both considered to be met by the proposals. Policy EN18 concerns the affect any proposal would have on a Listed Building. This Grade II property is an important feature within Taunton town centre. The large property is not ideally suited for many A1 uses given its lack of window frontage, and the floor space is too large for many smaller independent retailers who may have been looking for prime retail space within the town centre. Major alterations to the frontage of the building would not be considered to meet the criteria of Policy EN18. It is considered that the change of use to an A3 use would offer opportunities for a user of the building to be found that would not require such major window frontage to the property.

Policy T30 is the most relevant policy to this proposal. It is concerned with the loss of A1 units within the primary shopping area. The property is situated within the primary shopping area, but as the building currently has a non-Class A1 use (formerly a bank, Class A2), it cannot be argued that the change of use of the property to an A3 use will lead to the loss of a Class A1 unit. It is considered that the proposal meets with the criteria as set out in this policy. Studies carried out for the Vitality and Viability Study of the Taunton centre has shown that Taunton has a higher concentration of Class A1 uses within the town centre than the national average, and the presence of non-retail uses within this part of the town has remained stable over the past five years. Given that the property is also currently vacant, it is considered that the pedestrian footfall at this location, which is one of the busiest areas of the town centre, should increase if a new use was found for the building.

Given the existing non-retail use class of the building it is considered that the criteria of the policy are met by the proposal. Policy T33 of the plan is also considered to be appropriate to this proposal. The creation of diversity in the

town centre in terms of its uses should be encouraged in order to maintain and enhance vitality and viability. Any proposal needs to be assessed as to whether they will complement or threaten the key retail function of the area. It is considered that the use of the building as a Class A3 use would not detrimentally impact on the retail function of the area as it is not currently in retail use, and would indeed benefit the area given its current vacant use.

In conclusion the proposal is acceptable in terms of national guidance and policies within the development plan.

## **B. Crime and Disorder**

The main objections to the proposed change of use are based on the perceived over supply of this type of use within the town centre, and the problems that are encountered with unsocial behaviour from people using these establishments. A copy of the police report into the increase of licensed premises in Taunton town centre and the impact that this has had on the crime levels has been included in Appendix B. It is not considered appropriate for the Officer to comment on the validity of the methodology and conclusions of the report. The report finds that there has been an increase in violent incidents in the town centre over the last 5 years, and there has been a increase in the amount of incidents in that area committed in licensed premises. The report shows that there has been an increase in the number of licensed premises in the town centre.

Under Section 17 of the Crime and Disorder Act 1998 local authorities have a duty to consider the implications of planning decisions on crime and disorder in the area. It is not considered that the granting of permission for a A3 use on this premises would be against the advice in this act to prevent crime and disorder in the area.

The proposal that is being considered in this report is for the change of use of the property to an A3 use. This use class includes such uses as pubs, restaurants, cafes, wine bars and shops for the sale of hot foods. It does not follow that the use will automatically be a licensed premises. The provision of such uses within the Town Centre is promoted in principle in the Local Plan, although not where it would undermine retail viability and vitality. Faced with this principle of support there would need to be an overriding justification on crime and order issues to justify permission being refused. Whilst there is concern generally from the local policy they are asking for restrictions against any additional public houses being provided in the town centre. This cannot be substantiated on planning grounds. It is considered that there are further processes such as licensing and policing that are better suited to controlling these particular implications. Initiatives such as CCTV within town centres are considered better ways of approaching these issues than using the planning system to refuse uses which otherwise accord with policy.

Appendix C contains a Planning Inspectorate Appeal decision into a similar case of a Class A3 use in Newcastle-under-Lyme.



The Inspector stated in paragraph 9 that:- "I am not concerned with liquor policy or, indeed, policing policy, but land use considerations. I am required to determine this proposal in accordance with the development, unless material considerations indicate otherwise. That is, I must determine this appeal on its planning merits. And, in that regard, I am satisfied Section 17 of the Crime and Disorder Act 1998 has in no way altered this obligation."

### **C. Sustainability**

The site is situated within the town centre where there is easy and convenient access by public transport, cycling and pedestrian access. Government advice and Development Plan policies encourage these types of uses to be situated within the town centre thereby maximising the accessibility of the site by non- car uses.

## 11.0 **CONCLUSION**

Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed change of use of 25 Fore Street to Class A3 use is considered to be in accordance with the policies within the development plan. Although the impact that a potential licensed premises might have on the town centre needs to be taken into consideration, there is no certainty that the granting of this use class will lead to the property being used for such a premises. There is also no clear evidence that the inevitable outcome of this change of use would be to increase in crime and disorder in the town centre to an unacceptable level.

It is considered that an A3 use would be appropriate to this Grade II Listed Building, and appropriate to the prominent location within the town centre, with no detrimental impact on the viability and vitality of the town centre. I therefore recommend that permission be granted subject to the appropriate conditions.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr C D White Tel: 356465**



SUMMERFIELD DEVELOPMENTS LTD  
46/2002/022

**ERECTION OF INDUSTRIAL UNITS USE CLASSES B1 (LIGHT INDUSTRY), B2 (GENERAL INDUSTRY) AND B8 (WAREHOUSING AND DISTRIBUTION), LAND ADJOINING CHELSTON BUSINESS PARK, CHELSTON, WELLINGTON**

15900/21260      FULL

1.0 **RECOMMENDATION**

Subject to the views of the Secretary of State under the Departure Procedures and the applicants entering into a Section 106 Agreement to provide for cyclepath links from the site to the A38, and the dedication of the land between the proposed buildings and the road to Ham to the Parish Council for use as an informal recreational area, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01      The development hereby permitted shall be begun within five years of the date of this permission.
- 01      Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02      Prior to the commencement of development details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced. The scheme shall be implemented in accordance with the approved programme and details.
- 02      Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems.
- 03      Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 03      Reason: To safeguard the visual amenities of the area.
- 04      (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.  
(ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority

before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.

- 04 Reason: To maintain the health and amenity of the tree(s).
- 05 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 05 Reason: In the interests of the visual amenity of the area.
- 06 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 06 Reason: In the interests of the visual amenity of the area.
- 07 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.
- 08 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum distance of 2.0 metres from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the boles of the hedges so retained shall not be altered.
- 08 Reason: In the interests of the visual amenity of the area.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained.
- 10 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 10 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.

- 11 The proposed roads, turning spaces and parking areas shall be constructed in such a manner as to ensure that each building before it is occupied shall be served by a properly consolidated carriageway, turning space and parking area.
- 11 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
- 12 The accesses shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 12 Reason: In the interests of highway safety.
- 13 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 13 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.
- 14 Before the building(s) hereby permitted is occupied provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority and the areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles.
- 14 Reason: In the interests of highway safety.
- 15 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 15 Reason: In the interests of the visual amenity of the area.
- 16 There shall be no external loud speakers or tannoy systems operated.
- 16 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise.
- 17 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 17 Reason: In the interests of the visual amenity of the area.
- 18 No refuse or waste materials shall be disposed of by burning on any part of the site.
- 18 Reason: To safeguard the amenities of the area.
- 19 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to and approved in writing by the Local Planning Authority.
- 19 Reason: To prevent pollution of the water environment.
- 20 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks

- and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 20 Reason: To prevent pollution of the water environment.
- 21 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.
- 21 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise.
- 22 Activities carried out at this site may have caused contamination of soil, sub-soil and groundwater present beneath the site, and may present a threat to nearby surface waters and/or water resources. Therefore prior to the commencement of any development works, the applicant shall, at his own expense, carry out a site investigation to determine the nature and extent of contamination that may result. In the event that significant contamination is confirmed, the applicant shall adopt measures to mitigate against pollution of the water environment.
- 22 Reason: To prevent pollution of the water environment.
- 23 No development approved by this permission shall be occupied or brought into use until a scheme for the future maintenance of pollution prevention devices has been submitted to and approved in writing by the Local Planning Authority.
- 23 Reason: To prevent pollution of the water environment.

Notes to Applicant

- 01 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 02 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/ works.
- 03 With regard to Condition 02, the principle of surface water balancing in the formpave system is acceptable. Full design details should demonstrate that the system is capable of containing and attenuating the 1:100 year run-off from the developed site (1:140 year storm) back to green field rates.
- 04 With regard to Condition 19, the volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. With regard to Condition 19, the volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges

- and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 05 Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.
- 06 During construction, the following comments apply:- (1) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (2) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed. (3) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. (4) The Environment Agency must be notified immediately of any incident likely to cause pollution. (5) Under the terms of the Water Resources Act 1991, the prior agreement of the Environment Agency is required for discharging dewatering water from any excavation or development to a surface watercourse. (6) You are advised to liaise directly with the Environment Protection Department of the Environment Agency regarding pollution prevention both during the construction and operation of the site.
- 07 If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.
- 08 With regard to Condition 02, inspection holes should be provided and clearly identified to enable discharge from individual premises or buildings to be inspected or sampled.
- 09 With regard to Condition 22, in the first instance it is recommended that a desk study is undertaken to identify historical land-use and potential for ground contamination, for example from escape of fuel oils. If the potential for significant ground contamination is confirmed then further assessment should be undertaken and include:- (a) a targeted investigation to identify soil and groundwater contamination that may be present; (b) a survey to identify water features (water interests survey) or other environmental 'targets' that could potentially be impacted; (c) assessment of actual or likely pollution migration pathways and threats to identified environmental targets; and (d) proposals where shown to be necessary for measures to mitigate against identified pollution threats.
- 10 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations (The Control of Pollution (Oil Storage) (England) Regulations 2001).
- 11 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

- 12 Regard should be had to the requirements for the handling and storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992.
- 13 Foul and contaminated drainage and trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.
- 14 With regard to Condition 02 you should consider the use of Best Management Practices as a method of sustainable surface water disposal.
- 15 Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters.
- 16 The development is located within a foul sewered area. It will be necessary for you to agree a point of connection onto the Wessex Water system for the satisfactory disposal of foul flows generated by the proposal.
- 17 You are advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus for the purpose of maintenance and repair. The site layout shows that the proposed buildings fall within this easement width. Diversion or protection works may need to be agreed with Wessex Water. You should agree prior to commencement of works on site any arrangements for the protection of infrastructure crossing the site.
- 18 It is recommended that a long off-site sewer will be required to discharge surface water flows to the local watercourse. This will be subject to approval by the Environment Agency.
- 19 There are water mains within the vicinity of the site.

## 2.0 **APPLICANT**

Summerfield Developments Ltd.

## 3.0 **PROPOSAL**

The proposal is a full application for the erection of B1, B2 and B8 industrial units on land adjoining Chelston Business Park, Chelston, Wellington. A total of 7,810 sq m (84,200 sq ft) of floorspace is proposed. The submitted scheme provides for a range of building sizes as follows:-

4 x 929 sq m (10,000 sq ft)  
8 x 232 sq m (2,500 sq ft)  
9 x 186 sq m (2,000 sq ft)

together with a building of 564 sq m (6,068 sq ft) accommodating 7 'Anson Units' ranging in size from 70 sq m (750 sq ft) to 93 sq m (1,000 sq ft).



The height to the eaves of the buildings is 6.7 m and to the ridge 8.2 m. Materials are to be colour coated profiled metal roof sheeting and wall cladding, with brick panels. The proposal will provide for an extension to the existing business park and will be accessed and serviced directly from the road network and services in the adjacent business park.

An application for a larger area providing 11,802 sq m (127,000 sq ft) was refused in August 2000. A subsequent Appeal was withdrawn on the submission of a further application in July 2001. In that application, the area for development was reduced by providing a 30 m wide landscaped bund adjacent to the A38 and leaving a gap (minimum 70 m) between the proposed buildings and the road to Ham. In a covering letter with that application, the applicants recognised that the land is outside the Local Plan, but that they have many businesses interested in the land at Chelston which they could no longer accommodate and are therefore unable to satisfy the demand. This demand has increased by the present occupiers of Norton Fitzwarren Trading Estate who are looking for alternative accommodation when the Trading Estate is developed. They contended that their layout caters for the smaller occupier with buildings which they consider will fit in well with the present business park and the adjoining housing. The plans submitted with the current application indicate even more extensive screening than the first application. The previous application submitted in July 2001 was refused by this Committee at its meeting on 1st May, 2002.

The current application is identical to the application refused in May, but is accompanied by a supporting statement from the applicant's solicitors together with a copy of the Interim Planning Policy on Extensions to Employment Estates. Copies of these are included as appendices to this Report.

The previous applications were accompanied by a Transport Assessment, an Ecological Assessment and a supporting statement on the landscape visual impact issues related to the proposed development. The applicants have asked that these reports be taken into account in the consideration of the current application. Accordingly copies of these reports are included as appendices to this Report.

#### 4.0 **THE SITE**

The site comprises vacant agricultural land adjoining the A38 road on the north side. On the opposite south side of the A38 there is a mixture of residential properties (in particular Chelston Terrace), commercial premises, a chapel and agricultural land. The north-east side of the site is bounded by the road leading to Ham from the A38. Beyond this road there is the Piccadilly House Nursing Home, a residential property and agricultural land. To the north-west are the residential areas of Castle Cottages and Cob Castle, and the road leading to the former, together with the existing Chelston Business Park. To the south-west is open land. The site is generally bounded by fencing and hedging, more substantial on the north-west side opposite the residential areas and less substantial on the north-east side. The site is

generally open to views from the surrounding public roads. The site itself is vacant agricultural land.

## 5.0 **RELEVANT PLANNING HISTORY**

**46/1997/002** Demolition of existing cottage, erection of two bungalows and the alteration of an existing access, Cob Castle, Ham, West Buckland. Outline planning permission refused September 1997.

**46/2000/006** Erection of industrial units use classes (B1, B2 and B8), land adjoining Chelston Business Park, Chelston, Wellington. Full planning permission refused August 2000. A subsequent Appeal was withdrawn, The reasons for refusal on the application were as follows:-

- 01 The proposal conflicts with the provisions of the approved West Deane Local Plan and the emerging Taunton Deane Local Plan in that the site lies outside the areas which are allocated for development purposes and is within an unnoted or basically rural area wherein no major changes in land use are expected.
- 02 The proposed development comprises an undesirable spread of commercial development within this rural area, which would be to the detriment of the present open character of the area and would result in further undesirable consolidation and urbanisation of land alongside the A38 corridor between Taunton and Wellington.
- 03 The proposal is premature and prejudicial to the consideration of the emerging Taunton Deane Local Plan and the decision thereon. Furthermore, the proposed development is likely to be prejudicial to the successful implementation of the Taunton Deane Local Plan.

**46/2001/017** Erection of industrial unit use classes B1 (light industry), A3 (general industry), and B8 (warehousing and distribution), land adjoining Chelston Business Park, Chelston, Wellington. Full planning permission refused May 2001. The reasons for refusal of the application were as follows:-

- 01 The proposal conflicts with the provisions of the approved West Deane Local Plan and the emerging Taunton Deane Local Plan in that the site lies outside the areas which are allocated for development purposes and is within an unnoted or basically rural area wherein no major changes in land use are expected.
- 02 The proposed development comprises an undesirable spread of commercial development within this rural area, which would be to the detriment of the present open character of the area and would result in further undesirable consolidation and urbanisation of land alongside the A38 corridor between Taunton and Wellington.
- 03 The proposal is premature and prejudicial to the consideration of the emerging Taunton Deane Local Plan and the decision thereon.

Furthermore, the proposed development is likely to be prejudicial to the successful implementation of the Taunton Deane Local Plan.

- 04 The Local Planning Authority is of the opinion that the evidence of need for additional employment land is not such as to override the policy and amenity objections to this proposal in terms of its departure to the adopted and emerging local plans and its adverse impact on adjoining residential properties and the rural character of the area.

There have been various planning applications related to the existing business park to the north-west of the current site.

## 6.0 **RELEVANT PLANNING POLICIES**

### **Somerset and Exmoor National Park Joint Structure Plan (Adopted April 2000)**

The following policies are relevant:-

STR1  
STR2  
STR6  
STR7  
POLICY 16

POLICY 18  
LOCATION OF LAND FOR INDUSTRIAL, WAREHOUSING & BUSINESS DEVELOPMENT

When determining the location of land for employment generating activities, in the context of other policies in the plan, consideration should be given to the following:

where significant levels of freight traffic are likely to be generated, sites should be located close to the existing County or National road network or rail facilities;

activities which are environmentally compatible with other land uses may be located within or adjoining such existing or proposed uses;

activities which are not compatible with other land uses should be located where their impact on the local environment can be mitigated;

large developments with high employment density activities should be located close to established public transport nodes.

