



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE ON WEDNESDAY 18TH DECEMBER 2002 AT 17:00.

(RESERVE DATE : THURSDAY 19TH DECEMBER 2002 AT 17:30)

---

### **AGENDA**

1. Apologies
2. Minutes
3. Public Question Time
4. NORTON FITZWARREN - 25/2002/034 - RESIDENTIAL DEVELOPMENT TO PROVIDE 72 NO. DWELLINGS AND FORMATION OF ACCESS TO B3227, PRINGS CARAVAN SITE, NORTON FITZWARREN AS AMPLIFIED BY LETTER DATED 23 OCTOBER 2002 WITH ACCOMPANYING PLANNING STATEMENT AND TRANSPORT ASSESSMENT. REPORT ITEM
5. ASH PRIORS - 02/2002/006  
ERECTION OF DWELLING TO THE REAR OF HIGHLAND COURT FARMHOUSE, ASH PRIORS
6. BISHOPS HULL - 05/2002/032  
ERECTION OF TWO STOREY EXTENSION, LINK EXTENSION, SINGLE STOREY EXTENSION, CAR PARK EXTENSION, DEMOLITION OF GROUND FLOOR LINEN ROOM AND GARDEN TERRACE, ALTERATIONS TO HOTEL AT NEW LINK ENTRY, MINOR INTERNAL ALTERATIONS, NEW RAISED GARDEN TERRACE, SERVICE ACCESS AND YARD AT RUMWELL MANOR HOTEL, RUMWELL AS AMENDED BY AGENTS LETTER AND PLANS REF. 138/15; 16; 17 AND 18 DATED 27TH SEPTEMBER, 2002 AND LETTERS DATED 31ST SEPTEMBER AND 3RD DECEMBER, 2002
7. BISHOPS HULL - 05/2002/033LB  
ERECTION OF TWO STOREY EXTENSION, LINK EXTENSION, SINGLE STOREY EXTENSION, CAR PARK EXTENSION, DEMOLITION OF GROUND FLOOR LINEN ROOM AND GARDEN TERRACE, ALTERATION TO HOTEL AT NEW LINK ENTRY, MINOR INTERNAL ALTERATIONS, NEW RAISED GARDEN TERRACE, SERVICE ACCESS AND YARD AT RUMWELL MANOR HOTEL, RUMWELL AS AMENDED BY AGENTS LETTER

WITH ACCOMPANYING PLANS REF. 138/15; 16; 17 AND  
18 DATED 27TH SEPTEMBER, 2002 AND LETTERS  
DATED 31ST SEPTEMBER AND 3RD DECEMBER, 2002

8. COMBE FLOREY - 11/2002/007  
CHANGE OF USE OF TWO HOLIDAY LETS TO A  
SINGLE DWELLING AT QUANTOCK COTTAGE, SEVEN  
ASH.
9. OAKE - 27/2002/017  
CHANGE OF USE AND RE-CLADDING OF  
AGRICULTURAL BUILDINGS FOR THE WHOLESALE  
STORAGE AND DISTRIBUTION OF PACKAGING  
MATERIALS, ALLERFORD FARM, NORTON  
FITZWARREN.
10. RUISHTON - 31/2002/020  
ERECTION OF BUNGALOW ON LAND TO THE REAR OF  
HIGHCROFT, HENLADE (RESERVED MATTERS), AS  
AMENDED BY LETTER DATED 14TH NOVEMBER, 2002  
AND ACCOMPANYING REVISED SITE PLAN
11. STOKE ST MARY - 37/2002/016  
CHANGE OF USE AND CONVERSION OF HEALTH  
CLUB TO SEVEN DWELLINGS, CONVERSION OF  
OUTBUILDINGS TO TWO DWELLINGS AND  
SUBDIVISION OF OWNERS HOUSE INTO TWO  
DWELLINGS AT PRESIDENTS HEALTH CLUB, STOKE  
HILL, HENLADE.
12. TAUNTON - 38/2002/435  
ERECTION OF REPLACEMENT BOUNDARY WALL  
INCORPORATING LAND OUTSIDE OF THE EXISTING  
WALL AT 45 FARM VIEW, TAUNTON.
13. TAUNTON - 38/2002/445  
ERECTION OF BUILDING ACCOMMODATING  
WAREHOUSE/STORAGE, OFFICE SPACE AND 5 FLATS  
AT THE DEPOSITORY, UPPER WOOD STREET,  
TAUNTON AS AMENDED BY AGENTS LETTER DATED  
25TH NOVEMBER, 2002 AND ATTACHED PLAN NOS.  
2127/14A, 2127/12A, 2127/10A AND 2127/17
14. TRULL - 42/2002/040  
ERECTION OF SINGLE STOREY EXTENSION TO  
FRONT AND SIDE OF 7 LADYLAWN, TRULL.
15. TRULL - 42/2002/048  
ERECTION OF TEN GARAGES ON EXISTING PARKING  
AREA TO NORTH OF HAYGROVE CARAVAN PARK,  
MILL LANE, TRULL (REVISED PROPOSAL)
16. WELLINGTON - 43/2002/109  
ERECTION OF 53 NO. DWELLINGS INCLUDING 12 NO.  
SOCIAL HOUSING UNITS, ROADS AND DRAINAGE

THERETO, FORMER WEAVING SHED SITE, TONEDALE MILLS, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 20TH NOVEMBER, 2002 WITH ACCOMPANYING DRAWING NO. 1457/07, LETTER DATED 22ND NOVEMBER, 2002 WITH ACCOMPANYING DRAWING NO. 1457/04 REV B AND LETTER DATED 29TH NOVEMBER, 2002 WITH DRAWING NOS. 1457/01 REV B, 08 REV B AND 09 AND REVISED DEVELOPMENT BRIEF REF 1457/06A

- |     |  |                               |
|-----|--|-------------------------------|
| 17. | WELLINGTON - 43/2002/138T<br>FELL ONE LIME TREE INCLUDED IN TAUNTON DEANE BOROUGH (WELLINGTON NO.1) TREE PRESERVATION ORDER 1986 AT 12 MILLSTREAM GARDENS, WELLINGTON (TD 350)             |                               |
| 18. | 05/1997/040UD - Use of part of Potato Store Building as Farm Shop, Rumwell, Bishops Hull.  | Miscellaneous Item.           |
| 19. | 19/2002/005 - Erection of nine Industrial Units with associated parking and turning areas at Station Road, Hatch Beauchamp.  | Miscellaneous Item.           |
| 20. | 43/2000/064 - Erection of 21 dwellings and garages together with construction of estate road, sewers and public open space, Plots 235-255, part Phase 3, Land off Swains Lane, Wellington. | Miscellaneous Item.           |
| 21. | Dairy House Farm, Henlade - Proposed variation to Section 106 Agreement.<br>Report of the Chief Solicitor.   | Miscellaneous Item.           |
| 22. | E226/43/2002 - Erection of garden sheds between houses and highway at Nos. 2,4,5,6,14,15 and 16 Improvement Place, Wellington.   | Enforcement Item.             |
| 23. | 25/2002/032 & E101/25/2002 - Retention of fence at 108 Hilly Park, Norton Fitzwarren.  | Enforcement Item.             |
| 24. | E195/38/2002 - Retention of unauthorised illuminated box sign, Newcross Nursing Agency, Riverside Place, Off St. James Street, Taunton.  | Enforcement Item.             |
| 25. | Planning (Listed Buildings and Conservation Areas) Act 1990 - Buiding Preservation Notice - Westleigh Farmhouse, Westleigh, Lydeard St. Lawrence Parish.                                   | Building Preservation Notice. |
| 26. | Appeals lodged/Appeal Decisions.   | APPEALS.                      |

G P DYKE  
Member Services Manager

The Deane House

Belvedere Road  
TAUNTON  
Somerset

TA1 1HE

11 December 2002

TEA WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2.



**Planning Committee - 13 November 2002**

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

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 5.00 pm).

216. Apologies

Councillors Hunt, J R Parrish and Vail.

217. Minutes

The minutes of the meeting held on 30 October 2002 were taken as read and were signed.

218. 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 **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:-

**19/2001/023TEL**

Erection of 20m monopole with 3 No directional antennae to top of pole, equipment cabin in secure compound at land at Belmont Farm, Hatch Beauchamp.

Conditions

- (a) C001 - time limit;
- (b) C201 - landscaping;
- (c) C207 - existing trees to be retained;
- (d) C208A - protection of trees to be retained;
- (e) 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;
- (f) C209 - protection of hedges to be retained;
- (g) Notwithstanding the details of the point of access shown on plan reference WX00983/02/07, details of the surfacing of the access track shall be submitted to, and approved in writing by, the Local Planning

- Authority prior to commencement of the works on site and the approved scheme shall thereafter be implemented;
- (h) There shall be no surface water discharge onto the highway from the reopened point of vehicular access. Details of the drainage arrangements for disposal of surface water at the point of access shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter constructed to the approved details;
  - (i) (i) Before any part of the permitted development is commenced, 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, and approved in writing by, the Local Planning Authority. This planting shall take place in an area not less than 3m wide on the southern and eastern sides of the compound hereby permitted;
    - (ii) The scheme shall be completed in the current planting season and comprise of several semi-mature native trees;
    - (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
  - (j) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge, in the centre line of the access and extending to points on the nearside carriageway edge 25m either side of access. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
 

(Note to Applicant:- Applicant was advised that conditions (c) and (f) relate to the hedgerow/trees beside the lane).

## **27/2002/016**

Conversion of barn to holiday let at Pitlands Barn, Pitlands Farm, Hillfarrance.

### Conditions

- (a) C001 - time limit;
- (b) C106 - second hand materials;
- (c) C112 - details of guttering, downpipes and disposal of rain-water;
- (d) C215 - walls and fences;
- (e) C413 - restriction of occupation for holiday lets in permanent buildings;
- (f) P002 - no extensions;
- (g) P006 - no fencing;
- (h) P010 - no further windows;
- (i) C926 and C926A - remediation investigation/certificate.

(Notes to Applicant:- (1) NO25 - conversion; (2) N25A - conversion; (3) NO41 - drainage/water; (4) N115 - water conservation; (5) NO48A - remediation strategy; (6) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (7) Applicant's attention is drawn to the fact that the conversion of this property in

this location is contrary to the policy of the Local Planning Authority).

**38/2002/375**

Erection of three storey building containing three self-contained office units at Dellers Mews, Bridge Street, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C102B - materials;
- (c) The guttering and downpipes as shown on submitted drawing No. PL200 shall be installed on site and thereafter maintained, unless an alternative is agreed in writing by the Local Planning Authority before their installation on site;
- (d) C203 - landscaping;
- (e) Provision shall be made for the parking of eight cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
- (f) Prior to its installation on site, full details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) No additional openings for windows or doors shall be inserted into the building without the prior written permission of the Local Planning Authority;
- (h) 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 water-course, land or underground strata. Associated pipe-work shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (i) Prior to the commencement of works on site, details of foul and surface water arrangements shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) There must be a continuous flood defence link up to a level of 15.90m AOD between the Haimes Wharf defences and the Dellers Nightclub building along the river frontage to prevent the outflanking of the flood defences, and such a line shall be maintained thereafter;
- (k) There shall be no openings on the riverside elevation of the Mews building below 15.90m AOD;

- (l) There shall be no pedestrian or other access to the site from the adjacent Haines Wharf site;
- (m) The new walls and fences shown on the submitted drawing No PL202A shall be erected to a height of 2m before the development hereby permitted is occupied or the use commences. Such fences and walls shall thereafter be maintained at that height unless previously agreed in writing by the Local Planning Authority.

(Notes to Applicant:- (1) Applicant was advised that the Environment Agency has already granted its formal Land Drainage Consent SA2273/1 to Gadd Homes Limited for construction works within 8m of the River Tone at Dellers Mews, which are broadly in accordance with the plans now submitted. Applicant was further advised that a formal variation to the Environment Agency's Consent needs to agree to reflect the eventual consented drawing numbers under the planning application, if approved; (2) In respect of Condition (k), the riverside elevation should be reconstructed as a water retaining wall up to a level of 15.90m AOD, with the floor slab tied-in via a water bar to restrict the ingress of flood water. Furthermore, the Environment Agency advocates that the floor slab is substantially reinforced to resist hydrostatic uplift, for example buoyancy, during flood conditions causing damage to the slab. Ideally, a target ground floor slab level of 15.30m AOD to match Haines Wharf would be preferable if it is possible from other constraints; (3) Applicant was advised that in respect of Condition (j), foul and surface water drainage arrangements from the previous scheme should be retained in this alternative. That is, foul to mains, surface to river via downpipes on the riverward elevation; (4) Applicant was advised that the site adjoins the River Tone, a main river under the Environment Agency's control. Under the Water Resources Act 1991 and the Land Drainage Act 1991, both the Environment Agency and the Council have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'main river' or 'ordinary watercourse'. However, responsibility for general maintenance of the watercourses and their banks, rest with riparian owners. The site is protected from flooding, to a degree, by a flood-bank or wall that is maintained by the property freeholder. As the site is below flood level, the applicant should be aware of the risk of flooding due to a failure or over-topping of the defence by a more severe event than designed for, or maintained against. The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system. The watercourse must be adequately protected from suspended solids and toxic materials including cement. All the material to be tipped must be inert and non-biodegradable; (5) Applicant was advised that noise emissions from the site during the construction and demolition phase should be limited to the following hours if nuisance is likely at neighbouring premises:-  
Monday - Friday 0800 - 1800 hours; Saturdays - 0800 - 1300 hours;  
At all other times, including Public Holidays, no noisy working; (6) Applicant was advised to ensure that all reasonable precautions are taken to prevent dust and noise nuisance at neighbouring residential and commercial premises, arising from the demolition of the