POLICY 19  
POLICY 49

### **West Deane Local Plan (Adopted May 1997)**

WD/SP/2 OUTSIDE DEFINED SETTLEMENT LIMITS, DEVELOPMENT WILL NOT BE PERMITTED UNLESS IT IS FOR THE PURPOSES OF AGRICULTURE OR FORESTRY OR ACCORDS WITH A SPECIFIC DEVELOPMENT PLAN POLICY OR PROPOSAL

WD/IE/1 EMPLOYMENT PROPOSALS WILL BE ASSESSED AGAINST THE FOLLOWING CRITERIA;

- (A) THE CONTRIBUTION TO LOCAL EMPLOYMENT OPPORTUNITIES;
- (B) THE RELATIONSHIP TO THE ROLE, FUNCTION AND SIZE OF THE SETTLEMENT;
- (C) IMPACT ON THE LOCAL ENVIRONMENT, PARTICULARLY SETTLEMENT CHARACTER, LANDSCAPE, WILDLIFE, ARCHAEOLOGY, RESIDENTIAL AMENITY AND VALUABLE OPEN SPACES;
- (D) COMPATIBILITY WITH ADJOINING LAND USES;
- (E) THE POTENTIAL AIR, WATER, NOISE AND OTHER FORMS OF POLLUTION CAUSED;
- (F) THE EFFECT ON HIGHWAY CONGESTION, THE SAFETY OF ROAD USERS AND PEDESTRIANS AND RESIDENTIAL ROADS;
- (G) THE ABILITY TO PROVIDE SATISFACTORY UTILITY SERVICES; AND
- (H) THE IMPACT ON AGRICULTURE.

ONLY IN EXCEPTIONAL CIRCUMSTANCES WILL ANYTHING OTHER THAN SMALL SCALE, UNOBTRUSIVE PROPOSALS BE PERMITTED WITHIN AREAS OF OUTSTANDING NATURAL BEAUTY.

WD/IE/2 THE BOROUGH COUNCIL WILL NOT NORMALLY PERMIT CONSTRUCTION OF NEW BUILDINGS FOR INDUSTRY, WAREHOUSING OR OFFICE USE OUTSIDE THE DEFINED SETTLEMENT LIMITS. THIS CONTROL WILL BE PARTICULARLY STRONG WITHIN THE QUANTOCK HILLS AND BLACKDOWN HILLS AREAS OF OUTSTANDING NATURAL BEAUTY.

WHERE THERE IS NO SUITABLE SITE WITHIN THE VILLAGE, SMALL SCALE EMPLOYMENT DEVELOPMENTS

WILL BE PERMITTED OUTSIDE BUT ADJACENT TO THE VILLAGE LIMITS, WHERE THE DEVELOPMENT CONTROL CRITERIA IN WD/IE/1 ARE SATISFIED.

WD/IE/3

WD/IE/4

WD/IE/8

**Taunton Deane Local Plan Revised Deposit**

S1

S2

S3

S8 OUTSIDE DEFINED SETTLEMENT LIMITS, NEW BUILDING WILL NOT BE PERMITTED UNLESS IT MAINTAINS OR ENHANCES THE ENVIRONMENTAL QUALITY AND LANDSCAPE CHARACTER OF THE AREA AND

- (A) IS FOR THE PURPOSES OF AGRICULTURE OR FORESTRY;
- (B) ACCORDS WITH A SPECIFIC DEVELOPMENT PLAN POLICY OR PROPOSAL;
- (C) IS NECESSARY TO MEET A REQUIREMENT OF ENVIRONMENTAL OR OTHER LEGISLATION; OR
- (D) SUPPORTS THE VITALITY AND VIABILITY OF THE RURAL ECONOMY IN A WAY WHICH CANNOT BE SITED WITHIN THE DEFINED LIMITS OF A SETTLEMENT.

NEW STRUCTURES OR BUILDINGS PERMITTED IN ACCORDANCE WITH THIS POLICY SHOULD BE DESIGNED AND SITED TO MINIMISE LANDSCAPE IMPACT, BE COMPATIBLE WITH A RURAL LOCATION AND MEET THE FOLLOWING CRITERIA WHERE PRACTICABLE:-

- (E) AVOID BREAKING THE SKYLINE;
- (F) MAKE MAXIMUM USE OF EXISTING SCREENING;
- (G) RELATE WELL TO EXISTING BUILDINGS; AND
- (H) USE COLOURS AND MATERIALS WHICH HARMONISE WITH THE LANDSCAPE.

EC4 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE DEVELOPMENT OF NEW SMALL SCALE BUILDINGS FOR BUSINESS, INDUSTRIAL, WAREHOUSING, TOURISM, RECREATION, COMMUNITY, COMMERCIAL OR OTHER EMPLOYMENT GENERATING USE, EXCLUDING RETAILING WILL BE PERMITTED PROVIDED:

- (A) THE SITE IS NEAR A PUBLIC ROAD;

- (B) THE SITE IS ADJACENT TO THE LIMITS OF A VILLAGE WITHIN WHICH THERE IS NO SUITABLE SITE AVAILABLE; AND
- (C) THERE WOULD BE NO HARM TO THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES, LANDSCAPE OR HIGHWAY SAFETY AND ADEQUATE ARRANGEMENTS CAN BE MADE FOR THE PROVISION OF SERVICES.

M1  
M3

**Interim planning Policy on Extensions to Employment Sites** (Approved by The Executive on 18th June, 2002)

Whilst the Taunton Deane Local Plan has allocated sufficient land to meet the Structure Plan employment requirement within the Plan period for Taunton Deane, the Council recognises that in order to secure economic growth and inward investment, additional employment land will be required for implementation within the early years of the Local Plan (i.e. pre 2006). Accordingly the following interim policy has been approved as a non-statutory policy:-

SUBJECT TO OTHER DEVELOPMENT CONTROL CONSIDERATIONS, PROPOSALS FOR THE EXTENSION OF EXISTING EMPLOYMENT ESTATES WILL BE PERMITTED WHERE (A) IT WILL HELP MEET THE SHORT-TERM NEED FOR STRATEGIC ESTATES SUITABLE FOR B1 LIGHT INDUSTRIAL, B2 AND B8 USES, (B) THE EXISTING ESTATE HAS GOOD ACCESS TO THE NATIONAL ROUTE NETWORK (ROAD AND/OR RAIL) AND (C) DEVELOPMENT WOULD NOT RESULT IN SIGNIFICANT ADVERSE ENVIRONMENTAL OR AMENITY IMPACT.

The supporting text to accompany the policy considers that the aims of the policy can be achieved through the modest rounding-off of existing industrial estates. The criteria for the identification of these aims to provide for the development of employment land with good access to the main transportation route network (road and/or rail) of a scale and quality of design and layout that provides the opportunity for a range of unit sizes to assist the Borough's short-term strategic land and growth requirements.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY ADVICE**

The general guidance regarding compliance with the current Development Plan contained in Planning Policy Guidance Note No. 1 'General Policies and Principles' is relevant. The following paragraphs are particularly relevant to the current proposal:-

Para. 4  
Para. 21  
Para. 22

Para. 40 The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations. The status of plans which are not yet adopted or approved is covered in paragraph 48.

Para. 46

Para. 47

Para. 48

Para. 49

Para. 54 If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point, and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date (the age of the plan is not in itself material). Particular policies of the plan may, for example, have been superseded by more recent planning policy guidance issued by the Government.

Para. 56

The following paragraphs from Planning Policy Guidance Note No. 4 'Industrial and Commercial Development and Small Firms' are relevant:-

Para. 3

Para. 13

Para. 24

The following paragraphs from Planning Policy Guidance Note No. 7 'The Countryside - Environmental Quality and Economic and Social Development' are relevant:-

Para. 1.3  
Para. 1.4  
Para. 2.2  
Para. 2.3

The following paragraphs from Planning Policy Guidance Note No. 13 'Transport' (1994) are relevant:-

Para. 2.10  
Para. 2.11  
Paras. 3.4 - 3.6

The following paragraphs from Planning Policy Guidance Note No. 13 'Transport' (Public Consultation Draft) are relevant:-

Para. 4  
Para. 13  
Para. 14

## 8.0 **CONSULTATIONS**

### **County Highway Authority**

Comments not received at time of compiling report. The following comments were received on the earlier identical application:-

“The Planning Authority will be aware of our comments with regard to previous planning application 46/00/006 with regard to the extension of the industrial business park at Chelston. I have no objections in principle to the above planning application, however there are various issues with regard to the layout which need to be addressed. I have invited the applicant to contact the Highway Authority in order to discuss footway/cycleway links from the site to the A38 in the vicinity of the bus stop in order that an amended plan may be forthcoming.”

The current application addresses the points raised.

### **County Archaeologist**

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

### **Environment Agency** (Initial response)

“The Agency OBJECTS to the proposed development, as submitted, on the following grounds:-

We recommend that your Council should defer consideration of this application until sufficient details are provided by the applicant.



Surface water discharges need to be restricted to greenfield rates. The applicant has previously indicated that this would be achieved using the Formpave system. While accepting the principle of surface water balancing via the formpave system, we consider that further detail is required. Full design details of the system should be provided. This should demonstrate that the system is capable of containing and attenuating the 1:100yr run off from the developed site (1:140yr storm) back to green field rates.

Should the Agency's objection to the proposal subsequently be overcome, the Agency would seek the application of the following conditions:-

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

CONDITION: Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

There is no information relating to previous land use therefore the Agency will require the following condition:-

CONDITION: Activities carried out at this site may have caused contamination of soil, subsoil, and groundwater present beneath the site, and may present a threat to nearby surface waters and/or water resources.

Consequently it is recommended that any planning permission require the applicant to carry out a site investigation to determine the nature and extent of contamination that maybe present and the likely impact on the water environment that may result. A further planning condition is sought that in the event that significant contamination is confirmed, the applicant is required to adopt measures to mitigate against pollution of the water environment. Model conditions 56-8 given within DTLR circular 11/95 may be suitable for this purpose.

To meet these requirements, in the first instance it is recommended that a desk study is undertaken to identify historical land-use and potential for ground contamination, for example from escape of fuel oils. If the potential for significant ground contamination is confirmed then further assessment should be undertaken and include:-

a targeted investigation to identify soil and groundwater contamination that may be present;

a survey to identify water features (water interests survey) or other environmental 'targets' that could potentially be impacted;

assessment of actual or likely pollution migration pathways and threats to identified environmental targets; and

proposals where shown to be necessary for measures to mitigate against identified pollution threats.

REASON: To prevent pollution of the water environment

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until details of the use, handling or storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992 has been submitted to and approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment by the use, handling or storage of hazardous substances in lesser quantities than prescribed in the Regulations.

CONDITION: No development approved by this permission shall be occupied or brought into use until a scheme for the future maintenance of the pollution prevention devices has been submitted to and approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment.

The Agency should be consulted on any details submitted pursuant to the above conditions.

The following informative and recommendations should be included in the Decision Notice:-

Foul and contaminated drainage and trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

The applicant should consider using 'Best Management Practices' as a method of sustainable surface water disposal. Further information regarding this is available from the Agency.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters).

During construction the following comments apply:-

Under the terms of the Water Resources Act 1991, the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.

Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

This Agency must be notified immediately of any incident likely to cause pollution.

The developers should be advised to liaise directly with the Environment Protection department regarding pollution prevention both during the construction and operation of the site.”

### **Wessex Water**

“The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

According to our records, there is a public foul sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Plans of the site layout show that the proposed buildings fall within this easement width. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.

The foul flows from this development will discharge to Hockholler Pumping Station towards Bradford on Tone. It is understood that the Environment Agency has previously raised objection to this development following a pollution incident at the pumping station in wet weather. The pumps have now been uprated and our Operations Staff will continue to monitor the situation.

It is recommended that a long off site sewer will be required to discharge surface water flows to the local watercourse. This will be subject to approval by the Environment Agency.

With respect to water supply, there are water mains within the vicinity of the proposal.

Again, connection can be agreed at the design stage.

Sufficient capacity is available in the public foul sewerage and water supply systems on the understanding that there will be no industries on site that will require unusually high water usage or trade effluent agreements.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.”

### **Landscape Officer**

“If the application is to be allowed I would like to see the 2 m mounding spread through the whole of the southern boundary landscape buffer zone; a block of tree planting on the open area to the east of the site and continuous shrub planting on either side of the internal spine road. I would also like to see a larger block of structure planting in the south west corner of the site to replace the corner unit and tree planting along the western boundary.”

### **Business Promotion Unit**

“This application is welcomed and strongly supported. Currently there is a lack of employment space within the Borough and this application will go some way to meeting the immediate shortfall.

Chelston Business Park is strategically sited with excellent links to the national road network. This extension will take advantage of those links and consequently it is expected that the proposed buildings will be occupied without much delay. In particular the mixture of building sizes is welcomed. This will allow for a range of businesses to occupy the site thus encouraging both small and medium sized enterprises to relocate. Hopefully this will allow for a diversification of the local economy.

Failure to encourage such a proposal in this location will result in opportunities for economic growth being curtailed or proposals in less sustainable and advantageous locations being promoted which may prove less attractive locationally or/and may result in greater environmental problems such as increasing industrial traffic through urban areas to access the national route network or other amenity concerns. The high level of planting is a feature that is welcomed. This will minimise the visual impact of the development whilst providing a high quality working environment that will attract businesses to the area.

Bus links from Taunton & Wellington to the entrance of the Business park are good thus giving the opportunity to use sustainable transport to access the site.

My only concern is that the landscaping and adjacent open area of grassland is properly managed. Failure to do this will detract from the site as a whole.”

### **Planning Policy Unit**

“Such a proposal would be compatible with the aim of the Councils interim planning policy on extensions to employment estates, which was agreed by the Councils Executive on 18th June 2002.

The interim policy is not part of the statutory plan but, as an agreed statement of the Councils corporate intent must be considered as a material planning consideration. The origin of this policy is based upon an Economic Development Review Panel report of 15 May 2002, drawing attention to the current shortage of strategic employment land and the need to attract and facilitate business opportunities and focus growth in sustainable locations.

The policy comments made for the previous application (46/2001/017) are still applicable. Paragraph 40 of PPG1 advocates adherence to the 'plan led system' unless material planning considerations indicate otherwise. Whilst the current proposal lies outside of the defined settlement limit and is thus contrary to the emerging Local Plan policies, the currently recognised shortage of quality employment sites, well related to the trunk road network is an important material planning consideration.

Notwithstanding the above, conditions should be attached to maintain the amenity of nearby residential occupiers, eg retention of trees/boundary hedging, screen planting, operating hours etc. in line with policy S1.”

### **Environmental Health Officer**

“I would recommend the following condition due to the possibility of noise issues affecting nearby residential property:-

Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.”

### **Drainage Officer**

“I note that in the accompanying statement for this application it stated that this is a reapplication for an identical scheme refused planning permission earlier this year. On this application item it stated that surface water is to be discharged to the mains. Can this be confirmed as I am not aware of any

public sewer system in that area that could cope with surface water flows. Wessex Water should be contacted and confirmation sought for the agreed point of connection and whether any below ground attenuation works are to be provided.

If there is an error and surface water is to be made to a watercourse than I shall require full details including attenuation and proposed sustainable drainage system measures (SIDS) before I can give any approval.

I wait further details in due course and it is strongly recommended that no approval be given until an agreed drainage condition can be attached to any permission.”

The following further response has been received indicating that he would be happy with a recommendation for a condition requesting details of attenuation below and calculations.

#### **Wellington Town Council**

“Wellington Town Council is strongly opposed to this application because it is contrary to the Taunton Deane Local Plan and is prejudicial to the Taunton Deane Local Plan.”

#### **West Buckland Parish Council**

“Despite the change of policy, the Council is adamantly opposed to this. They still feel this is too near residents on all four sides.

This is a vital open space on the approach to Wellington. There are several sites which have been designated for years and these could be developed now.”

### 9.0 **REPRESENTATIONS**

7 letters of objection were received making the following points:-

1. Noise at nearby nursing home will be intolerable from the lorries turning, reversing, closing doors, etc., late at night and early morning.
2. Surprised that application re-submitted so soon after previous application turned down.
3. Query what incentives/inducements have been offered to the Council to alter their planning rules in favour of developers.
4. Increased air and noise pollution which is a breach of human rights.
5. Will be an extension of the vandals' playground.
6. Developers have no thought for the people whose lives they are blighting - only for their own financial well being.

7. Residential area already shut in enough with buildings other houses and greenhouses.
8. The beautiful Vale of Taunton Deane is becoming more and more scarred by the construction of sheds of one kind or another.
9. There is land closer to Wellington which must be available for such buildings. The Northern Relief Road is Wellington's greatest requirement, which would give adequate room for both housing and industrial development.
10. Earlier developments nearby have resulted in traffic, litter and noise problems.
11. Ham is a rural community that has already suffered from excessive development in recent years.
12. Development of this site was clearly not an option when the units now built were applied or in the first instance some years ago.

#### 10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. What change in circumstances has there been since the previous refusals of permission on this site? CHANGE IN CIRCUMSTANCES - NEED
- C. What effect will the proposed development have on the rural character of the area? IMPACT ON CHARACTER OF AREA
- D. Will the proposal have an acceptable impact on the highway network of the area? HIGHWAYS
- E. Is the proposed development sustainable? SUSTAINABILITY
- F. OTHER ISSUES

#### A. Policy

The area of land the subject of the application is not allocated for development in the West Deane Local Plan (the current adopted plan for the area) or the Taunton Deane Local Plan (the emerging local plan). Although it is adjacent to the existing Chelston Business Park, it lies beyond the recognised limits of any recognised settlement where open countryside policies apply. In this respect, therefore, the proposals are contrary to the currently operative and emerging Development Plans.



The County Structure Plan indicates the broad levels of land which will be made available for industrial warehouse and business development over the plan revised (currently to 2011) and recognises Wellington as a location for employment use. The West Deane Local Plan allocated land to meet employment requirements to 2001 on other land also adjacent to Chelston Business Park and at Rylands Farm at Bagley Green. These have only been partly developed. The emerging Taunton Deane Deane Local Plan also proposes the development of further land in the Wellington area, primarily at Chelston House Farm, which is close to the current site.

Whilst there is a policy presumption against the proposal it will be noted that the Business Promotion Unit strongly support the application and consider that there is an acknowledged shortfall of available industrial premises within the Borough as a whole. They consider that this proposal will go some way to meeting that demand, they also consider that failure to encourage such a proposal in this location will result in opportunities for economic growth being curtailed or proposals in less sustainable and advantageous locations being promoted. Reference is made to the site at Chelston House Farm proposed in the Taunton Deane Local Plan. This site will require considerable infrastructure provision (including the provision of a new roundabout) before it can become operational and is therefore seen as a necessary but long term provision. Largely because of the easy access directly from the existing Business Park road network, the current site is seen as capable of providing industrial units in the short term.

The applicants also confirm that readily available industrial land is in very short supply on their existing Chelston Business Park site. They indicate that they are now having to turn potential industrial clients away from Chelston and there is no other readily available business park land suitable for industrial/warehouse occupiers in Taunton Deane (Blackbrook not being suitable for this type of use). They consider that the expensive infrastructure works required to open up the land at Chelston House Farm can only readily be achieved on the back of a large occupier.

Since the refusal of the previous planning permission for a similar proposal in May of this year, the Council has approved an Interim Planning Policy on Extensions to Employment Estates. This is a non-statutory policy aimed at promoting the development of land for employment use in the early period of the Taunton Deane Local Plan. Subject to other development control considerations, the introduction of this interim policy means that there is a presumption in favour of the extension of existing employment estates, provided certain criteria are met. Those criteria are considered to be met in this case.

### **B. Change in Circumstances - Need**

It is acknowledged by the Borough Council and also the Regional Development Agency that there is a shortage of available employment land at Wellington and in the Borough as a whole. The principle of bringing forward employment land at Wellington has the support of the Regional Development

Agency. The release of the Chelston House Farm site as proposed in the Taunton Deane Local Plan will be dependent upon the outcome of the Local Plan Inquiry which is currently taking place and is therefore unlikely to be available for at least two years.

The Economic Development Review Panel meeting on 19th March, 2002 considered a Report on the Supply and Demand of Employment Land in Taunton Deane. The Report concluded that evidence points to the fact that the demand for commercial premises in the Borough remains strong. A survey of businesses in and adjacent to the Borough indicate that 34 had a relocation issue. Of these, 6 wished to locate in Wellington and a further 10 businesses indicated that they would consider relocating to a specific site in Wellington. It was considered that there is an urgent need for a strategic employment site, in the short and long term, in order to allow the Borough to attract new inward investment and to diversify its commercial base.

The Panel resolved that the Executive be advised that on the extensive evidence received by the Panel, the present supply of employment land was completely insufficient to meet current demand. Furthermore, the Council's vision for a strong economy would necessitate an immediate review of the Local Plan allocations. It was also resolved that the Strategic Planning and Transportation Review Panel be urgently requested to consider the possibility of an interim planning policy.

As a result the Executive in June approved the interim planning policy referred to in the previous section. This was approved against the background of the currently acknowledged shortfall of immediately available good quality strategic sites. What is particularly required are good quality employment sites with good access to the motorway and trunk road network and of sufficient size to accommodate small and larger units capable of encouraging inward investment and enabling existing firms to relocate for expansion within the Borough.

An earlier Panel meeting on 19th February, 2002 considered the Prism Report on the Commercial Property Market in Somerset. In this it was noted that the supply of commercial accommodation and development land in Taunton Deane is scarce.

### **C. Impact on Character of Area**

The site comprises an area of vacant agricultural land. It does contribute towards the open nature of this area between Taunton and Wellington. There are a number of attractive open views across this area, in particular views towards the Blackdown Hills when travelling south out of Ham and towards Heatherton Park when viewed travelling east along the A38 away from the Chelston roundabout. However, development of the site as proposed will replace the openness currently present, which affords these views, with large areas of tree planting surrounding the new buildings.

My conclusion remains that this scheme, with its additional tree planting, will still give a rural edge to the site and despite the closer proximity of the proposed industrial buildings, will to an extent improve the outlook from the existing adjacent residential dwelling.

#### **D. Highways**

On the earlier application, the County Highway Authority indicated that the road network leading to the site is acceptable in capacity terms to serve the site. The layout of the site is also generally acceptable in highway terms. The County Highway Authority therefore raise no objection to the proposed development subject to conditions and a Section 106 Agreement to provide for a cycle path network sufficient to link the proposed cycle link from Wellington to Chelston. There is consequently no objection to the proposal from a highways point of view, subject to the above requirements.

#### **E. Sustainability**

Although the site is some distance beyond the settlement limits of Wellington, it is adjacent to an existing business park at Chelston and is also adjacent to a regular, frequent bus services along the A38 between Taunton and Wellington. The proposed development would also be able to utilise the existing infrastructure on the existing, adjacent business park.

It is not anticipated that there will be such a detrimental impact on wildlife habitats to justify refusal on these grounds. This is confirmed by the submitted Ecological Assessment, a copy of which is appended to this Report.

#### **F. Other Issues**

At this stage, the Drainage Officer is satisfied with the drainage proposals subject to a condition that further details be submitted.

The Environmental Health Officer recommends that prior to commencement of any works, a suitably qualified acoustics consultant submits a report to ensure that the proposed development will not have a detrimental impact from a noise point of view on the amenities of the occupiers of the nearby residential properties. The applicants have sought professional advice on this matter from W S Atkins, whose report is that the usual conditions set by Taunton Deane for noise can be achieved at all adjacent properties to the site during day time, and at night time, so long as garage doors are kept closed where particularly noisy operations take place inside any unit. They also contend that the noise containment will be significantly helped by a planted noise bund on all three exposed sides of the site.

### 11.0 **CONCLUSIONS**

The site is in open countryside where there is a policy presumption against new development unless there is an agricultural or other appropriate need. The site is not allocated for development in the West Deane Local Plan or the

emerging Taunton Deane Local Plan and consequently the release of the site at the present time would constitute a departure from the Development Plan.

The initial application for the larger area of development was refused because it was considered that the release of the site at the time would prejudice the successful implementation of the Taunton Deane Local Plan, in particular the bringing on stream of the nearby Chelston House Farm site. It was also considered that the corridor of land between Taunton and Wellington is particularly fragile and that it would be inappropriate to release for development an area of land that would result in an increase in the urbanisation of the rural areas adjacent to the A38.

Since the previous refusal of permission on the site, the Economic Development Review Panel has reviewed the employment land supply situation and concluded that there is an urgent need to consider an interim policy statement to enable the possible release of additional land in the short term. As a consequence the Council has approved an interim planning policy which allows for the extension of existing employment estates.

The Chelston Business Park has been very successful and I am confident that the current proposal would help to accommodate the demand for additional units in the short term. The Business Park is strategically sited with excellent links to the national road network. This extension would take advantage of these links and consequently it is expected that the proposed buildings would be occupied without much delay. The mix of building sizes would allow for a range of businesses to occupy the site, thus encouraging both small and medium sized enterprises to establish. This would allow for a diversification of the local economy.

With the scarcity of readily serviced employment land in the Wellington area, close to the motorway junction, it is clear that companies will not consider the area for relocation. The acknowledged deficiency of immediately available employment development land is a material issue of considerable importance. Advice given in PPG4 and in the County Structure Plan stresses the importance of maintaining an adequate supply of land for employment development purposes which can provide a range of choice of location, tenure and size.

Compared to the initial proposal, the current application reduces the scale and extent of the proposed development in response to my concerns regarding local impact. I maintain that in view of the scarcity of short term employment land in the area the current proposal is the best opportunity to address this shortfall, pending the release of sites coming forward in the Taunton Deane Local Plan. With regard to the site at Chelston House Farm proposed for development in the Taunton Deane Local Plan, development would be unlikely to commence until late 2004. Funds for its development will be dependent on the cost of infrastructure (which is likely to be very substantial) and the availability of occupiers at that time on a sufficient scale to warrant the initial investment being made. It is therefore most unlikely that any serviced

land available for employment development at Chelston House Farm will be available before 2005.

The clear advantage of the application site is that all services are immediately available and it can be developed to meet an immediate need. I do not consider that there is any other suitable site in or around Wellington to cater for the short-term demand for employment land. There are first class links to the motorway and class 1 road network and I do not consider that the proposed development would result in significant adverse environmental or amenity impact. Against the background of the interim planning policy recently approved, my conclusion, therefore, is that subject to the views of the Secretary of State under the Departure Procedure and a Section 106 Agreement, the proposal should be supported and I therefore recommend favourably.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J Hamer Tel: 356461**



07/2002/013

MR I BATSTONE

**CONTINUED USE OF LIGHT INDUSTRIAL UNIT FOR THE CARRYING OUT OF VEHICLE REPAIRS AT UNIT 1, FORD FARM, BRADFORD ON TONE.**

16270/24130

FULL PERMISSION

PROPOSAL

The building has an authorised B1 use granted in 1992. However, the applicant has installed a booth for the spraying of vehicles and is using the building for vehicle repairs (Class B2). Vehicles are also stored outside the building. An enforcement notice seeking cessation of the use was served in June 2002. An adjoining unit was granted permission for car restoration in 1997 although has subsequently relocated to another site.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER suggests noise condition.

PARISH COUNCIL object on grounds of detrimental effect on character and amenities of area and noise and odours associated with a general industrial use being carried out from the premises. Also concerned with possible expansion which could follow. At the site visit at least 12 vehicles were around and in adjoining barn.

POLICY CONTEXT

Policy EC3 of the Taunton Deane Local Plan Revised Deposit gives a presumption in favour of small scale industrial uses in existing buildings subject to various criteria, including the need to be compatible with the rural character and landscape quality of the area; and no harm to the residential amenity of neighbouring properties.

ASSESSMENT

In view of the use of an adjoining building for similar purposes there can be no objection to this use in principle. However, the concerns set out by the Parish Council are appreciated and conditions are proposed restricting noise from the premises and restricting outside storage to four vehicles only.

RECOMMENDATION

Subject to receipt of plan identifying parking area within red line, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of restricting outside storage and noise.

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES:



10/2002/015

MR S YOUNG

**CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO DWELLING AT PAYE FARM, CHURCHSTANTON.**

18850/13170

FULL PERMISSION

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PROPOSAL

The site lies amongst a group of buildings at the end of an unsurfaced track, one of the buildings having already been converted to a dwelling. The building has a stone rear wall, but the front elevation is constructed of concrete block. The roof with the exception of a small section of slate is clad in corrugated iron. Two previous applications have been refused on the grounds that the building is of insufficient quality in its own right or of such importance in the landscape to warrant its retention; substantial alterations will be required to convert it into a dwelling; and the proposal would adversely affect the appearance and landscape of the Blackdown Hills Area of Outstanding Natural Beauty contrary to Policy ED/EC8 of the Adopted East Deane Local Plan and Policies H9 and EN10 of the Taunton Deane Local Plan Revised Deposit. One of the applications was also dismissed at appeal.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is located outside the confines of any recognised development boundary limits, in a remote area some considerable distance from the newest facilities. Whilst it must be mainly a planning matter as to whether the barn is suitable for conversion, it should be noted that residents of the proposed development will be wholly reliant on the private car. This is contrary to advice given in PPG 13, RPGIO and policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. A private dwelling is likely to have a similar level of traffic generation to that of this agricultural building, but the trip patterns of a private dwelling are likely to produce a much higher proportion of long distance journeys, as the site is remote from employment and retail centres. This is clearly fostering a growth in the need to travel and is unsustainable in terms of transport policy. In light of previous barn conversions at this site where no highway objections were raised, it would be unreasonable to recommend the refusal of this application on grounds of transport policy. However, it must be a matter for the Planning Committee to consider whether the benefit of retaining the building as a single dwelling outweighs the policy guidance that seeks to reduce the reliance on the private motor car.

ENVIRONMENTAL HEALTH OFFICER suggests conditions due to the possibility of contaminated land arising from previous agricultural use.

PARISH COUNCIL it is felt that this current application differs very little from previous Applications, eg 10/2001/005, and my Council concurs with the views expressed in your letter of 3rd May, 2001 and confirmed by Mr Grainger (Inspector) in his Decision dated

19th February, 2002. It would appear that a number of changes have been made to the building over the years without substantially improving it. It is also understood that Mr Young has an interest in/owns other property very close to the building in question although this interest does not appear to have been declared. Additionally, the current proposals will seriously interfere with the working of Paye Farm, now under new ownership, and will have an excessively detrimental effect on the privacy of the property known as Paye Barton. In view of the foregoing, my Council is strongly opposed to this application.

5 LETTERS OF OBJECTION from three independent households have been received on the grounds of increased traffic using substandard access; barn would be better used for livestock; applicant has split barn from retained land; traffic would pass through working farmyard; outside settlement limits; does not meet barn conversion policy; contrary to appeal decision; merely a profiteering exercise by applicant who is emigrating; Local Planning Authority should not accept duplicate application.

#### POLICY CONTEXT

East Deane Local Plan Policy ED/EC8 protects sites within the AONB. Policy EN10 of the Taunton Deane Local Plan Revised Deposit restates this. Policy H9 sets out the circumstances where the conversion of a rural building may be considered as an exception to the normal strict control.

#### ASSESSMENT

Whilst I still consider that the earlier decisions to refuse the principle of conversion of this barn were correct, this was not a view shared by the appeal Inspector. He concluded that "its appearance is not untypical of many adapted farm buildings and, unlike many of the other buildings in the vicinity, it can, in my judgement, properly be regarded as in keeping with its surroundings. In this respect I consider that it complies with the requirements of PPG7 and emerging Policy H9." In light of these comments a refusal reason based upon the quality of the building could no longer be sustained.

Where the Inspector considered the proposal unacceptable was in the level of alterations proposed. "In short, above the current eaves level, it appears that the converted structure would be very largely new. Although its maximum height would be no greater than the existing building it would, in my judgement, be significantly different in its form and appearance. Moreover, I consider that works of this magnitude constitute major rebuilding which takes the proposal outside the scope of what is allowed for in Policy H9 and PPG 7. Given this and the more domestic appearance of the converted buildings and its surroundings, the proposal would detract from the character and appearance of this rural area."

The current application does not seek to raise the eaves level to provide first floor accommodation and therefore retains the existing shape of the building. However an entirely new roof structure is still proposed and the entire front elevation is to be rebuilt in weatherboarding with brick piers. It is therefore concluded that the Inspectors concerns have not been overcome, in respect of the amount of rebuilding and alteration proposed.