building; (7) Applicant's attention is drawn to the requirements of the Building Regulations 2000, Part M, access and facilities for disabled people, the advise in BS8300 and the Disability Discrimination Act. Generally speaking, a level access will be required for the proposed building. An early assessment of site levels will avoid expensive alterations at a later date. Please contact the Council's Access Surveyor for further details; (8) N112 - energy conservation; (9) N114 - design-meter boxes; (10) N115 - water conservation; (11) N045 - encroachment; (12) Applicant was advised that as there are no existing separate public surface water sewers in the vicinity of the site, you should investigate alternative methods for the satisfactory disposal of surface water from the site (for example, soakaways or discharging to the River Tone). Surface water should not be discharged to the foul sewer. If it is proposed to discharge surface water flows to the river, the Environment Agency should be contacted).

### **38/2002/423**

Erection of two storey extension to boarding house (currently under construction) at Kings College, South Road, Taunton.

#### Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) C208A - protection of trees to be retained;
- (d) All windows in the boarding house that face Holway Avenue and Holway Road shall be double glazed to an appropriate acoustic standard. Suitable and sufficient ventilation shall be provided to ensure adequate air changes in each room.
- (e) All digging within the tree canopy shall be carried out by hand.  
(Notes to Applicant:- (1) NO52 - fire safety; (2) NO54 - fire safety; (3) NO80 - soundproofing; (4) NO51B - health and safety; (5) NO51C - workplace legislation; (6) NO40A - drainage/water).

### **52/2002/O37**

Retention of 1.48m high timber fence to front of Litton House, Trull Road, Taunton.

#### Conditions

- (a) The fence hereby permitted shall be removed on or before 30 November 2005;
- (b) A scheme of planting of trailing/climbing shrubs to screen the fence, which shall include details of species, siting and numbers to be planted shall be submitted to the Local Planning Authority within three months of the date of this permission. Once approved by the Local Planning Authority, this planting scheme shall be carried out in the first available planting season.  
(Note to Applicant:- Applicant was advised that if the laurel hedgerow behind the fence matures in less than three years, it would be beneficial if the fence was removed earlier).

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

**06/2002/050**

Erection of single storey extension to swimming pool, Cedar Falls Health Farm, Bishops Lydeard.

Reasons

- (a) The proposed extension, close to the boundary with adjoining residential properties, represents a seriously unneighbourly form of development which will be overbearing in relation to the adjoining properties, thereby causing loss of light and outlook to its occupiers, in particular the occupants of 6 and 9 Cedar Falls;
- (b) The proposed extension incorporating a lightwell will result in an unacceptable loss of light and outlook from the kitchen/breakfast room to the occupiers of 6 Cedar Falls;
- (c) It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development will not result in unacceptable noise levels from the swimming pool adjoining residential flats.

(Note to Applicant:- Applicant was advised that the Local Planning Authority would be happy to discuss the possibility of alternative locations for the swimming pool. You should contact the Area Planning Manager (West) in this regard).

Reason for refusing permission contrary to the recommendation of the Chief Planning Officer:-

Whilst recognising the needs of the Heath Farm, the Committee was concerned about the impact of the development on adjacent residential properties.

**26/2001/005**

Erection of detached single storey close care accommodation, Nynehead Court, Nynehead.

Reason

- (a) The proposed development is of standardised appearance and materials and would seriously compromise the setting of Nynehead Court which is a Grade II\* Listed Building and would degrade the quality of the surrounding landscape which is also registered Grade II\*. It is, furthermore, considered that in the absence of supporting information to justify the proposed new building, rather than the conversion of an existing outbuilding, the proposal is considered inappropriate. (Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 and 10, West Deane Local Plan Policy WD/EC/22 and Taunton Deane Local Plan Revised Deposit Policies EN17 and EN21).

**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.

Reasons

- (a) The use of the land for the proposed use is likely to attract significant traffic movements causing traffic to move into and out of a Class I road, on a length where traffic speeds can be at the national speed limit and at a point where visibility is restricted. The substandard access is likely to cause conflicting traffic movements and would not be in the interests of the safety and convenience of road users. It is considered that the proposal is contrary to Policies WD/IE/1 and WD/IE/3 of the West Deane Local Plan and Policies S1 and EC4 of the Taunton Deane Local Plan Revised Deposit;
- (b) The proposed open storage use would constitute an undesirable intrusion into the visual amenities of the area contrary to Policy WD/IE/1 of the West Deane Local Plan and Policies S1 and EC4 of the Taunton Deane Local Plan Revised Deposit.

219. Erection of three detached houses and garages and formation of access together with erection of garage to serve existing dwelling on land at The Orchard, Stoke St Mary (37/2002/015)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 24 November 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) C111 - materials - for drives;
- (d) C201 - landscaping;
- (e) C207 - existing trees to be retained;
- (f) C208A - protection of trees to be retained;
- (g) C209 - protection of hedges to be retained;
- (h) C215 - walls and fences;
- (i) C306 - access - gradient;
- (j) C307 - access - gates set back;
- (k) C320 - waiting bay, turning space and driveway to be hard-surfaced;
- (l) C416 - details of size, position and materials of meter boxes;
- (m) C215 - walls and fences;
- (n) Before any part of the permitted development is commenced, the hedge to be retained along the road frontage of the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m 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 soil levels around the boles of the hedges so retained shall not be

altered. The hedgerow shall thereafter be maintained at a minimum height of 2m at all times.

- (o) Prior to any works commencing, details of a scheme to mitigate flooding of the highway adjacent to the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to any dwelling hereby approved being first occupied.

(Note to Applicant:- N051B - health and safety).

220. The Taunton Deane Borough (Taunton No. 30) Tree Preservation Order 2002.

Reported that a Tree Preservation Order had been made in respect of one cherry tree in the front garden of No. 108 Churchill Way, Taunton.

The owner of the neighbouring property had objected to the Tree Preservation Order and details of his representations, together with the comments of the Chief Planning Officer were submitted.