RECOMMENDATION

Permission be REFUSED for reasons of major alterations to roof and front elevation, contrary to barn conversion policy and resultant impact on AONB.

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES:



10/2002/016

MR C ROBERTS

**ALTERATIONS TO FORM GRANNY ANNEX INCLUDING INSERTION OF DORMER WINDOWS AND RAISING OF ROOF AT NEWBERRY HOUSE, CHURCHINFORD.**

21290/12660

FULL PERMISSION

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PROPOSAL

The proposal is for a first floor extension above an existing barn in Churchinford to form a granny annex. The barn is attached to the main house, with an existing door into the ground floor level, and is currently used as a storeroom and workshop. The proposal is to raise the roof by 1.5 m and insert two dormer windows and a rooflight on the roadside elevation. Materials are proposed to match existing.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations. WESSEX WATER proposal is not located within Wessex Water drainage area; will be necessary for the developer to agree a point of connection onto the system for satisfactory supply of water.

PARISH COUNCIL the proposals are felt to be acceptable in principle but concern was expressed in regard to the insertion of dormer windows; considered that dormers have a detrimental effect on the roofline and are contrary to the recommendations contained in the Rural Building Conversions Policy Guidance; some form of "tie" for the annex might be advisable; council is in favour of the proposals in general but it has definite concerns about the overuse of dormers.

ONE LETTER OF REPRESENTATION raising the issue of parking concerns, given that there is a bus stop and regular parking next to the site.

POLICY CONTEXT

East Deane Local Plan Policy ED/CH/2 indicates that proposals which involve the conversion of existing stone buildings within Churchinford, rather than their demolition, will receive preference. Policy ED/CH/5 states that the borough council will safeguard the character of Churchinford by carefully controlling the design of new development and the use of materials. Taunton Deane LOCAL Plan Revised Deposit Policies S1 (General Requirements), S2 (Design) and S7 (Villages) were also taken into account, and it is considered that the proposals meet with the requirements of these policies. The proposal is also considered to meet the criteria of Policies H19 (Extensions to Dwellings) and H20 (Ancillary Accommodation).

## ASSESSMENT

The site is situated within the centre of Churchinford. To the rear of the existing house is the barn which protrudes at right angles to the house along Church Road. The barn is stone built with a slate roof, typical of many of the properties within the village. The proposed raising of the roof is considered acceptable in terms of its impact on the character of the building and the street scene, and given the close relationship between the barn and the main house, its use as ancillary accommodation is acceptable. There is an existing bus stop outside the barn, and Church Road is often used for parking by the local residents given the lack of off road parking in the immediate area. The addition of ancillary accommodation in association with this property is not considered to significantly increase this problem and is acceptable on highways grounds. Whilst the addition of dormer windows into the roof of the barn would not normally be associated with outbuildings such as this, it is not considered that the additions detrimentally affect the form and character of the barn given its village location. There are also similar dormers on neighbouring properties, so the dormers would not be an unusual feature within the street scene. The proposal is considered acceptable, and the recommendation is therefore for approval. Conditions are recommended which would tie the annex to the main house, and the link between the two parts of the building to remain at all times.

## RECOMMENDATION

Permission be GRANTED subject to the conditions of materials, details of guttering, single family unit, link to annex to remain. Notes re Wessex Water.

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

**CONTACT OFFICER: 356465 MR C D WHITE**

NOTES:

14/2002/010

MR & MRS N ROBERTSON

**ERECTION OF AN EXTENSION TO THE REAR OF IONA, BULL STREET, CREECH ST MICHAEL TO FORM A GRANNY ANNEXE AS AMPLIFIED BY AGENTS LETTER DATED 7TH MAY, 2002**

27680/25210

FULL PERMISSION

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PROPOSAL

The proposal is to erect a rear extension to a bungalow to provide an annexe. The annexe is attached to the existing dwelling and measures 9.4 m x 4.3 m and has a ridge height of 5.1 m (which is significantly lower than the existing bungalow). The annexe comprises a hall, kitchen, lounge/dining room and w.c., but does not contain any additional sleeping accommodation. According to the agent there will be no additional persons living on the site. The rendered walls and roof tiles, will match the existing dwelling. In May 2001 an application for the erection of a dwelling on neighbouring land was refused by the Planning Committee for the following reasons:- the site is within the floodplain where development should be avoided; any tipping on site to raise levels would interfere with flood flow levels and occupy flood storage; access to the site would be lost during flood events and this would place additional burdens on the emergency services.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENT AGENCY objects on the following grounds:- the site is within the flood plain of the River Tone within an area at risk from flooding. Local Authorities should use their powers to guide development away from such areas. The entire site and surrounding area are within the flood plain and the area has limited protection. The Agency is reassessing estimates of flood levels, which are likely to increase. Access to the site will be lost during flood events. Given if the floor level of the extension is at the same level as the existing dwelling it is still at risk from flooding. Flood storage volumes will be removed and the walls of the structure will form an impediment to flood flows. The development would place burdens on the emergency services during flood events. If the objection can be overcome informatives should be placed on any consent regarding the landfill site within 250 m of the proposal.

PARISH COUNCIL supports the application.

5 LETTERS OF OBJECTION have been received on the following grounds:- there is an electricity cable under the site which serves a number of properties; power supply should be put overhead before works start; the site is within the flood plain of the River Tone and the proposal could adversely affect the water adsorption capabilities of the ground; increased run-off will increase risk of flooding; there is an underground drain on the site which links the drain gully in Bull Street with the ditch at the back of our property; floodwater in Bull Street flows through this system, which is not piped; the

proposal may affect this drain and increase our vulnerability to flooding and exacerbate the problem in the area; the garden to the rear of Iona regularly floods; water will have to go somewhere and will put other properties at risk; we are surprised by the proposed plans, the integration of the proposal into the existing building seems to have been overlooked resulting in an ugly roofline; it would be better to make use of the space above the existing garage to extend the property which would not harm water absorption or be such an eyesore; the proposed development would be at risk of flooding and unacceptably increase the risk of flooding to the area; raising the levels of the site to avoid flooding would interfere with flood flow levels and occupy flood storage contrary to the advice in PPG25; when the River Tone is in flood the drains in the road overflow and water is unable to drain away; the extension will take up flood storage and increase the risk of flooding; the proposal would create an unacceptable high roofline which would obscure our views and create a shadow over our garden; it will block out natural sunlight and reduce the ability for the land to dry out thus increasing the risk of more saturated land and the risk of flooding; the entrance door will overlook our property and will be an intrusion and cause a loss of privacy.

#### POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H20 (ancillary accommodation ) the proposal is considered to meet the requirements of the policy, the annexe maintains a close functional relationship with the main dwelling, does not harm the residential amenity of other dwellings and is subservient in scale and design Policies EN30 and EN31 list the matters that must be considered in determining application which are on land liable to flood and where development may increase the risk of flooding.

#### ASSESSMENT

The proposal is more akin to an extension than an annexe, as it does not provide additional sleeping accommodation and there will be no additional persons living on the site. An application for a dwelling on neighbouring land was refused on flooding grounds, however, the relevant considerations in determining the current application are considered to be significantly different due to the differing nature of the proposals. The floor level of the new extension will be constructed level with the existing dwelling, which is 600 mm above natural ground level. The floor will be suspended limiting the loss of flood storage capacity and enabling water to flow without additional impediment, other than the piers constructed to support the building. This construction method is considered to overcome many of the concerns raised. The occupants of the bungalow are aware that the site floods and will not be at any greater risk of flooding should the proposal go ahead. While there will be some loss of flood storage, a refusal would set a precedent for no extensions to buildings within the flood plain. This is considered to be over restrictive. The annexe maintains a close functional relationship with the bungalow, is of an appropriate design and it is not considered that it will have a significantly detrimental impact on neighbouring amenity to warrant refusal. It is not considered that the proposal will lead to an unreasonable level of overlooking, loss of privacy or loss of view. Many of the other matters raised are not planning considerations, however, advisory notes are recommended regarding the electricity cable and drain which cross the site. For these reasons the application is considered to be acceptable.

#### RECOMMENDATION



Permission be GRANTED subject to conditions of materials, annexe to be used solely in connection with use of house as a single family dwelling and link to be maintained between annexe and dwelling. Notes re drainage, site liable to flooding, landfill site, electricity cable and drain crossing site.

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

**CONTACT OFFICER: 356468 MR A GRAVES**

NOTES:



19/2002/009

MR M BAKER

**RETENTION OF VEHICULAR ACCESS AND HARDSTANDING AT 8 CRIMTHORNE COTTAGES, HATCH BEAUCHAMP AS AMENDED AND AMPLIFIED BY LETTERS AND PLANS RECEIVED 18TH JULY, 2002 AND 12TH AUGUST, 2002**

30400/20650

RETENTION OF BUILDINGS/WORKS ETC.

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PROPOSAL

The proposal is for the retention of a vehicular access onto a class III road. Other similar accesses have been permitted in the vicinity. The width of the access point alongside the highway is 4.3 m, narrowing to a pair of gates measuring 2.6 m wide at a point 1.45 m back from the highway. The gates are to be 0.9 m high and the wall along the site frontage is 0.79 m high. The first 1.45 m of the access/driveway is surfaced with brick pavers, with the remainder being gravel.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY while I have no objection to the principle of forming an access the existing arrangements are unacceptable, since the walls obstruct visibility. I would recommend the following conditions:- the first 6 m of the access shall be consolidated and surfaced (not gravel); the entrance gates shall be open inwards only set back 4.5 m from the carriageway edge; provision shall be made to prevent surface water discharge onto the highway; and there be no obstruction to visibility greater than 900 mm above adjoining road level over the site frontage.

PARISH COUNCIL no comments have been received.

ONE LETTER OF OBJECTION has been received on the following grounds:- the brick wall and greenery is obstructing my view when I drive in or out of my driveway; visibility is obstructed and on several occasions there have been 'near misses'; the road in front of Crimthorne Cottages is a very fast road; others in the area have been instructed not to build to the edge of the road and that walls had to be built back from the road edge, the applicant has clearly decided not to comply with this; the submitted plans are not very clear.

POLICY CONTEXT

There are no specific policies that deal with the formation of accesses, however, the proposal is considered to meet the criteria of Policy S1 (general requirements) of the Taunton Deane Local Plan Revised Deposit.

ASSESSMENT

The application has been amended and now meets the visibility requirements of the County Highway Authority. Two aspects of the access conflict with the requirements of

the Highway Authority. These being the use of gravel and the positioning of the gates. The applicant has been asked to address these concerns but is unwilling to amend the scheme any further. There are other accesses which have been allowed previously within the vicinity which do not meet the standards requested by the Highway Authority. The use of gravel and position of the gates is not considered sufficient justification to refuse the application. The access does not harm the character or appearance of the street scene and is therefore considered acceptable.

#### RECOMMENDATION

Permission be GRANTED subject to conditions of visibility. Note re disposal of surface water.

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

**CONTACT OFFICER: 356468 MR A GRAVES**

NOTES:

29/2001/013

MR R S PARKER

**RETENTION OF GARAGE/WORKSHOP TO SIDE OF WOODCROFT, BISHOPSWOOD AS AMENDED BY APPLICANT'S FURTHER INFORMATION AND PHOTOGRAPHS RECEIVED 20TH MARCH, 2002.**

25400/12920

RETENTION OF BUILDINGS/WORKS ETC.

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PROPOSAL

The proposal is for the retention of the garage/workshop within the curtilage of Woodcroft, Bishopswood. The garage/workshop measures approximately 5.9 m x 17.0 m x 3.8 m to the roof ridge. The building is constructed of timber with flint and brick base, and galvanised sheeting roof. It is currently being used for garaging to the front, with the main part of the building being used as a workshop for the applicant's business. This application has been considered by the planning committee before in August 2001 when it was deferred until further information was received with regards to the use of the premises, machinery within the workshop, and noise levels. This information was received and the application referred back to Committee on 1st May 2002. However Members felt that further monitoring of the noise levels produced by the machinery was required. This monitoring has now been carried out by the Environmental Health Department.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER (Noise & Pollution) (Original Comments) having carried out some noise levels tests at Woodcroft I am satisfied with the works carried out (soundproofing and installation to reduce noise pollution). However the noise condition should be added to any permission following noise complaints that have been received from neighbouring properties as a result of the woodworking machinery. The Environmental Health Officer has been taking further noise readings and will report verbally at the meeting.

PARISH COUNCIL no observations or comments to make.

4 LETTERS OF OBJECTION received raising issues of:- noise limitations should be put on if building continues to be used for business premises; as noise has proved excessive in the past and this is annoying in the evenings and weekends; smaller wooden outbuildings have been replaced by this larger industrial unit; building not used as a garage; construction is an eyesore; noise is unacceptable in rural area; no consideration has been shown to the neighbours; these larger buildings could lead to extra work, longer working hours and more noise; this "industrial unit" should be located on more appropriate site; building and roof not soundproofed; this type of construction is not acceptable in an AONB.

Following the receipt of further information a further FOUR LETTERS OF OBJECTION have been received raising issues of:- baffled by the fact permission is still being considered for this industrial unit in a very quiet rural village; soundproofing aspects are probably far from adequate for its close proximity to neighbouring properties; restrictions should be put on working hours now it has been established that it is for a business use; continual loud noise must have an effect on property values in the area; hope that common sense prevails and planning permission for such a unit in a tranquil rural area is not granted, and this may prevent people from building such constructions in the future; if permitted business hours should be imposed; sound proofing will be inadequate; development of commercial premises in residential area is inappropriate; owner could extend premises without restriction if permission granted; continue to have to endure unacceptable levels of continuous, high pitched intrusive noise; neighbours have been forced to go such has been the intensity of the noise; businesses like this in an AONB spoils it; restrictive working hours should be imposed; area now resembles little better than a scrap yard.

Since the application was last heard at Planning Committee TWO LETTERS OF SUPPORT have been received stating that there is no nuisance from the applicants workshop and no noise is heard from the workshop.

#### POLICY CONTEXT

TDLP Revised Deposit Policy S1- General requirements meets criteria of policy. TDLP Revised Deposit Policy EN10 - Areas of Outstanding Natural Beauty the proposal is not considered to adversely affect the landscape, character or appearance of the AONB, and is therefore not contrary to this policy.

#### ASSESSMENT

Since the application was first deferred by the Planning Committee in August 2001 further information has been received regarding the use of the building and the machinery within it. There has also been consultation with Environment Health with regards to the noise issues, and soundproofing of the building has been carried out to bring the noise levels down to an acceptable level. The applicant has also painted the roof of the building to prevent glare to the neighbouring property. It has been established that the applicant is a wood crafter who uses the workshop to produce turned work, free form carving, furniture, commissioned work etc, using locally grown wood that is then sold and exhibited locally. Machines that are located in the workshop include:- a universal wood working machine; handsaw; dust extractor; air compressor; and various hand power tools. The applicant has indicated that the vehicular movements created during an average week by the business would be three, over and above the normal domestic movements.

The property is situated on the northern side of Bishopswood village adjacent to the new residential properties in Woodcroft Meadows. The site is accessed from a narrow lane off the main road running through Bishopswood. The garage is situated on the south western boundary of the site and is well screened by large, well established trees. It is not considered that the construction of the garage has a visually detrimental impact on the AONB or the neighbouring properties. Since the soundproofing of the workshop

and garage has been carried out the Environmental Health Officer has confirmed that the noise levels are acceptable although further monitoring is taking place. A representative from the Environmental Health Department will be attending to report the results of this monitoring. A condition on any permission would require that the levels are kept to an acceptable level and therefore it is not considered that the proposals are refusible on noise pollution grounds. Given the small scale nature of the works that are being carried out, and taking all other material considerations into account it is considered that the retention of the building is acceptable, and the use within this particular site is also acceptable.

#### RECOMMENDATION

Permission be GRANTED subject to the conditions of personal permission only, noise emissions, prohibited working hours of 0900 - 1800 weekdays and Saturdays and no work on Sundays Christmas Day or Bank Holiday.