RESOLVED that the objection be noted, but that the Order be confirmed unaltered.

221. Erection of fence panel and provision of earth bank over footpath to the side of 36 Craig Lea, Kingston Road, Taunton.

Reported that it had been brought to the Council's attention that a footpath linking the new development at the former Bishop Fox's School with a public footpath to the rear of the development had recently been closed off by the owner of No. 36 Craig Lea, Taunton. The means of closure consisted of an earth bank with hedging plants and a panel fence positioned on top of the bank.

The owner had been informed that as permitted development rights had been withdrawn on the development, planning permission was required to retain the fence panel and earth bank.

Although an application had been submitted, it had been withdrawn on the day of the last Planning Committee meeting and an indication had been received that the footpath would not be reopened.

RESOLVED that:-

- (a) enforcement action be taken seeking the removal of the unauthorised earth bank and fencing panel from the footpath link to the side of 36 Craig Lea, Kingston Road, Taunton; and
- (b) subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

222. Unauthorised display of externally illuminated painted mural at Kiddi-Karu Day Nursery, Blackbrook Business Park, Taunton.

Reported that despite advertisement consent being refused on 16 October 2002, a large externally illuminated painted mural on the eastern elevation of the Kiddi-Karu Day Nursery at Blackbrook Business Park, Taunton, was still being displayed.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised externally illuminated painted mural at the Kiddi-Karu Day Nursery, Blackbrook Business Park, Taunton, unless it was removed within one month.

(Councillor Mrs Angus left the meeting at 6.10 pm).

(The meeting ended at 7.38 pm).



25/2002/034

GRAINGER HOMES LTD

**RESIDENTIAL DEVELOPMENT TO PROVIDE 72 NO. DWELLINGS AND FORMATION OF ACCESS TO B3227, PRINGS CARAVAN SITE, NORTON FITZWARREN AS AMPLIFIED BY LETTER DATED 23RD OCTOBER, 2002 WITH ACCOMPANYING PLANNING STATEMENT AND TRANSPORT ASSESSMENT**

19850/25750

OUTLINE

---

1.0 **RECOMMENDATION**

I recommend that permission be REFUSED for the following reasons:-

- 01 To grant permission for this development at the present time would be premature and prejudicial to the outcome of the Taunton Deane Local Plan and any decision thereon.
- 02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would deliver the community facilities and infrastructure necessary for the provision of a satisfactory overall development for the major site allocation at Norton Fitzwarren (Taunton Deane Local Plan Revised Deposit Policy T10).
- 03 It has not been demonstrated to the satisfaction of the County Highway Authority that an acceptable means of access to the B3227 can be provided without adversely affecting the free flow and safety of traffic on the B3227.
- 04 The site is substantially within the floodplain of the Halse Water and is therefore liable to flooding. Inadequate provision has been made for a technically feasible and deliverable scheme of flood protection for the site (Taunton Deane Local Plan Revised Deposit Policies EN30 and T10).
- 05 The Local Planning Authority has prepared a Scoping Opinion under Part IV of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which identifies the proposed development as one requiring the submission of an Environmental Statement. The applicant has not provided an Environmental Statement and accordingly this decision is to be treated as deemed refusal under Part III Paragraph 7(5) of the Regulations.

2. **APPLICANT**

Grainger Homes Ltd

3. **THE SITE**

The site is an area of 21 ha currently in use as a mobile home park. There are 11 mobile homes remaining on the site, which at one time was capable of accommodating at least three times this number. The site lies to the south of the B3227 running through Norton Fitzwarren, the other side of which are residential uses. To the south of the site lies the Halse Water, beyond which is a narrow section of the former cider factory site and then the Bristol to Exeter railway line. Predominantly residential uses with the former cider factory to the south-west beyond the Halse Water. The Taunton Trading Estate is to the east of the site, together with some residential properties.

4. **THE PROPOSAL**

This is an outline application for residential development of 72 dwellings with the provision of a new access onto the B3227. An illustrative site layout has been submitted indicating a mix of 2, 3 and 4 bedroom terrace, semi-detached and detached dwellings, including some three-storey dwellings. The applicants consider that the proposal forms part of the overall Norton Fitzwarren Major Development Site allocation.

The applicants indicate that development would take place in two phases, due to flooding risk on the southern part of the site. The background to this is provided in the Flood Risk Assessment Report submitted with the application (copy included as Appendix 1 to this Report). They propose that the first phase would involve development up to the existing floodplain line. They envisage the second phase coming forward once improvements to the Halsewater are undertaken, as set out in the Flood Risk Assessment Report.

A Transport Assessment has also been submitted with the application. This concludes that the application site can be accessed appropriately independently from the relief road proposals which are part of the overall development proposals for Norton Fitzwarren. A copy of the Transport Assessment's conclusion is included as Appendix 2 to this Report.

5. **RELEVANT PLANNING HISTORY**

**25/1980/022** Use of car ports at East End Cottage, Norton Fitzwarren for the manufacture of trailer tents and use of part of yard for the parking of vehicles. Full application refused December 1980.

**25/1981/010** Erection of dwelling and garage on land adjoining Swiss Cottage, Norton Fitzwarren. Outline application refused May 1981 on highway grounds.

**25/1981/031** Use of house as offices and adjoining land for the storage and sale of calor gas at Prings Caravans, Norton Fitzwarren. Full application approved March 1982.

**25/1984/006** Continued use of part of garden adjoining Swiss Cottage, Norton Fitzwarren as a hardstanding and turning area for caravans and trailers. Full application refused September 1984.

**25/1988/058** Demolition of shop and store, alteration of existing access and erection of one dwelling at Prings Caravan Site, Norton Fitzwarren. Outline application refused March 1989.

An application has been received for the redevelopment of Taunton Trading Estate (25/2002/018), which lies to the east of the current application site. The application has not yet been determined.

6. **RELEVANT PLANNING POLICY**

**Taunton Deane Local Plan Revised Deposit**

The following policies in the Taunton Deane Local Plan Revised Deposit are relevant:-

S1 – General Requirements

S2 – Design

H1 – Housing within Classified Settlements

H1 Housing development will be permitted within defined limits of settlements, provided that:

(A) there is safe and convenient access by bus, ~~cycle~~ or on foot to facilities and employment. In the case of proposals of a significant scale, ~~non-car~~ bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B);

(B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;

(C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and

convenient access and circulation by means other than the car;

- ~~(D) outside the Taunton Central Area, sufficient car parking is provided for the likely number of residents in convenient, visible locations;~~
- (E) the layout allows people provision is made for the needs of residents and visitors with impaired mobility or disabilities a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking and appropriate house types;
- ~~(F) the proposal does not create or exacerbate ribbon development;~~
- (G) the character and amenity of existing residential areas will not be eroded by unacceptable increases in density 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;
- (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to ~~avoid a bland uniformity of design layout and house type and relate well to adjacent development~~ create locally distinctive developments well related to their surroundings; and
- (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.
- (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

## H2 - Affordable Housing within General Market Housing

H12 On housing sites which meet the following criteria, the provision of affordable dwellings will be sought:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;

- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and at least 0.5 hectare in size or is proposed for at least 15 dwellings;
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable houses sought on a site will be based on the need to ensure a balanced range of house types on the site and meet a fair proportion of housing need in the plan area, while retaining the financial viability of the scheme and other important planning requirements. ~~Where it would be impractical to provide affordable housing on a site which meets criteria A or B, a contribution to the provision of affordable housing nearby will be sought.~~

M3a – Residential Parking Requirement

C1 – Education Provision for New Housing

C4 – Standards of provision for Recreational Open Space

EN30 – Land Liable to Flood

EN30 On land liable to flood development proposals will not be permitted unless, having regard to any flood defence or other mitigation measures incorporated within the development:

- (A) The development would not be affected by intrusion of flood water for the appropriate design flood event;
- (B) the capacity of available flood storage would not be reduced;
- (C) flood water and flows would not be impeded;
- (D) flooding risks elsewhere would not be increased; and
- (E) the maintenance and integrity of existing flood defences would not be impeded.

T10 – Norton Fitzwarren Development Site – Major Site Allocation

T10 Sites at Norton Fitzwarren as shown on the proposals map are proposed for a major development site including housing, employment, community facilities and associated developments as set out in more detail in policies T11 - T13. To ensure the provision of a satisfactory overall development, a coordinated

approach and the delivery of the following key elements will be necessary :-

~~T14~~ ~~Planning obligations will be sought and conditions imposed to ensure the provision and (where appropriate) maintenance of the following works necessary for the development of the Norton Fitzwarren major development site:~~

~~(A)~~ ~~primary and secondary school provision accommodation in accordance with policy C1;~~

~~(B)~~ ~~social and community facilities in the local centre;~~

~~(C)~~ ~~playing fields and public open space in accordance with policy C4;~~

~~(D)~~ ~~landscaping;~~

~~(E)~~ ~~appropriate works and measures to a comprehensive flood alleviation scheme which ensures adequate drainage and a sustainable scheme of flood protection measures;~~

~~(F)~~ ~~affordable housing provision in accordance with policy H12; and~~

~~(G)~~ ~~archaeological survey of the Taunton Trading Estate.~~

~~T15~~ ~~Planning obligations will be sought and conditions imposed to ensure the provision of the following transport infrastructure necessary for the development of the Norton Fitzwarren major development site:~~

~~(AG)~~ ~~a bus route within the site and a service between the site and Taunton town centre, within one year of the first dwelling being occupied;~~

~~(BH)~~ ~~a comprehensive cycle and pedestrian network within the site development area, providing convenient access links to local services, community facilities, employment areas and public transport stops;~~

~~(GJ)~~ ~~cycle access facilities between the site and Taunton town centre Station Road and Roughmoor, within one year of the first dwelling being built;~~

~~(DJ)~~ ~~a Norton Fitzwarren By-Pass relief road to the south of the proposed residential areas;~~

~~(EK)~~ ~~traffic calming of the B3227 within the village of Norton Fitzwarren, within one year of the opening of the by-pass relief road;~~

~~(L)~~ ~~traffic calming of Blackdown View outside and on the approaches to the Primary School; and~~

~~(FM)~~ ~~contributions towards the provision of a bridge over the railway at Silk Mills Road rail crossing; and~~

~~(G)~~ ~~the setting aside of a piece of land at Station Road as shown on the illustrative layout, for the eventual provision of a rail halt.~~

The supporting text to this policy recognises that there are three key planning considerations for the development of the Norton Fitzwarren major development site. These are to deliver a scheme which:-

- (i) maximises the amount of development on “brown field” land in accordance with local plan strategy and government advice relating to sustainable development; and
- (ii) provides both a relief road to Norton Fitzwarren and the traffic calming of the B3227, in order to facilitate both an enhanced environment within the village centre, as well as the integration of residential areas and community facilities; and
- (iii) ensures the provision of other essential and related off and on site highway and infrastructure measures, such as comprehensive flood relief measures, community facilities and contributions towards a bridge over the railway at Silk Mills. The Plan notes that a piecemeal approach to the development of the individual sites will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme. As such, it goes on to say that no individual development will be permitted until the Borough Council are satisfied that the requirements of Policy T10 can be delivered.

#### T11 – Housing Allocations

T11 The following sites are allocated for housing development as part of the Norton Fitzwarren major development site:

- (A) Taunton Trading Estate incorporating Pring's ~~Caravan Park~~ Mobile Home Park, ~~19.6~~ 16.2 hectares; and
- (B) Ford Farm, ~~10.5~~ 9.8 hectares;
- (C) Matthew Clark Cider Factory, 3.9 hectares; and
- (D) MoD Land, Cross Keys, 0.9 hectares.

The supporting text to this Policy notes that Prings Mobile Home Park, which comprise the current application site, is not in a very desirable location, being sandwiched between Taunton Trading Estate and the former Matthew Clark Cider Factory. It therefore concludes that the site is considered suitable for residential development.

In November 1999. the Borough Council published the Norton Fitzwarren Draft Development Guide.

T13 The following sites are allocated for community uses as part of the Norton Fitzwarren major development site:

- (A) ~~Ford Farm, west of Mill House~~ Matthew Clark Cider Factory and Mill House; Local centre including local shopping and other commercial and community uses, ~~4.5~~ 1.7 hectares;
- (B) west of Stembridge Way; playing fields, ~~4.0~~ 4.7 hectares;

- (C) along the course of the Halse Water and elsewhere within the housing areas; linear public open space, ~~1.6 hectares;~~
- (D) Norton Fitzwarren Primary School, Blackdown View; school extension; and
- (E) Norton Fitzwarren Hill Fort; public open space (5.6 hectares).

In addition, a new school playing field to meet the needs of the expanded primary school will be required on a site to be agreed by the school and education authority.

## 7.0 **CENTRAL GOVERNMENT PLANNING POLICY GUIDANCE**

**The following paragraphs from Planning Policy Guidance Note No 1 'General Policy and Principles' are relevant:-**

Paragraph 4  
Paragraph 6  
Paragraph 24

Paragraph 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.