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

**CONTACT OFFICER: 356465 MR C D WHITE**

NOTES:





38/2002/232

MAGNA HOUSING ASSOCIATION

**DEMOLITION OF BUILDING AND ERECTION OF PART 3 STOREY, PART TWO STOREY BUILDING FOR 14 FLATS AT 46 ST JAMES STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 14TH AUGUST, 2002 AND DRAWING NO. 1640/5A**

22820/24770

FULL PERMISSION

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PROPOSAL

No 46 St James Street is a modern two-storey flat roofed building (currently Inwood workshops) located on the southern side of the street, which along with a similar building adjoining detracts from the street scene. The rear of the site, which is adjacent to Quadrant Court abuts the Conservation Area and has access onto Middle Street. A previous application for 15 flats in a 3 storey building was refused in December 2001 on the grounds of height, bulk and overbearing impact detracting from the amenities of nearby residents, listed buildings and Conservation Area. A note on the decision notice encouraged the applicant to seek a comprehensive scheme incorporating the land to the east.

The applicant claimed to not be able to acquire adjoining land, but re-submitted an application on the same site reducing the height and bulk of the building and the number of windows facing towards the adjacent elderly persons flats. At the meeting on 10th July, 2002 the application was deferred to seek revised proposals moving the building away from the western boundary of the site and with obscure glazing only in windows in the west elevation. The revised drawings show obscure glazed windows. The boundary wall is to be capped just above ground level and the building set 150 mm inside the boundary.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is located within Taunton town centre, close to a public car park and a wide range of facilities. I have no objections to the principle of this development, but would request that conditions be applied to any consent to ensure the provision of secure, covered, cycle parking facilities at the minimum rate of one space per dwelling unit.

LANDSCAPE OFFICER there are trees adjacent to the site at St James Court that may be affected by the proposals. I would like to see these plotted and the impact of the proposals on them fully considered. The tree at the front of the building should also be plotted and any impacts considered. HOUSING OFFICER very pleased to support this necessary and worthwhile scheme providing every effort is made to nullify its effect on the St James Court development next door. Younger single applicants are the fastest growing category on the Housing Register. ENVIRONMENTAL HEALTH OFFICER no

objection subject to conditions. CONSERVATION OFFICER submission does not include street scenes of St James Street and Middle Street. The above said, scale of proposal reduced from that previously refused. Suggest conditions including sample panel of brickwork to be erected on site for approval, specific details of windows/doors/railings to be approved.

PRIORY COMMUNITY ASSOCIATION 21 flats means perhaps 30 bicycles which require covered storage/need for security that will work for residents. Objection until revised acceptable storage facility added.

THREE LETTERS OF OBJECTION received including one from Knighstone Housing Group who manage adjacent elderly persons scheme. Grounds of objection: young persons housing inappropriate next to elderly persons accommodation, still overlooking windows, loss of light, parking problems, density of development, bulk to rear not reduced significantly, overlooking of garden to 15, Middle Street, still has thoroughfare.

#### POLICY CONTEXT

Policy H1 of the Taunton Deane Local Plan Revised Deposit controls new housing development within the urban areas. It gives a presumption in favour of development subject to criteria including "small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity".

#### ASSESSMENT

It is considered that the reduced bulk of the building, particularly the reduction to two-storey at the rear, has overcome previous concerns in this respect. The number of windows facing onto the courtyard at St James Court was initially reduced and now with obscure glazing to those that remain it is not considered that demonstrable harm will be caused to the amenities of existing residents. Whilst concerns about locating young persons housing next to elderly persons accommodation are understood, there appears to be no overriding planning argument to justify refusal on this ground. Whilst setting the building 150 mm inside the wall will have minimal impact compared with that submitted, concerns in this respect seem to have been centred around questions of ownership which is not a material planning consideration.

#### RECOMMENDATION

Permission be GRANTED subject to conditions of materials, hardsurfacing, rainwater goods, landscaping, completion of development, windows facing St James Court obscure glazed and fixed, aials, detailed drawings of doors, windows railings, contamination and cycle parking. Notes re: remediation, materials and CDM Regulations.

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES:



38/2002/272

MR & MRS P SLOMAN

**RESITING OF 1.9 M HIGH BOUNDARY WALL AT 45 FARM VIEW, TAUNTON.**

23360/27040

FULL PERMISSION

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PROPOSAL

The proposal is for the erection of a 1.9 m high brick wall along the boundary to the side of the property. A lower level picket fence currently encloses the land at the side of the house. The area is characterised by an open plan layout. The applicant has been asked to resite the wall back from the edge of the pavement to allow for planting to soften its impact, but is unwilling to do so. The applicant considers that resiting the wall would lead to problems with dog fouling, litter and that the remaining area would be a waste of space.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal will have no impact on highway safety or transport sustainability.

7 LETTERS OF SUPPORT have been received.

7 LETTERS OF OBJECTION have been received on the following grounds:- the open aspect from my window will be adversely affected; Blackthorn Gardens has a pleasant visual nature when viewed from the bottom end of the road towards Farm View; shortly after taking possession of the property the applicant enclosed the grass patch between the house and the footpath in Blackthorn Gardens and added a brickwork archway and hedge to face Farm View; the proposed new development will have an impact on the area and cause immense damage to the visual amenities of the area affecting all its residents; this damage is also likely to be reflected in future property values; the road safety aspect; prior to the applicant acquiring 45 Farm View, there was open grass alongside the footpath joining onto that fronting the row of properties in Farm View, here there is a larger grass patch alongside the roadway and another on the opposite side of the turn into Blackthorn Gardens, these grass areas have always been a regular playground for children, who often run from one patch to another with complete disregard for any traffic, with the enclosing of the grass patch and the growth of the hedge there is now a visibility hazard to traffic leaving Blackthorn Gardens; in recent times there have been a number of 'near misses'; last year, Taunton Deane built a playground on Blackthorn Green, this has resulted in a substantial increase in the number of children coming through Blackthorn Gardens towards the playground both on foot and on bicycles; children are not very disciplined in how they follow the footpath or roadway so have become more vulnerable because of the visibility hazard; if the proposed wall is permitted the visibility hazard will be permanently put in place and make an unnecessary addition to the existing road safety problem of moving vehicles, parked cars, movement to and from the playground and children playing in the street;

concern has been expressed that the wall itself could become a useful ball game facility with children playing in the road amongst parked cars; a wall of this size may be a target for graffiti; I have in my possession copies of a number of letters between Somerset County Council, Taunton Deane and the developers, relating to the original planning permissions for the Estate, at that time there was considerable concern that the whole development should be 'open plan' and most property deeds included covenants to ensure this, in recent years these covenants seem to have been ignored.; there are also a number of incidences where previous common land open spaces have been enclosed by owners of adjoining properties and simply 'taken' into ownership; what is significant to the whole Slapes Farm area in this planning application is that this is the first time a boundary 'adjoining the public highway' is to be marked by a wall at the proposed height and in full view of the frontage of other properties; if permission is granted a precedent will be set; is the applicant the rightful owner of the land on which the new wall is to be built or has he just assumed ownership?

#### POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 (general requirements) and S2 (Design) both require that development does not harm the appearance and character of any street scene.

#### ASSESSMENT

It is considered that the wall by virtue of its height and siting would constitute an intrusive feature within the street scene to the detriment of the visual amenities of the area and would conflict with the principles of open plan development which have been adopted for this estate. Therefore, the proposal is considered unacceptable.

#### RECOMMENDATION

Permission be REFUSED due to the detrimental impact on the street scene and the visual amenities of the area as well as the conflict the proposal has with the open plan nature of the estate.

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

**CONTACT OFFICER: 356468 MR A GRAVES**

NOTES:



38/2002/286

MR N JAMES

**CHANGE OF USE TO CLASS A3 (TAKEAWAY) AND RETENTION OF WALL ABOVE FLAT ROOF AT REAR, 193 GALMINGTON ROAD, TAUNTON.**

21670/23780

FULL PERMISSION

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PROPOSAL

The proposal is for the change of use of the shop at the junction between Galmington Road and College Way to a takeaway. The ground floor premises is currently vacant, with a first floor flat above. The proposal also includes the retention of a parapet wall to the rear of the properties. The wall is positioned at the rear enclosing the existing flat roof and measures 1.0 m in height, with the bottom of the wall 2.6 m above ground floor level.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is located on a junction; off road parking for visitors to both the development site and the adjacent unit is provided by a lay-by on Galmington Road; mobile fish and chip shop currently uses this site two evenings per week, causing no significant highway problems; it is unlikely that the traffic generation of the proposed development will be significantly different to that of the mobile fish and chip shop; while the relationship of the lay-by with the junction is not ideal, it is unlikely that this proposal will have a significant impact on highway safety, and I would therefore not wish to raise an objection to this proposal.

ENVIRONMENTAL HEALTH OFFICER would wish to raise observations due to the possibility of odour problems arising from cooking; suitable conditions should be added with regards to odour arising from cooking, and noise from any air extraction system.

CLLR ECKHART raises concerns over:- parking at the road junction with limited space in the lay-by; parking at the rear causes problems and with the new restrictions there is not as much available for extra vehicles.

9 LETTERS OF OBJECTION raising issues of:- smell from cooking would effect neighbouring properties; vans would need to use rear entrance to deliver food; hours of opening need to be considered; value of neighbouring properties would be lowered; litter would be a problem; smell and annoyance by late night opening would be a problem; parking is already a problem in the area; young children in the area would not be safe with the extra traffic up and down the cul-de-sac to the rear; discarded litter could attract vermin; mobile fish and chip shop already parks in the lay-by twice a week and would not wish to see this business being replaced by a permanent takeaway; Taunton already has plenty of similar outlets and one more is not required; fear that mobile fish and chip shop will lose their livelihood; traffic problems could result on the



junction of College Way and Galmington Road; other nearby pubs and takeaways will be affected.

### POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 (General Requirements) is relevant to this proposal Criterion E of the policy requires that the amenity of individual dwellings or residential areas should not be adversely affected by any nuisance created. It is considered that the proposals meet the criteria of the policy and that potential nuisance from odours and noise can be controlled by condition. Policy M3 states that non- residential development will not be permitted unless there is adequate car parking facilities which would not cause undesirable parking pressure on nearby residential streets, accessibility by public transport, cycling and walking is sufficient, and the highway network can cater safely for the expected number of car trips.

### ASSESSMENT

The building is situated on Galmington Road opposite the junction to College Way. The rear of the property faces onto Manor Orchard and the residential properties behind. There is a small area to the rear of the shops which is used for car parking. The site is part of the property which houses a launderette and hair salon, with residential flats above. To the front of the property is a lay-by used by customers of these businesses. Twice a week this lay-by is used by a mobile fish and chip shop which sells food between 1600- 1930 on a Wednesday and 1600- 1900 on a Saturday. Although the property is situated with residential developments surrounding it, there is a local shopping centre to the south in Pitts Close, and also a designated shopping centre at the western end of Galmington Road. This site already has existing businesses next door, and was formerly part of the hairdressing salon. It is not considered that the use of the property as a take-away will have a significant detrimental impact on the neighbouring properties as to warrant its refusal. The smell from the take-away can be controlled by suitable conditions for the installation of suitable filtered air extraction equipment, and that there should be no odours arising from cooking detectable at the facade of any residential property. It is not considered that the potential for litter problems is of sufficient concern to refuse the proposal. Given the nearby neighbouring properties it is considered that an hours of opening condition should be imposed. Opening hours of between 1100 and 2230 are recommended which should alleviate any significant problems from late night noise and disturbance to neighbouring properties from car traffic and customers of the takeaway. Concerns have been expressed over the amount of existing parking for the takeaway. Although there is a lay-by to the front of the property there are parking restrictions along the road to the rear. It is considered that the change of use will not generate a significant increase in the amount of car trips to the premises, and given the comments by the County Highways Authority the proposed use is acceptable in terms of the highways issues. The wall to the rear of the property does not visually impact on the street scene, and is considered acceptable.

### RECOMMENDATION

Permission be GRANTED subject to the conditions of time limit, no opening other than between the hours of 1100 and 2230, details of air extraction unit to be submitted, no odours detectable from neighbouring residential facades, noise from air extraction system. Notes re air extraction system, food safety regulations, contact Environmental Health.

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

**CONTACT OFFICER: 356465 MR C D WHITE**

NOTES:

38/2002/287

CYRA GIBBON

**ERECTION OF PORCH AT 17 WHITEHALL, TAUNTON AS AMENDED BY PLANS RECEIVED 1ST AUGUST, 2002**

22620/25330

FULL PERMISSION

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PROPOSAL

The application was reported to the last Planning Committee where it was resolved to grant permission provided the depth of the porch was reduced to 1.5 m. However, the applicant is unwilling to amend the scheme further. The proposal is for the erection of a porch to the front of this terraced property measuring 2 m deep x 1.5 m wide x 2 m to the eaves (3.7 m to the highest part). The porch is 0.6 m from the front boundary of the property. The materials are to be block and render and the roof is to match the existing dwelling. The plans submitted initially showed the porch to be 2.5 m deep x 1.5 m wide and within 0.1 m of the front boundary.

CONSULTATIONS AND REPRESENTATIONS

6 LETTERS OF OBJECTION raising the following points:- the frontage of Whitehall is characterised by cottage style terraced houses, a number of which have small porches or extensions; while several houses at the Station Road end of the street have porches which extend to the rear of the footway, these extensions are modest compared to the size of the house; the proposed extension is over twice the size of any other porch, out of keeping with the character of the street, and detrimental to the visual amenities of the residents of Whitehall; concerned that this extension will form an obstruction to visibility, and could increase both the fear of crime and likelihood of crime taking place unobserved; the street plan shows the porches that already exist but does not show our bay window and the roof that covers this window and our front door; the proposed porch will severely disrupt our light due to the fact that our house faces north; the proposed porch would be built directly on our boundary, as the plans are inaccurate; the porch does not meet the legal requirement of 2 m from the highway as it is 1.74 m and this does not include the overhang of the drainpipe etc.; the roof of the porch would allow people to stand on to break into first floor windows, the only difference with the new plan is that the porch has been shortened to 2 m, this is still not acceptable as demonstrated by the replica we built; the Committee are welcome to come and look at the proposed loss of amenity; the plans do not show our bay window which has existed for over 20 years and was built to increase light into the property; the proposal will block light and affect the character of Whitehall; the proposal is detrimental to street security as our house will not be seen properly; Whitehall has limited parking and we have to park at the bottom of the street, we will not be able to see our cars which will affect insurance; it will devalue our property by at least £15,000; the plans do not show how close our front door is to the proposal, only just over 1 m, therefore we would be stepping out into a dark void; the boundary lines on the plan are not accurate, our boundary resides on the boundary of the porch, not through the middle of the passageway; the plans to not show

the height of the extension; it is of interest that they intend using our drainage in order to channel rainwater from the porch, our deeds state that we are responsible for this as it resides on our property; is it an extension or a porch, its more like an extension or an aircraft hangar; the porch is far too large and out of character; the size of our porch is adequate (in projection).

#### POLICY CONTEXT

In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are taken on board: - S1 (General requirements), S2 (Design) and H19 (Extensions to dwellings). These policies seek to ensure that extensions to dwellings do not harm the residential amenity of other dwellings, the amenities of the property to be extended and the form and character of the dwelling is not banned provided the extension is subservient to it in scale and design.

#### ASSESSMENT

In light of these policies, I consider that the proposal, as it stands, does not have a detrimental effect upon the appearance or character of either the building itself or the street scene. It is considered to be a good design, reinforcing the local character and distinctiveness of the area. The proposal does not significantly harm the residential amenity of neighbouring dwellings or the amenities of the existing property. The form and character of the dwelling are not compromised, as the extension is subservient to it in scale and design. Despite the unwillingness of the applicant to reduce the depth of the porch it is still considered to be acceptable.

#### RECOMMENDATION

Permission be GRANTED subject to conditions of materials as application forms. Note re building over a public sewer and drainage.

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

**CONTACT OFFICER: 356468 MR A GRAVES**

NOTES:

38/2002/297

SFI GROUP PLC

**CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (PUBLIC HOUSE) AT 21-22 HIGH STREET, TAUNTON AS AMPLIFIED BY AGENTS LETTER DATED 23RD AUGUST, 2002**

22730/24300

FULL PERMISSION

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PROPOSAL

The proposal seeks to change the use of the premises currently trading as Walmsely Furnishings to a public house In support of the proposal the applicant states that:- "...a busy Litten Tree will add greatly to this somewhat peripheral part of the retail core. The Litten Tree opens for breakfast in the morning, attracts shoppers, visitors, workers and families through the day and in the evening becomes more a younger persons venue. Food is an important element with a good menu, wine list and kids menu with table service. Typically food sales tend to die off in the later evening but can certainly be available if customers require it. A Litten Tree trades particularly well and has a significant associated footfall. A visit to the Litten Tree is often part of a wider shopping trip." "...there is a greater mix of uses at this end of the High Street, large retail major space units such as Boots, Iceland and Hatchers Department Store are located further up. Toward the edge of the primary frontage, there are more A3 use and the Council has obviously consented 'Toad at the Warehouse', four doors away, with 'Yates' an earlier grant, opposite. A Litten Tree would not be out of place in this setting. Whereas to the left the unit is adjoined by an A2 use, to the right is an A1 carpet shop such that no unacceptable grouping of non-retail use occurs."