Paragraph 47      Questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it

may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the development plan, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Paragraph 48

Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval). The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached. For example:

- where a plan is at the consultation stage, with no early prospect of reaching deposit, then refusal on prematurity grounds would seldom be justified because of the lengthy delay which this would impose in determining the future use of the land in question;
- where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in the existing plan. The converse may apply if there have been objections to relevant

policies. However, much will depend on the nature of those objections and also whether there are representations in support of particular policies;

- where an Inspector has recommended in favour of relevant policies to which objection has been raised, refusal on prematurity grounds is unlikely to be justified for an application which is consistent with these policies.

Paragraph 49 Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process.

Paragraph 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.

**The following paragraphs from Planning Policy Guidance Note No. 3 'Housing' are relevant:-**

Paragraph 16  
Paragraph 22  
Paragraph 23  
Paragraph 38

Paragraph 45 It is important that sufficient land is genuinely available in practical terms to enable the policies and proposal in approved structure plans and adopted local plans to be carried forward. This means that sites must not only be free, or readily freed, from planning, physical and ownership constraints, but must also be capable of being developed economically, be in areas where potential house buyers want to live and be suitable

for the wide range of housing types which the housing market requires.

Paragraph 57

**The following paragraphs from Planning Policy Guidance Note No. 25 'Development and Flood Risk' are relevant:-**

Paragraph 9 Historically, development has taken place in both river and coastal flood plains. The advantages of flat, fertile land, which is easily developed and managed and close to transportation routes/river crossings have outweighed the disadvantages of intermittent flooding. However, the growth of built development within flood plains over the century has increasingly required engineering works to defend properties against the risk of flooding. The currently projected increase in the number of households in parts of England is likely to lead to increased pressure to build in areas at risk of flooding. Flood risk is clearly identified in PPG 3 Housing (paragraph 31) as a specific material consideration in the allocation and release of sites for new housing. It should also be recognised that climate change is expected to increase flood risk and some existing development in more exposed locations may not be sustainable in the longer term and may need to be replaced in safer locations. Local planning authorities should consider ways in which the planning system might be used positively to help tackle the legacy of past development in unsustainable locations, although the Government recognises that this will usually be a longer-term process than the other action recommended in this guidance note.

Paragraph 13

"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." This precautionary principle, stated in the Rio Declaration in 1992, is particularly relevant to dealing with the hazard of flooding. Its application acknowledges the uncertainty inherent in flood estimation and, by proceeding from the known facts and taking a precautionary approach to uncertainties, enables more open and better-informed decisions to be made. This can reduce the environmental impact and improve the safety of people and property, despite the existence of risk that may change with time. For example, shoreline management plans aim to identify sustainable approaches to reducing risks over the next 50 years, as well as looking at the longer-term implications. Similarly,

guidance on project appraisal for flood and coastal defence includes allowances for sea-level rise and recommendations for sensitivity testing in the design of river defences. In accordance with the precautionary principle, local planning authorities should, therefore, follow the sequential approach set out in paragraph 30 and Table 1. When preparing development plans and considering applications for planning permission, they should consult and take into account advice from the Environment Agency, which should incorporate the latest information on climate change.

Paragraph 21

Paragraph 23

Paragraph 27

Paragraph 30

Paragraph 31

Paragraph 35

The Government places great emphasis on the need for urban regeneration and the redevelopment of previously developed land to minimise the need for development of green-field land. Because much past industrial development took place alongside rivers on suitable flat land, some previously developed land will be vulnerable to flooding. In making proposals for redevelopment of such land or the re-use of existing buildings and structures, local authorities should take account of the risks of flooding, the standards of existing flood defences and the ability to improve them. Any such redevelopment should avoid interference with flood plain flows or compromising future shoreline or river management options. Developers and local planning authorities should consider what types of new development would be appropriate to these circumstances. For example, a site may not be sufficiently well defended to make it suitable for housing over its full area, although it might still be possible to incorporate housing within a mixed-use scheme, utilising parts of a site at higher risk of flooding for open space or other recreational provision. Similarly, the upper levels of converted structures, e.g. in former port or warehouse areas, might be appropriate for housing with public areas and other uses at a lower level. A balanced flexible approach is required which addresses the risks of flooding whilst recognising the benefits of recycling previously developed land and the damage to urban regeneration caused by under-investment and urban blight. The acknowledged risks of

flooding might be mitigated by confirmed good levels of protection, including protected access, prudent design of development and effective public warning mechanisms. Sites vulnerable to rapid inundation should defences be overtopped or breached are unlikely to be suitable for those of restricted mobility, whether in conventional, adapted or sheltered housing or in institutional accommodation.

Paragraph 60

Paragraph 61

Paragraph 68

## 8.0 **CONSULTATIONS**

### **County Highway Authority**

“The development is to provide 72 dwellings and access from the B3227 in Norton Fitzwarren.

The development site is allocated for housing development as part of the Norton Fitzwarren major development site in the Taunton Deane Local Plan. The site is allocated subject to the development being provided with a co-ordinated approach to ensure the provision of a satisfactory overall development.

It is the Highway Authority's opinion that to permit the development of this land in advance of the publication of the Local Plan Inspector's Report and the drawing up of a detailed planning brief would be premature and on that basis the application should be refused.

I do not propose at this stage to comment on the details of the internal layout as this is a reserved matter. With regard to the access onto the B3227, it has not been demonstrated to the Highway Authority's satisfaction that an acceptable means of access to the B3227 can be provided. Consequently, the Highway Authority also recommends the refusal of this application for this reason.”

### **County Archaeologist**

“Part of this site lies within an Area of High Archaeological Potential (AHAP) as defined by the Local Plan. A Desk Top Assessment of this general area was carried out as part of a different planning proposal. The DTA suggested a reasonably low potential for this area but the parts of the site close to the road may well have some later medieval remains preserved. Therefore, although most of the site is unlikely to have remains and has therefore no archaeological issues, I advise that an evaluation be carried prior to determination of the application in the area which falls within the AHAP.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.”

### **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/surface water 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. 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. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application.

The developer has proposed to dispose of surface water to the Halsewater catchment . It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. The developer should be advised to liaise with 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.

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.”

### **Avon & Somerset Constabulary**

“Thank you for giving me the opportunity to comment on the above planning application. I have studied the associated drawings and would raise the following concern:-

There appears to be little opportunity for natural surveillance of the parking area at the rear of plots 1-7 due to the rear fences of these houses and what appears to be a hedge at the side of the entrance.

This may lead to vehicles parked there and persons using the area being more vulnerable to crime.

I would recommend that this situation should be avoided if possible.

I have made contact with the applicant's agent and my services.”