CONSULTATIONS AND REPRESENTATIONS

AVON AND SOMERSET CONSTABULARY the Police stance on new nightclub type premises in Taunton is well known and you should be well versed in the content of the Crime Analysis report I that has been delivered in respect of the planning application for the old TSB building. The Police objections are broadly the same. However it is important to note that the Litten tree application is in the High street an area that has already seen a massive increase in reported crime, particularly appertaining to the area outside of as well as inside this type of premises. We object on the grounds that this proposal would increase crimes of violence and also anti social behaviour. I understand that the planning dept may well hold the view that these are issues that are more properly addressed by either the licensing board or the Licensing justices. It is my contention that if the Planning Committee approve this application then the applicants will simply use that decision to support their case in the other forums. The Planning Committee is not absolved of its responsibility to consider section 17 of the Crime and Disorder Act 1998. It is my submission that the Planning Committee have the power to preset conditions on planning applications both in relation to the type of business and the hours of business. If the Planning Committee do not at the least set such conditions then this will imply albeit indirectly, that the committee have no concerns over the issues

the police raise. This will then be used by the applicant to set one committee against the other which is surely not a desirable situation.

PLANNING POLICY the site is within the defined Primary Shopping Area. Accordingly, the relevant policy context for the above proposal is provided by policy S6 (TLP) and policy T30 (TDLP). The relevant considerations are:- Will the proposal create beneficial diversity (a use which shoppers and/or visitors are likely to be attracted as part of a general shopping or tourist trip)? Will the proposal provide visual interest (quality frontages and display area)? Will the proposal generate significant pedestrian footfall throughout core shopping hours (at least similar to that generated by a class A1 use)? What is the impact of the proposal on the retail function of the immediate area? The proposal will add another Class A3 use to the primary shopping area. Taken generally, the TDLP welcomes additional diversity within the town centre (refer to policy T34) and the Borough Council has recently permitted a number of non-class A1 uses within the Primary Shopping Area. Furthermore, work on the draft version of the revision to the Town Centre Vitality and Viability Study highlights that Taunton has a far greater presence of class A1 units within the town centre, compared to the national average. Accordingly, I have no objection to the principle of another Class A3 unit within the Primary Shopping Area. It is understood (from the literature provided in support of the application) that the Litten Tree chain of public houses provide frontages of quality design. Accordingly, I have no concerns with respect to this particular aspect of the proposal. The site is located at the very periphery of the Primary Shopping Area, where footfall is generally low (as confirmed by the recent Town Centre Vitality and Viability Study 1997). A letter from the occupier of the adjoining retail unit states that there has been a noticeable decline in passing trade within the past few years. However, I have no evidence to suggest that the change of use from Class A1 to Class A3 will generate footfall less than the current situation. However, it may be that an alternative Class A1 use (depending upon the occupier) could possibly generate more. However, in the absence of sound evidence, I would not wish to object to the proposal on this basis alone. However, the area where I have distinct concerns is the impact of the proposal on the shopping function of the immediate area (i.e. High Street). Over the course of the past few years the Borough Council has (rightly) permitted a number of conversions from Class A1 use to Class A2/A3 use within this general vicinity. However, I am now of the opinion that to allow more losses could be to threaten the overall shopping function of High Street. I have attached evidence from recent monitoring work within High Street (as part of a wider town centre survey) that shows the rate at which the presence of non-class A1 units has risen in recent years. Coupled with this is a concern over the impact of the proposal on the Borough Council's intentions to redevelop The Crescent Car Park (policy T34). The Crescent scheme is highly complex with many constraints, and will be a difficult scheme to deliver given the brownfield nature of the site, the multitude of landowners involved, the possible need for CPO, together with other requirements such as archaeology and a high standard of design. To continue to dilute the retail offer of High Street may be another potential problem in securing the delivery of the scheme. In conclusion, I am of the opinion that the Borough Council should adopt caution with respect to this proposal, given the potential impact of the scheme on:- The retail function of the immediate area; The Council's ability to promote a major retail development at The Crescent. ENVIRONMENTAL HEALTH OFFICER suggests conditions re noise and odour.

**TOWN CENTRE PARTNERSHIP** It is our view that the addition of any further licensed premises in this part of Taunton would be prejudicial to the safety and security of both buildings and the public and that it would further erode the retail offer in this part of the town. Similar objections apply that were made against the change of use from A2 to A3 for the TSB building at 25 Fore St. Police resources are already over stretched for night time shifts and to add more licensed premises to those that Taunton town centre already has would exacerbate the problem. Incidents of violence have increased over the past four years and the Police have made a link between this increase and the increase in the numbers of licensed premises in Taunton. An increase in the numbers of licensed premises increases competition and the temptation is for business to compete on price and volume of sales. Given the nature of the client base and the product this cannot be a safe or responsible strategy. I am also regularly contacted by owners of businesses in the area who complain about damage to their property and offensive debris left on their premises. Remedial work is a direct cost to their business. We believe that we have reached saturation point for these operations in Taunton and that Taunton is in danger of reducing significantly the range of night time offer for customers and isolating the retail businesses operating in this area of the town.

3 LETTERS OF OBJECTION have been received on the grounds that there are already enough licensed premises in the town centre; additional unruly behaviour; loss of shop will erode character of High Street, adjacent carpet shop will become isolated.

#### POLICY CONTEXT

Taunton Deane Local Plan (Policy S6): change of use from retail to non-retail uses will normally be resisted at ground floor level in those parts of High Street, Bath Place, Fore Street and North Street indicated on the proposals map. Taunton Deane Local Plan Revised Deposit (Policy T30) within the Primary Shopping Area (which includes the application site), proposals for the conversion of shops to other uses at ground floor level or the provision of non-retail units at ground floor level by new build or refurbishment will not be permitted, except where (a) the proposal would help to sustain and enhance the vitality and viability of the Primary Shopping Area ; and (b) the retail function of the immediate area will not be undermined by the increased proportion of non-retail uses; or (c) the conversion ensures the restoration or rehabilitation of a listed building which is currently in a poor state of repair and which has remained vacant for a significant period of time. Applicants will be required to demonstrate that any such property has been actively marketed for retail use. Taunton Deane Local Plan Revised Deposit Policy T33 encourages diversity of uses generally in the town centre, including public houses.

#### ASSESSMENT

To legitimately refuse permission on crime and disorder grounds it would be necessary to provide convincing evidence to link this particular proposal to a material increase in crime and disorder in the area. Moreover, in a recent appeal decision in Newcastle-under-Lyme the Inspector indicated that he was "not concerned with liquor policy or, indeed policing policy but land use considerations". Therefore, the application should be considered in relation to land use policies and not to police resources. The impact on late night behaviour is more appropriately an issues to be dealt with by the licensing panel, who it is understood have recently rejected an application for these premises. Crime or fear of crime is a material planning consideration but it would be difficult to

establish that the introduction of another A3 public house in High Street would raise either to an unacceptable level, particularly when such uses may be promoted as part of The Crescent Redevelopment Scheme. The need for another pub is not considered to be a relevant issue in planning terms.

The critical issue in the determination of this application is therefore an interpretation of Policy T30. As is indicated in both the observations of the Policy Section and the Town Centre Partnership to allow the loss of more shopping opportunities in the town centre would threaten the overall shopping function of High Street, and would also leave Arditti Carpets somewhat isolated at the end of the primary shopping frontage. In addition the continued vitality and viability of the High Street is an important prerequisite to the success of the Crescent redevelopment scheme. I am of the view that the proposal will undermine the viability of this part of the High Street for retail purposes and should be resisted on policy grounds.

#### RECOMMENDATION

Permission be REFUSED for reason of negative impact upon shopping function of the High Street area and the potential attractiveness of the proposed Crescent car park redevelopment.

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES:



46/2002/024

M J & A UNDERHILL

**CONVERSION OF AGRICULTURAL BARN TO TWO DWELLINGS, MANLEYS FARM, WEST BUCKLAND AS AMENDED BY**

16750/19370

FULL PERMISSION

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PROPOSAL

The proposal provides for the conversion of an existing traditional stone barn to form two dwellings. The roofs are currently of corrugated metal and slate. The proposed plans provide for replacement with slate. Three bedroom accommodation is proposed in each dwelling. The existing access to Manleys Farm is to be used to serve the proposed dwellings. Planning permission was granted in June for the conversion of adjacent barns to three dwellings. One of those conversions would use the same access as the one to be used for the current proposal. The farmhouse and other outbuildings adjacent to the barn is used by Sedgemoor College.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

DRAINAGE OFFICER note that foul sewage is to be disposed of to an existing septic tank, therefore standard note regarding sizing, possible pollution nuisance, etc. ENVIRONMENTAL HEALTH OFFICER recommends contaminated land remediation condition due to the possibility of contaminated land arising from the previous agricultural use of this land.

PARISH COUNCIL concerned whether existing sewage facilities are adequate. The Council feel this small site is sufficiently developed and there are already traffic problems on the adjacent narrow roads.

POLICY CONTEXT

County Structure Plan policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. Policies WD/SP/3 and WD/SP/4 of the West Deane Local Plan are relevant. These policies indicate that change of use of buildings outside defined settlement limits will be allowed provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policy H9 of the same plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. It is considered that the relevant criteria are met with the proposal.

ASSESSMENT

The buildings are traditional in character and are suitable for conversion. The amended plans reduce potential overlooking with the previously approved barn conversions adjacent. The Drainage Officer is happy with the disposal of foul sewage to the existing septic tank subject to the standard note regarding overloading. Although the proposed dwellings will only have a small external amenity area, I consider that these traditional barns are suitable for conversion under the barn conversions policies and provides re-use of redundant agricultural buildings. PPG3 encourages higher densities for residential schemes. It is anticipated that the County Highway Authority will raise objection as normal on sustainability grounds because of the rural location affecting the need to travel/length of journeys by car. However, the proposal conforms to our conversion policies.

#### RECOMMENDATION

Subject to the receipt of satisfactory amended plans and structural report, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of rainwater goods, materials, landscaping (hard and soft), retention/protection of trees, no service trenches beneath spread of trees, no felling/lopping, boundary treatment, meter boxes, schedule of works, timber windows and doors, underground services, contaminated land remediation/certificate and removal of GPDO rights for extensions, ancillary buildings, walls/fences and doors/windows. Notes regarding conversions letter, future extensions unlikely, disabled access, water/energy conservation, bats/owls, overloading existing septic tank, soakaways to be constructed in accordance with Building Research Digest 365 and contaminated land.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

51/2002/006

MR D GILLARD

**ERECTION OF AN AGRICULTURAL STORAGE BUILDING AT SAMWAYS FARM,  
BURROWBRIDGE.**

35520/30750

FULL PERMISSION

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PROPOSAL

In April 2002 an application for the erection of an agricultural storage building at Samways Farm was refused on the grounds of lack of justification, detrimental impact on the setting of the adjacent Grade II Listed Baptist Church and visual intrusion within a Special Landscape Area. The current scheme is an attempt to address the shortcomings of the earlier refusal. The proposal is to erect a building for the storage of agricultural produce, predominantly cereals, as well as fertilizers, seeds and agricultural machinery. The building measures 27.4 m x 15.2 m and has a ridge height of 9.2 m. The walls are to be constructed of concrete panels and steel sheeting and the roof is to be corrugated grey sheeting. It is also proposed to provide tree planting on the western boundary of the site to reduce the impact on the setting of the Listed Building. The application is accompanied by a supporting statement.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY whilst I have no objection to the principle of this development, I am concerned that the visibility is restricted at the access to the site. I would recommend conditions be applied to improve the access arrangements. ENVIRONMENT AGENCY no objection in principle subject to conditions and advisory notes concerning: facilities for the storage of oils, fuels or chemicals; the storage of fertilizers, chemicals or pesticides; and the need to avoid contaminated water entering and polluting surface or groundwater.

CONSERVATION OFFICER whilst still fairly near to the Listed Baptist Chapel, the revised siting is better related to the existing farm buildings. LANDSCAPE OFFICER the proposed building should have no impact on the site and views in to the site because of the existing mass of buildings. Planting up of the corners of the site by the bridle way would help soften the impact of the buildings. Existing hedgerows are vital to screen the site and should be maintained.

PARISH COUNCIL object most strongly, there are alternative facilities being advertised to let in the village, Riverside is too narrow for more heavy traffic, the exit from Samways is hidden from motorists from the Westonzoyland direction and drivers leaving cannot see what is coming.

9 LETTERS OF OBJECTION have been received on the following grounds:-  
Burrowbridge cannot take anymore concrete buildings that are not necessary; the road to Samways is already congested the proposal will further increase traffic where the exit

to the main road is terrible; the houses along the river bank are overshadowed by the barn recently put up and as an area of natural beauty it would be tragic to pass this application; too many planning blunders have been made in Burrowbridge already; the proposal should not be considered until an acceptable scaled elevational drawing has been submitted showing the proposal in relation to the existing buildings; there is a ditch on one side of Burrow Drove which fills with water in winter and floods an area in front of Samways Farm. Drainage is not adequate to carry away the surface water; Samways Farm is currently used to store non-agricultural items; increased noise due to more traffic; the right to natural light has already been taken away; necessary steps should be taken to clear the site of the rubble, road signs and concrete beams on transporters. Outside storage is not permitted at this site; In the East Deane Local Plan, Burrowbridge is part of the Somerset Levels and the Moors Special Landscape Area. The A361 is regarded (correctly) as "inadequate" both in terms of the road and its junctions, which includes Riverside. Riverside is a single-track road and unsuitable for a large agricultural storage facility and its attendant additional traffic. Residential development is specifically limited in Burrowbridge because of the inadequacy of the roads, and it must equally follow that a storage use generating HGV traffic is even more inappropriate; The "Mump" is regarded as "an outstanding landscape and archaeological feature", and "its historical association with King Alfred and the commanding views it affords is an attraction for visitors and tourists". The application site is visible from the Mump and a commercial storage facility is inappropriate; No attempts were made to impose a landscaping condition in the context of a policy which requires "... positive measures of enhancement", leaving residents and visitors to look at a large commercial shed. (I am referring to the large shed permitted last year.) ; The Revised Deposit Plan is a material consideration for the purposes of this application. "Burrowbridge adjoins the rivers Parrett and Tone, and is set in the flat expanse of the Somerset Levels. This area is extremely attractive and rich in archaeology and wildlife. Burrow Mump is a designated special landscape feature and ancient monument and there are a number of listed buildings in the village"; From the Environmental Protection Objectives, I draw particular attention to the need to protect and improve the landscape quality and character of the countryside, to protect and improve the quality and character of settlements, to preserve and enhance the historical geological and cultural heritage, and to ensure the use of good design and materials which respect and enhance the local character and distinctiveness; Development proposals "will be required to meet" the relevant criteria. These include that additional road traffic should not lead to an overloading of cross roads, road safety problems or environmental degradation by fumes, noise vibrations or visual impact. Riverside is a single-track lane wholly unsuitable for HGV traffic and has no footpath (nor is there room for one). There is a material and unacceptable conflict with pedestrians. No additional traffic should be tolerated. Even if it could be made to comply with the relevant sight lines this could only be done at the expense of the removal of hedgerows, which would be inconsistent with the rural character of Riverside with hedgerows along its entire length; Additional degradation by virtue of noise is wholly unjustified and unacceptable; Visual impact is wholly unacceptable both to the adjoining residential accommodation and the wider landscape. This large utilitarian warehouse materially 'harms' the landscape and character of the area. It's scale, height and massing are wholly inappropriate in such close proximity to existing residential accommodation including the listed building. There is a row of 4 houses immediately to the east of the site and sharing the same access; To the west of the site is the former Burrowbridge Baptist Church which is a Grade II Listed building and in residential occupation. It damages the setting of the listed

building. The houses to the west of School Lane immediately abut Riverside. The distance between Riverside and the front door of these houses is of the order of 15 feet. The HGVs currently running from the transport depot are massive articulated lorries. As far as I am aware the current depot has no hours of operation or days of operation limitations; the proposed building has been placed behind and beyond the existing building line and introduces built development into the open countryside. It will be visible from the rear gardens of many properties including my own. It does not reinforce local character and distinctiveness of the area including the landscape setting of the site. Burrow Mump is a scheduled ancient monument and the proposal will adversely affect the setting of a nationally important monument. This is not a matter which can be overcome by a condition; The transport depot currently run by the applicant company is a dreadful eyesore sitting virtually at the foot of the ancient monument; This development does not protect the country for its own sake and is in direct conflict with the environmental protection objectives protecting and improving landscape quality and neither does it improve or protect the quality and character of the village; The site is already fully developed; No special need for additional storage accommodation has been advanced, and the policy framework identified above necessitates such a case being made out. The Applicants do not advance a need case; 16,000 square feet of storage space is being advertised by the applicant on the Stathe Road; I also wish to raise an additional change of circumstances since the previous application, namely, the construction of the residential accommodation directly opposite the entrance to the application site; There is much missing information from the application, which together with the appraisal, is in my view seriously flawed; the proposal is out of proportion with the existing landscape as is the shed built last year; storage at Samways is more than adequate and empty warehousing is available near to the site meaning further building is unnecessary; development of this scale is not in keeping with Burrowbridge's designation as an 'Environmentally Sensitive Area'; the proposal is close to existing dwellings, although it does not state the distance on the plans; the increased number of vehicles will contribute to vibrations of my house which may affect the structure; the road has already subsided and heavier vehicles will make the bank weaker; the proposal is detrimental to highway safety; concerns regarding the storage of toxic and flammable fertilizers close to residential properties; if used to store grain dryers may be installed which will cause noise pollution; the proposal could jeopardise the sale of my property; Samways is becoming a small industrial site; certain times of the year the road is not passable due to flooding; the building is large and going to be an eyesore; it is our understanding that it is the amount of land owned not rented that classifies the need for storage capacity; the lane is in a poor state of repair and increased vehicle usage will make the condition of the lane deteriorate even more; we cannot see the need for another building as one or more of the existing buildings are used for storing school books and furniture, which are not agricultural; the proposal is worse than the last application as it is closer to residential properties, one of which is listed; the site looks like a bomb site with no consideration given to anyone nearby. There is mud on the road, noise, old trailers with scaffolding and piles of earth on the site.