### **Somerset Environmental Records Centre**

No SSI's, NNR's, County Wildlife sites or County Geological Sites (CGS) recorded at or adjacent to the application site. There is a County Wildlife Site (River Tone and tributaries) within 1 km of the application site.

### **Environment Agency**

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

The site is substantially within the flood plain of the Halse Water and the Agency has an objection in principle to redevelopment of this site until such time as the strategic flood mitigation works proposed to the Halse Water have been completed to the satisfaction of the Local Planning Authority.

In addition we are unsure what the objectives are in realigning the Halse Water (Norton Brook). The watercourses are used by otters and the Agency is aware that an artificial holt was constructed close to the proposed development, therefore please supply supporting information.

Providing the Agency's objections to the proposals can be overcome, the Agency would seek the application of the following conditions:-

CONDITION: Activities carried out at this site in the past may have caused contamination of soils, subsoils, and groundwater (water in both unsaturated and saturated zones). Therefore it is recommended that any planning permission require the applicant to carry out a site investigation to the satisfaction of the Planning Authority in consultation with the Environment Agency to determine the nature and extent of contamination. In the event that contamination of the site is confirmed the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests.

REASON: To prevent pollution of the water environment.

CONDITION: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded

by impervious bund walls. The volume of the bunded compound should 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 should be located above ground and protected where possible from accidental damage.

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."

The following informatives and recommendations should be included in the Decision Notice.

The Agency recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

Wessex Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

The foul drainage should be kept separate from the clean surface and roof water."

"The plans for the site of estimated 72 dwellings show no open space of any recreational value at all and so it should be unacceptable to the Council."

#### **Health and Safety Executive**

No comments.

#### **Environmental Health Officer**

"I have the following observation to address issues of contamination, flooding and noise from the railway.

## Contamination

C926 Before any work, other than investigative work, is carried out in connection with the use hereby permitted:- (a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses. (b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate:- 1. Water resources, including any private water supplies. 2. Surrounding land. 3. Wildlife, livestock and eco-systems. 4. Trees and plants. 5. Building materials 6. Future users of the site. 7. Any other persons. (c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development. (d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols. (e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority. (g). On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

Reason: Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

## Note to Applicant

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

### Flooding

I would acknowledge the summary of flood protection measures (7.0) and conclusions (8.0) made, as detailed in the report on Flood Risk Assessment (serial No. 222/02) produced by Ove Arup & Partners Ltd and would recommend that any development carried out be subject to these and any flood protection measures as recommended by the Environment Agency.

### Noise

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 and vibration from existing sources including the railway will not cause nuisance to the occupants of premises on the completed development.

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”

### Landscape Officer

“The proposed application does not provide enough detail to make a proper landscape assessment.

I recommend that they produce:-

- a design statement
- a detailed tree survey and a management implication – some of the trees are TPO'd
- proposed level changes
- proposed details of landscaping – now tree planting, shrubs, materials etc.
- areas of open space
- ecological appraisal”

### Housing Officer

No observations to make.

### Forward Planning and Regeneration Unit

“Principle

The principle of housing development at this location is accepted. The site is allocated for residential redevelopment within the Taunton Deane Local Plan (Revised Deposit) 2000, as part of a much larger mixed use allocation i.e. the Norton Fitzwarren Major Development Site (Policies TI 0 to T13). Similarly, the site is shown for residential redevelopment within the Norton Fitzwarren Draft Development Guide 1999.

The TDLP proposals for Norton Fitzwarren will provide for an average housing density of approximately 36 dwellings per hectare. I note that this proposal will deliver slightly less than that, providing for 34 dwellings per hectare. However, the application is for outline planning permission. The precise number of dwellings can be a matter for negotiation at reserved matters. Accordingly, I recommend that, should planning permission be granted, that no reference be made to a fixed figure of residential dwellings.

#### Environmental Impact Assessment

I note that an EIA has yet to be provided for this site. The submission of such a statement is crucial. For example, the land at the southern end of the site adjoins the Halse Water, a watercourse frequented by otters, and within the vicinity of TPO trees. It is at this general location (i.e. the southern part of the site together with the land between the site and the main line railway) where the proposals for the major development site will require the implementation of both flood relief works and the delivery of the connecting part of the relief road (linking Taunton Trading Estate to land within the control of Mathew Clark). It is impossible to assess the precise alignment of these features without having regard to information provided through an EIA. The EIA will need to consider the land between the site and the main line railway.

#### Flooding

The site is within an area of high flood risk (PPG25 - Table 1 ). The implications of this were assessed in a report to the Borough Council's Executive dated 26th September, 2001 (attached - refer to paragraphs 5.9 to 5.13, together with Appendix D). The report concludes that the Borough Council's proposals for Norton Fitzwarren are consistent with the advice contained within PPG25.

However, it is still necessary to seek the advice of the Environment Agency. There are a number of factors on which their views must be sought:-

Surface water run off - mitigation

Flood risk assessment

The design of flood relief works within the southern section of the site  
Phasing of development, particularly with regard to the flooding issues at Cross Keys

TDLP policies EN30a and EN31a are very relevant (see attached). These policies reflect recent advice within PPG25, and set out the Borough Council's approach with regard to the implementation of the "risk based sequential approach", "off site schemes of flood protection", "standards of protection" the "precautionary principle", "flood risk assessment" and "surface water run-off".

The precautionary principle requires that any scheme of flood protection is technically feasible and deliverable. The Borough Council, together with adjoining land-owners (excluding Mr Pring at his own choice), have spent significant time and investment to develop such a scheme. This "comprehensive scheme" involves a dam across the Halse Water together with major on-site channel works, and will protect the application site from flooding. However, the proposed scheme is not within the control of the applicants. Accordingly, to grant planning permission to this development would be at conflict with the provisions of PPG25 (precautionary principle). For example, further analysis could result in an amendment to the comprehensive scheme that would result in the loss of protection to the application site (unlikely, but not impossible). The only way to solve this problem will be require the applicants to enter a section 106 agreement with Matthew Clark, Mr Underhill (Ford Farm), St Modwen and the Borough Council requiring the delivery of a comprehensive flood mitigation works that will protect the major development site, including the application site. The applicants should rightly contribute towards such a scheme.

### Transport

The advice of the Highway Authority should be sought regarding the access arrangements.

It is likely that the proposed relief road (to serve the major redevelopment area) will travel in an east/west direction at a point to the immediate south of this site. However, the precise alignment of the road cannot be guaranteed until we are in possession of an EIA (refer to above).

As this development forms part of a wider comprehensive development proposal, it is crucial that effective links (footpaths/cycleways) are created into the adjoining areas that are proposed for development. This will facilitate ease of movement between the various residential areas and the existing/proposed community facilities.