#### POLICY CONTEXT

Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The proposed development will assist an existing farming business in the open countryside. Policy S8 of the Taunton Deane Local Plan Revised Deposit states that outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape of the area and meets a number of criteria including that it is for the purpose of agriculture. Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy EN17 of the Taunton Deane Local Plan Revised Deposit require that new developments do not harm the visual setting of any listed buildings. Policy ED/EC/7 of the East Deane Local Plan states that proposals should not harm the visual amenity of Special Landscape Areas.

### ASSESSMENT

Sufficient information has been submitted to determine the application. The allegations with regard to the usage of the site and other alleged contraventions are currently under investigation by the Enforcement Officer. The previous application for a storage building on the site was refused on the grounds of lack of justification, the impact on the setting of the adjacent Listed Building and visual intrusion within a Special Landscape Area. These matters are regarded to be the principal considerations in determining the current application. Each of these will be dealt with in turn.

With regard to justification the applicant submitted a supporting statement in relation to the storage building. A second opinion from ADAS was sought on this justification. ADAS comment that having interviewed the applicant and conducted a site visit, the information provided in the agricultural appraisal would appear to be correct and "The functional need for additional storage on the holding can be warranted. Based on existing facilities the provision of an additional building would provide optimum benefit". The conclusion of the report states that there are no concerns as to the design or appearance of the proposal. In light of these comments there would appear to be sufficient justification for the proposal.

With regard to the impact on the Listed Baptist Church the new scheme proposes a different siting to that previously refused. The Conservation Officer no longer raises concerns regarding the impact of the proposal on the setting of the Listed Building. Tree planting along the western boundary of the site is also proposed to reduce the impact of the building.

The siting currently proposed is considered to be far more appropriate than that previously refused. The current proposal is well related to the existing farm buildings and does not significantly encroach onto the open land at the rear of the site. It is not considered that the proposal has a significantly detrimental impact on the visual amenity of the Special Landscape Area to warrant refusal.

The site is served by an existing access over which the Planning Authority has no control with regard to its frequency of use or type of vehicle permitted to use the access. Although the existing access is far from ideal the suggestions of the Highway Authority would result in an unreasonable loss of hedgerows, which characterize the area.

According to the agent the current proposal will not significantly increase the level of traffic to and from the site. For these reasons the continued use of the existing access is considered to be acceptable.

Many of the other objections received are matters outside of planning control.

In light of the above the proposal is considered to be acceptable.

#### RECOMMENDATION

Permission be GRANTED subject to conditions of materials, landscaping, existing hedgerows to be retained, facilities for storage of oils. Notes re oil storage facility, storage of fertilizers and prevention of contaminated water entering surface or groundwater.

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

**CONTACT OFFICER: 356468 MR A GRAVES**

NOTES:





**PLANNING COMMITTEE - 11TH SEPTEMBER, 2002**

**Report of the Chief Planning Officer**

**ENFORCEMENT ITEM**

Parish: Pitminster

1. **File/Complaint Number** E207/30/2002
2. **Location of Site** Land off Fosgrove Lane, Poundisford, Taunton.
3. **Names of Owners** O2 (UK) Limited - Agents, Needham Haddrell, 68 Old Market Street, BRISTOL, BS2 0EJ
4. **Names of Occupiers** O2 (UK) Limited

5. **Nature of Contravention**

Siting of a temporary 15 m high mobile telephone mast with associated antenna attached to a trailer with integral housing.

6. **Planning History**

The mast was brought onto the above site in October 2001. Its purpose was to provide a service for customers of O2 (UK) known at that time as BT Cellnet Ltd. Agents for the company, Needham Haddrell submitted a letter stating that in their view the mast could be positioned on the land as permitted development as stated in Schedule 2 part 24 of the Town and Country Planning (General Permitted Development) Order 1995. The section refers to the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, including the provision of movable structures on the land for the purpose of that use. It appears that the existing mast previously approved, was at no time out of action or the existing mast unserviceable. Also the temporary mast has been on site in excess of six months. The existing mast is owned by Orange PCS Ltd and they have been approached by O2 (UK) Ltd to share the mast but to date this does not appear to have been agreed.

7. **Reasons for taking Action**

It is the opinion of the Local Planning Authority that the temporary mast together with the existing mast constitutes a visual intrusion which is detrimental to the visual amenities of the area.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and prosecution proceedings subject to satisfactory evidence if the notice is not complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

**TAUNTON DEANE BOROUGH COUNCIL**

**PLANNING COMMITTEE - 11 SEPTEMBER 2002**

1. The following appeals have been lodged:

<b>Appellant</b>	<b>Date Application Considered</b>	<b>Proposal</b>
Taunfield Ltd (38/2001/458)	30.01.02	Conversion of barn to dwelling at Pool Farm, Taunton.
A Jeffs (38/2001/462)	20.02.02	Erection of dwelling on land between 26 & 28 Spencer Avenue, Taunton.
Bath Antiques Market Limited (38/2002/201A)	DD	Display of non-illuminated advertisements on side elevations at 23-29 Silver Street, Taunton.
Whitbread PLC (38/2001/384A)	DD	Display of various signs Former SWEB Site, Priorswood Road, Taunton.

2. The following appeal decisions have been received:-

- (a) Formation of an access to Meadow View, Nunnington Park Farm, Wiveliscombe (49/2001/052)

The Inspector considered there were two main issues:

- (i) the effect upon the character and appearance of the area;
- (ii) the implications for highway safety along the Wiveliscombe to Langford Budville road and Quarkhill Lane.

The Inspector noted that the proposed track was approximately 110 metres long and was finished with a stone surface. He felt that the track was clearly visible within the landscape and that the development comprised an unsightly scar within an area of attractive countryside, causing harm to both the character and appearance of the area.

The Inspector considered that the access would result in small number of additional vehicles using Quarkhill Lane but with the use of visibility splays at the

entrance to the proposed track onto Quarkhill Lane highway safety would not be compromised.

The Inspector concluded that although the development would not harm highway safety or the living conditions of neighbouring residents, this did not outweigh the harmful effects the proposal had upon the character and appearance of the area.

The appeal was, therefore, dismissed.

(b) **Change of use of agricultural building to class B8 (storage and distribution) Staple Farm, Staple Fitzpaine (33/2001/006)**

The Inspector considered the main issue to be the effect of the proposed use on highway safety.

On his site visit the Inspector noted that the roads were narrow and winding in places so that large vehicles would obstruct on-coming traffic and would be particularly difficult for articulated vehicles.

However, the Inspector also noted that small scale business proposals should not be rejected where only modest additional traffic would be created and the impact on minor roads was not significant.

The Inspector felt that with certain conditions imposed upon the planning permission the movements of vehicles could be effectively restricted.

The appeal was, therefore, allowed.

(c) **Erection of office and workshop building on land to the west of Cooks Coaches, Whiteball, Wellington (32/2001/003)**

The Inspector considered the main issue was the impact of the proposal on the character and appearance of its surroundings and on the living conditions of nearby residents.

The Inspector felt that the existing buildings were prominently sited and that the open frontage and their white colour increased the effect. He felt that another building, extending the complex away from the hamlet would increase the harmful impact on the countryside. The effect would be increased by the likelihood that some hedging along the lane would be removed to allow the building to be sited clear of parking areas and necessary visibility splays.

It was clear to the Inspector that the site was too small to accommodate the present activities and future needs of the two businesses, and that currently their operations caused a severe impact on both the character and appearance of the surroundings and the living conditions of neighbouring residents. He felt that the proposal would enable one or both businesses to increase levels of activity on the site and considered that this intensification

would increase its visual intrusion in the countryside and exacerbate the existing impacts on the living conditions of nearby residents.

The appeal was, therefore, dismissed.

(d) **Change of use and conversion of house to form Childrens' Day Nursery at 1 Parkfield Drive, Taunton (38/2002/041)**

The Inspector considered the main issues were:

- (i) the effect on the living conditions of nearby residents, paying particular attention to noise and disturbance;
- (ii) the effect on the character and appearance of the area, having particular regard to the parking arrangements and the implications of the proposed vehicular access; and
- (iii) the effect on the safety and convenience of highway users.

The Inspector's main concern with regard to issue (i) was the noise the children would create when playing outside at the rear of the property. He felt that although the number of children at any one time would be limited to 8 the noise would be significantly more than would normally be expected on a regular basis within the garden of a private dwelling.

The Inspector concluded on issue (i) that the noise and disturbance from children playing at the rear of the appeal premises would be seriously detrimental to the living conditions of the occupiers of Nos 3 and 5 Parkfield Drive.

On issue (ii) the Inspector felt that the proposal would not give rise to an excessive level of comings and goings. Although the Day Nursery would not go unnoticed, the Inspector felt that such a use could operate discreetly in a residential area without materially affecting its character. He noted that most of the area in front of the appeal property would be used as a car park similar to a number of other front gardens in the street and he considered that with allowance for some vegetation, 6 parking spaces could be provided without causing material harm to the appearance of the area.

The Inspector concluded on issue (ii) that the proposal would not materially harm the character and appearance of the area.

Turning to issue (iii) the Inspector noted that parking was prohibited on Parkfield Drive at all times. He felt that retention of unimpeded access to the hospital was an important consideration but he saw little evidence during his visit that any of the parking restrictions were abused and he felt that the proposal was unlikely to result in significant delays or inconvenience to road users.

As for vehicle movements he saw no reason why there would be dangerous manoeuvres taking place on the highway.

The Inspector concluded on issue (iii) that the modest increase likely to result from the appeal proposal would not have any appreciable effect on highway conditions.

The Inspector's overall conclusion was that the proposal would not detract from the character or appearance of the area and he did not consider that it would have a material effect on highway conditions, including the ability of emergency vehicles to reach the nearby hospital quickly. However, he felt that the noise of children playing outside the building would seriously detract from the living conditions of neighbouring residents.

The appeal was, therefore, dismissed.

(e) **Conversion of barn to holiday let/winter letting unit at Pitlands Barn, Pitlands Farm, Hillfarrance (27/2001/015)**

The Inspector considered the main issue was whether the proposed conversion and use would maintain the rural character and appearance of the site and be in accordance with the prevailing policies for the protection of the countryside.

The Inspector noted that the building was the subject of an appeal decision in July 2001. However, there were two key differences in respect of the current scheme. The proposed conversion was not for permanent residential occupation and the proposed alterations had been modified to address earlier concerns.

The Inspector felt that the nature and extent of the repairs to the building was a matter of dispute between the parties but the works had already been carried out and he regarded the barn to be worthy of retention. He felt that it was more practical and sensible to consider the use of the building as it existed, but on the basis of the alterations proposed. The size of the curtilage had been substantially reduced and the existing gate was to be used for access. There was also the reinstatement of the hedgebank and the orchard which preserved the rural character of the site. Taking these factors into account, the Inspector considered that the rural character and appearance of both the building and the site would be maintained.

However, the Inspector noted that the proposal included winter lets and he felt that winter lets were tantamount to a permanent residential use. The domestic paraphernalia associated with a permanent residential property would, to a considerable extent, also be in evidence with a winter let. Winter

lets would also produce a different travel pattern to a short term holiday let, which would mean a total reliance on private vehicles.

The appeal was, therefore, dismissed.

**(f) Retention of 2 mobile homes and two touring caravans for gypsy families at Long Acre, Rockhill, Wrantage (24/2001/022)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members.

The appeal was allowed.

3. The following hearing has been arranged:

<b>Appellant</b>	<b>Site</b>	<b>Venue</b>	<b>Date</b>
Taunfield Ltd	Pool Farm, Taunton.	PCR	21.01.2003



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## Appeal Decision

Hearing held on 25 June 2002

Site visit made on 25 June 2002

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
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Date

**26 JUL 2002**

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**Appeal Ref: APP/D3315/A/02/1081466**  
**Longacre, Rockhill, Wrantage, Taunton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is made by Peter Orchard against the decision of Taunton Deane Borough Council
- The application (Ref 24/2001/022) dated 16 May 2001 was refused by notice dated 20 August 2001
- The development proposed is 2 mobile homes and 2 touring caravans for gypsy families plus retention of existing timber stables

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

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### Procedural Matters

- 1 The appellant and the Council describe differently the development the subject of this appeal. As it has already taken place, I shall treat the application as one for the retention of development already carried out and determine the appeal on the basis of an amended version of the Council's description, namely "retention of two mobile homes and two touring caravans for gypsy family"

### Main Issues

- 2 I consider the main issues in this appeal to be the effects of the proposed development on
  - (a) the character and appearance of the surrounding area,
  - (b) highway safety arising from the use of the access, and
  - (c) patterns of travel, especially car use

having particular regard to national guidance and development plan policies and to other material considerations, including the personal and family circumstances of the appellant

### Planning Policy

- 3 The development plan includes the Somerset & Exmoor National Park Joint Structure Plan Review (2000) and the East Deane Local Plan (1991). In the Structure Plan, Policy STR1 sets out the sustainable development principles for development. Development outside Towns, Rural Centres and Villages is strictly controlled by Policy STR6. Policy 36 indicates that provision of sites for gypsies should be made within reasonable distance of a settlement providing local services and facilities. Transport requirements of new development are set out in Policy 49; they include the needs to provide safe access to roads of adequate standard within the route hierarchy and normally not to derive access from a
-



County Route. The road hierarchy is defined by Policy 51, the A378 road is a County Route. In the Local Plan, Policy ED/EC/7 seeks to safeguard Special Landscape Areas.

4. There is an emerging local plan, the Taunton Deane Local Plan, the Revised Deposit of which was approved in October 2000. A public local inquiry into objections is in progress. As the plan's policies remain liable to change, I shall give them moderate weight. Emerging Policy S1 sets out the general requirements for all development, including criteria relating to road safety, visual impact, minimising car use, and the appearance and character of any affected landscape. New building outside defined settlement limits is generally resisted by Policy S8 unless it maintains or enhances the environmental quality and landscape character of the area and meets certain other requirements. Outside these limits, Policy H10 permits sites for gypsies provided that they meet a number of criteria. These include there being a need, safe and convenient access by bus, cycle or on foot to schools and community facilities; a landscaping scheme to screen the site from outside views, and no harm to the special environmental importance of protected areas. Policy EN13 seeks to ensure that development respects the distinctive character and appearance of Landscape Character Areas.

#### **Planning History**

5. The appeal site's planning history may be summarised briefly as follows. Planning permission for a mobile home in connection with agriculture was refused, planning permission was dismissed on appeal in 1991. Permission for development including siting of a mobile home was refused in 1990, as was permission for a washroom / toilet block in 1993. Applications for development including the siting of a gypsy caravan and the retention of a gypsy mobile home were refused in 1993 and 1994, respectively. Appeals against the latter 4 decisions or related enforcement action were dismissed and subsequent action taken by the Council to clear the site.
6. The siting of 2 touring caravans and retention of an existing building was refused permission in 1998. When the application the subject of the current appeal was refused permission, the Council also resolved to commence enforcement action if the mobile homes had not been removed within 2 months.

#### **Reasons**

##### *(a) Effect on Character and Appearance*

7. The appeal site is a strip of land which rises gently away from the A378 road towards the steeper, wooded slopes of the Fivehead escarpment. It lies in mostly open, agricultural land and is bordered by hedges on 3 sides. The mobile homes, touring caravans and ancillary wooden structures are situated towards the southern end of the site away from the A378, within an area which is largely enclosed by wooden fencing. This compound has a gravel surface, as does most of the drive leading to the road.
8. In my opinion, the driveway, mobile homes, caravans and other structures are all domestic features which look out of place in their agricultural surroundings. I saw that, even in summer, they are clearly visible from the A378 in the vicinity of the access and to the west, there are also views from Rock Hill and I would expect the structures on the site to be more noticeable from the upper floors of the dwellings along this road. Not only is the development intrusive, but its appearance also detracts from the attractive views towards the

escarpment, a feature to which existing and emerging local plan policies give special protection. I consider, therefore, that the development is unacceptably harmful to the area's character and appearance.

- 9 However, by imposing suitable conditions, I believe this harm could be significantly alleviated. In particular, landscaping with appropriate species could better screen the site and its structures from public view, and painting the mobile homes and caravans in darker colours would reduce their visual impact even in winter when deciduous plants are bare of leaves. I am also mindful that, unlike a dwelling of permanent construction, mobile homes and caravans can be removed from a site.
- 10 The last reason for refusal also refers to the introduction of noise, to the detriment of the quiet, agricultural nature of the area. However, the site now has a mains electricity supply and so there is no longer a need to run any electricity generator.
- 11 My conclusion on this matter, therefore, is that the development results in unacceptable harm to the character and appearance of the surrounding area. This conflicts with the aims of Structure Plan policies STR1 and STR6, of Local Plan Policy ED/EC/7 and of emerging Local Plan policies S1, S8, H16 and EN13. It also fails to accord with the aims of Planning Policy Guidance note 7 *The Countryside – Environmental Quality and Economic and Social Development* to protect the countryside and of Circular 1/94 *Gypsy Sites and Planning*, as this latter indicates that, as a rule, provision for gypsy sites should not be made in protected areas of land where development is severely restricted. The harm could, however, be alleviated through the use of conditions.

**(b) Effect on Highway Safety**

- 12 The appeal site's access is from the A378 County Route a short distance to the south-west of the bend in this road at its junction with Rock Hill. The stretch of road past the access has a 50mph speed limit, this reduces to 40mph to the south-west and the bend at the Rock Hill junction also helps to limit speeds.
- 13 The appeal development conflicts in principle with the policy of not deriving access directly from a County Route, although the policy does allow for exceptions if warranted by the special need for and benefit of a particular proposal. I shall return to these matters below (paragraphs 22 – 30).
- 14 It is not disputed that the A378 is a well-used road and that, over the length in the vicinity of the site, there have been 5 recorded accidents in the past 5 years, albeit none since March 2000. The submitted reports show that 3 of these involved vehicles turning on to or from the A378. The highway authority does not regard the number of accidents itself as significant, but I accept that they highlight the danger of turning movements.
- 15 Visibility to the south-west of the appeal site access is satisfactory but to the north-east the minimum of 90m acceptable to the highway authority can be achieved only by keeping trimmed the hedge on a neighbouring owner's land. In respect of the hedge from the access to the Rock Hill junction and beyond (further than required for the 90m visibility), its owner has given her written agreement for the appellant to keep it trimmed to a height of 3ft (0.91m) for so long as he is in occupation of his land at Longacre. If it were not trimmed, less than 90m visibility would remain available.

- 16 I appreciate that the number of traffic movements generated directly by the occupiers of the appeal site would not be great but, bearing in mind also the likelihood of visitors and deliveries I agree with the highway authority's estimate of a probable 8 vehicle movements per day. In the light of the volume and speed of traffic along the A378, my view is that use of the appeal site access would result in material harm to highway safety unless the 90m visibility to the north-east were secured.
- 17 The landowner's agreement does not, however, impose any obligation on her successors, so there is a risk the hedge could grow and obstruct visibility. Circular 11/95 *The Use of Conditions in Planning Permissions* advises that conditions requiring the carrying out of works on land outside the planning application site cannot be imposed unless the applicant has sufficient control over the land to enable those works to be carried out. In my opinion, therefore, it would be unreasonable to impose a condition requiring the hedge to be kept trimmed. Without it some visibility to the north-east would be available, but its extent would be limited.
- 18 My conclusion on this matter, therefore, is that the proposed development would cause significant harm to highway safety, arising from the use of the access. It would be contrary to Structure Plan policies 49 and 51 and to emerging Local Plan Policy S1.

*(c) Effect on Patterns of Travel*

- 19 The appeal site is nearly 2 miles from North Curry, the nearest village providing a range of services and facilities including shops, a primary school and health centre. I saw that the road from the A378 to this village is not conducive to walking or cycling, as it has no footways, is unlit and in places is narrow, with restricted forward visibility. There are limited bus services along the A378 to the nearest town, Taunton, but the closest official stops are some distance away from the appeal site.
- 20 I cannot, therefore, regard the site as having safe and convenient access by bus, cycle or on foot to community facilities, although I note that a school bus is provided to take the appellant's son, Joe, to North Curry. Structure Plan Policy 36 indicates that sites should be within a reasonable distance of a settlement providing local services and facilities. In my opinion, the appeal site is not within what would normally be regarded as a reasonable distance. However, the appellant's medical condition limits his mobility and so I believe it would be difficult for him to rely significantly less on a car, and there is no suggestion that a site closer to local services and facilities is available. Further consideration is given below to both these matters.
- 21 Consequently, I conclude on this matter that, while the site is not in a sustainable location which would comply with Structure Plan policies STR1 and 36 and emerging Local Plan policies S1 and H16, the harm to overall patterns of travel, especially car use, would not be so great as to be unacceptable.

*(d) Other Material Considerations*

- 22 The appeal site is occupied by the appellant, his wife Sophie, daughter Sophie (aged 16) and son Joe (10), together with his married daughter and son-in-law, Carreann and Joe Orchard, and their baby son Joe. It is not disputed that the appellant's family are gypsies, and I consider this is borne out by the pattern of travel to earn a living followed by the appellant and his son-in-law.

- 23 There are a number of authorised sites for gypsy caravans in Taunton Deane Borough but the last 2 published counts indicated there were 6 and 11 unauthorised encampments in January and July 2001, respectively. I accept that it is more difficult to quantify the unauthorised sites, and that the figures do not identify how many of the unauthorised encampments were occupied by those merely passing through the Borough. Nevertheless, in my opinion these figures suggest that there is an unmet need, albeit small, for gypsy sites in the area. Given that the appellant's family would require 2 pitches, the County Council cannot accommodate them on any of its sites except at a short-stay, transit site which it is not disputed would not be appropriate.
- 24 At the Hearing, it was questioned whether the family could be accommodated at the Stoney Head Park site, Wrantage, but the only clear knowledge of this appears to be that of Mrs Smith-Bendell, who states the site is full. It seems that some of the pitches intended for gypsies at this site are occupied by other travellers, and the Borough Council considers there could be a possibility of vacancies here in the short-term or, in the longer term, at a County Council site. However, in my opinion there is no certainty of either possibility arising. Bearing in mind also the efforts made by or on behalf of the appellant to find a site and that the Council does not dispute that the family would be unable to settle satisfactorily in permanent housing, I consider there is a need for a gypsy site to accommodate the appellant and his family, and this need cannot readily be met in the Borough.
- 25 I turn now to consider whether this need could be met only by the appeal site, by reference to the appellant's personal and family circumstances. The appellant suffers from recurring gout, which often limits his mobility and ability to drive. His wife, having undergone surgery, continues to suffer from medical problems. Both need continuing treatment and medication, and are given support by their married daughter and son-in-law. The Council accepts that their medical circumstances support the family's need for a permanent site, but not in this location.
- 26 In my opinion their health needs could, in principle, be met at least to some extent if the family were to find a site elsewhere on which they could settle. However, I consider the present access to electricity and an adequate water supply at the appeal site are significant benefits, as is access which is reasonably convenient to the health centre where doctors are familiar with their needs.
- 27 Although the appellant's daughter, Sophie, has not been a regular pupil at school, his son Joe attends North Curry Church of England Primary School. Because of past travelling, he has had little schooling and his literacy and numeracy skills are limited in relation to his age. He also has some other learning difficulties, but has settled well at the school and is being permitted to stay there for a further year from September 2002. The Borough Council accepts that for Joe's education, a settled site would bring benefits, but not the appeal site.
- 28 In my view, Joe's education needs are particularly significant, and the Children's Society report points in general to children suffering if they do not have access to education facilities and stable and secure sites. The North Curry school is very supportive and I consider that stability for Joe would be especially valuable. This would be undermined if the family had to move away from the education support he receives. No other site in the area has been identified for the family to move to, and the planning history suggests there is a real possibility the family would have to move elsewhere if this appeal were dismissed.

- 29 I appreciate that enforcement is not the subject of the current appeal and that the Council states that, before taking any action, it would treat the family as homeless and consider their education needs, not moving them on until an alternative permanent site were found. However, I consider that the prospect of enforcement and the uncertainty this would bring would significantly jeopardise Joe's education prospects, both in the short term and at secondary school.
- 30 From both the health and education points of view, therefore, but especially the latter, I consider that stability for the family is an important consideration. In my view, this would be seriously undermined if the family had to move away from the health and education support from which they currently benefit.

#### *Conclusions*

- 31 Overall, therefore, I conclude that the development causes unacceptable harm to the character and appearance of the surrounding area and significant harm to highway safety, arising from the use of the access, whereas the harm to the overall pattern of travel especially car use, would not be so great as to be unacceptable. Nevertheless, the impact on the area's character and appearance can be mitigated. Some visibility (but less than 90m) is available north-east from the access and I consider that such harm as does arise from the limited visibility is clearly outweighed by the substantial need for a gypsy site for the family and the particular needs of the family in respect of health care and, particularly, education. There are, therefore, material considerations which prevail over the conflict with development plan policies and national advice.
- 32 As regards the submissions made relating to Articles 8 and 14 of the European Convention on Human Rights, I recognise that dismissal of the appeal would result in an interference with Peter Orchard's home and private and family life under Article 8. In particular, the family would be likely to suffer the loss of its home, with no realistic prospect of a satisfactory alternative. However, as I have decided to allow the appeal, I do not address the question of whether dismissal of the appeal would result in a violation of the appellant's rights under Article 8 and, taken with it, Article 14.

#### **Other Matters**

- 33 I have also taken into account all the other matters raised at the Hearing and in writing, including references to other sites in the area and concerns about setting an undesirable precedent and discriminating in favour of gypsies. In respect of other sites, circumstances vary from place to place and each proposal needs to be considered on its own merits. Although planning permission was granted on appeal for mobile homes for gypsy families at Lords Wood, that Inspector made clear his decision was made in the light of the particular circumstances of the families and the site itself. Since my decision is also based on similar considerations, it should not be seen as a precedent for other developments in the countryside.
- 34 Regarding discrimination, my view is that there is not a realistic remedy for the appellant and his family outside the planning system and, as the Borough Council acknowledges, it is appropriate to take personal circumstances into account. None of the other matters, therefore, is of such significance as to outweigh the considerations which have led to my conclusions on the main issues.

### Conditions

- 35 I have considered the need for conditions in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. As I am allowing this proposal because of the appellant's circumstances, I consider it appropriate to limit the occupation of the site to the family in question and to define the number of mobile homes and caravans. In addition, the appellant pointed out at the Hearing that, with a personal restriction, the condition of the site can easily revert to being countryside, and so a condition to ensure its restoration would also be relevant. A time limit would not, in my view, be appropriate particularly in view of the need for education stability, which is likely to last for some time.
- 36 In order to mitigate any harm to the area's character and appearance, I agree the necessity for conditions regarding hedges (amended to reflect the appellant's not owning the hedge on the western boundary), landscaping, means of enclosure, lighting and the colour of the caravans. In the interests of highway safety, I accept the need for conditions in respect of parking and turning space, access width and radii, entrance gates, surfacing of the drive and, in relation to the appellant's land, visibility from the access. In addition, I agree the necessity for an amended condition to prevent pollution of the water environment by the contents of any storage tank.
- 37 Some re-wording of the suggested conditions is also necessary as the use has already started, allowing a reasonable period where appropriate for details to be agreed and implemented, and in order to reflect better the advice of the Circular, while not altering their aims.

### Conclusions

- 38 For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

### Formal Decision


- 39 In exercise of the powers transferred to me, I allow the appeal and grant planning permission for retention of two mobile homes and two touring caravans for gypsy family at Longacre, Rockhull, Wrantage, Taunton in accordance with the terms of the application Ref 24/2001/022 dated 16 May 2001, and the plans submitted therewith, subject to the following conditions:
- 1) The use hereby permitted shall be carried on only by Mr and Mrs Peter Orchard and Mr and Mrs Joe Orchard and their dependants. When the site has ceased to be occupied by Mr and Mrs Peter Orchard and Mr and Mrs Joe Orchard and their dependants, the use hereby permitted shall cease and the site be restored to its former condition and use as agricultural land.
  - 2) No more than 2 mobile homes and 2 caravans shall be stationed on the land at any time.
  - 3) The existing hedges on the south and east boundaries of the site shall be retained to a minimum height of 2m.
  - 4) Within one month of the date of this permission, a scheme of planting of trees and shrubs which shall include details of the species, siting and numbers to be planted, shall be submitted to the local planning authority. The scheme as approved in

- writing shall be completely carried out within the first planting season following the approval of the local planning authority, or as otherwise extended with the agreement in writing of the local planning authority
- 5) Any tree or shrub which forms part of the approved planting scheme and which within a period of 5 years from the completion of the planting fails to become established, becomes seriously damaged or diseased, dies, or is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity which shall have been approved in writing by the local planning authority
  - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls or other means of enclosure shall be erected on the site
  - 7) Prior to its erection on site, details of any external lighting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details
  - 8) Within one month of the date of this permission, details of the colours in which the mobile homes and touring caravans are to be painted shall be submitted to the local planning authority. The painting in accordance with the details approved in writing by the local planning authority shall be carried out within one month of their approval or in accordance with a timetable agreed in writing with the local planning authority
  - 9) Within the area of the appellant's land, there shall be no obstruction to visibility higher than 900mm above the road surface within the zone taken from a point 2m back along the centre line of the access and extending to a point 120m to the south-west and 90m to the north-east. Such visibility shall be kept permanently clear of any obstruction
  - 10) The access shall have a minimum width of 3m and incorporate junction radii of 4.5m
  - 11) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 10m from the edge of the carriageway
  - 12) Details of the properly consolidated and surfaced (no loose stones or chippings) driveway from the edge of the carriageway to the entrance gates shall be submitted to the local planning authority within one month of the date of this permission. The driveway shall be formed in accordance with the approved details within one month of their approval
  - 13) Within one month of the date of this permission, details showing a parking area for 4 vehicles and a turning area shall be submitted to the local planning authority for approval. The parking and turning areas shall be formed in accordance with the approved details within one month of their approval and shall be kept available at all times for the parking and turning of vehicles
  - 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no tank for the storage of oils, fuels or chemicals shall be erected on the land unless it is sited on an impervious base and surrounded by

impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected where possible from accidental damage.

**Information**

- 40 A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
- 41 This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- 42 An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.



INSPECTOR