### Silk Mills Bridge

The proposal must contribute towards the provision of the Silk Mills bridge. The scale of contribution must be a reflection of on the net impact of the proposal, taking account of the number of existing residential units on the site (refer to policy T10, criterion M).

### Public Transport

The proposal must contribute towards an improvement to the local bus network (refer to policy T1 0, criterion G).

### Affordable Housing

An affordable housing contribution of 20% should be sought from this development.

### Education

A contribution will be required towards the improvement of local primary and secondary education facilities. Please seek the advice of the Education Authority. Contributions are also required towards the traffic calming of Blackdown View (the area in front of the existing primary school).

### Playing Fields/Children's Play Areas

A contribution will be required towards an expansion of the playing fields at Stembridge Way. Please seek the advice of the Leisure Development Manager.

The development will need to cater for on-site children's play areas (refer to policy C4). Please seek the advice of the Leisure Development Manager.

### Local Centre

The proposal must contribute towards the eventual delivery of a local centre, to serve the expanded community (refer to policy T13, criterion A).

### Conclusion

This application is considered premature pending the outcome of the local plan inquiry and fails to contribute towards the comprehensive local plan proposals as outlined above.”

### **Norton Fitzwarren Parish Council**

“I refer to the recent planning application for a development of 72 dwellings on the land known as Pring's Caravan Site in Norton Fitzwarren.

This was discussed at length at our recent Parish Council Meeting and agreed unanimously that we lodge the Parish Council's strongest objection to the proposal.

To summarise, the Parish Council: -

- objects on the grounds of the premature timing of this application. Given the proposal under the Local Plan for extensive development throughout the village, it is imperative that individual plans are co-ordinated to achieve best practice in relation to access, visual impact, provision of relief road, flood alleviation and all other associated issues. As such, no individual plan can be considered until the results of the Local Plan Enquiry and then only in relation to other plans for adjoining developments areas;
- Without prejudice, objects to the density of development proposed by the application with wholly inadequate road widths, lack of community and recreational facilities and no provision for job creation;
- wishes to emphasise the need to ensure that this developer contributes fully proportionate amounts to planning gains for the village as a whole;
- has very grave concerns over the tenure of current residents of the site, particularly in that a premature application may well result in them becoming homeless;

The land to which the planning application refers forms an intrinsic part of the Taunton Deane Local Plan (Revised Deposit published November 2000), which seeks planning gain from the proposed development of 1070 houses in Norton Fitzwarren. The Parish Council believes that if this planning application is presented to the Taunton Deane Borough Council Planning Committee before the Secretary of State's Inspector has published his report on the Local Plan, it may seriously compromise said Local Plan.

All of the developers are required to contribute to:-

- The relief road
- Education provision
- Flood alleviation works
- Silk Mills bridge and park-and-ride

It is therefore vitally important that any development at Norton Fitzwarren is done in a strategically cohesive manner, otherwise these benefits may be lost. Note; The Parish Council endorses the principal of brownfield development (subject to effective flood prevention measures).

Mr Leeman in his Evidence to the Local Plan Enquiry (P/TD/374: Addendum Evidence to P/TD/207) states that "No planning

permissions will be issued until the Borough Council is satisfied that the full requirements of policy TIO (of the Local Plan) can be secured" and suggests an amendment to paragraph 8.100 of the Local Plan: "As such, no individual development will be permitted until the Borough Council are satisfied that the requirements of Policy TIO can be delivered."

In addition to the aspirations to planning gain, there are other issues that make this application untimely:-

- (a) The southern half of the site floods significantly. It is written into the Local Plan that no building shall commence until appropriate flood alleviation works have been completed.
- (b) If development of the Prings site were to commence ahead of the Taunton Trading Estate, site access would have to be directly off of the B3227 in the middle of the village. As such, associated additional traffic movements and the public nuisance of noise and dirt during construction will be entirely unacceptable to neighbouring residents.

We would call your attention to the 11 occupied mobile homes on the site. There has been no consultation with the residents on the part of the proposers over this application. They have been issued with a notice to quit the site telling them it was due to close 30th September 2002. This notice has no legal standing under the Mobile Homes Act 1983. Services to the site (most notably water) are inadequately maintained. With the exception of the currently occupied homes, the site is virtually derelict and it is unclear whether or not there is a current licence for the site. These facts, together with this planning application, could well constitute harassment of the current homeowners. This is now a criminal offence. The reason for the application is stated as "prospective purchase" and the Parish Council is extremely concerned that under new ownership of the site the residents may become homeless before the winter is through."

## 9. **REPRESENTATIONS**

Four letters of objection have been received making the following points:-

- 1. Concern at loss of home which is close to facilities.
- 2. Will spoil the whole character of Norton Fitzwarren - it will soon resemble a small town.
- 3. Occupiers of mobile homes on the site have a legally binding agreement under the 1983 Mobile Homes Act, to keep their mobile homes on the site.

4. The adjacent B3227 road is subject to flooding during heavy rains - rainwater will accumulate as the drains cannot cope and flooding of the road will occur. Flooding occurs on average five times a year.
5. Welcome the development, as the site is becoming an eyesore and has become subject to vandalism in recent months, but the flooding problem should be addressed before any development takes place.
6. Understood there would be no new dwellings in Norton Fitzwarren until the dam further up Halse Water is provided.
7. Any attempt to provide on site flood defences for these new dwelling would be catastrophic for the residents in Prowses Meadow.

One letter of representation has been received from the applicants for the proposed development at the Taunton Trading Estate. They do not object as long as the Grainger Homes proposal is subject to the same level of scrutiny as their application; that it deals with all the appropriate environmental matters; that it is subject to the appropriate level of contributions to off-site infrastructure and community facilities; and that it overcomes the problems at the Cross Keys roundabout that are currently being discussed with the Environment Agency in respect of the Taunton Trading Estate application.

#### 10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Do the proposal comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. What impact will the proposed development have on the environment of the area? ENVIRONMENTAL IMPACT
- C. Is the proposed access to the site acceptable? ACCESS
- D. Have measures for avoidance of flood risk been taken account of in the proposal? FLOODING
- E. Will the proposal have an unacceptable visual impact on the area? VISUAL IMPACT
- F. SUSTAINABILITY
- G. OTHER ISSUES

#### **A. Policy**

The site is within the limits of the settlement of Norton Fitzwarren and is currently in use as a mobile home park. The site therefore predominantly comprises a brown field site and consequently the principle of residential development is accepted.

The site is proposed for residential development in the emerging Taunton Deane Local Plan, forming part of a larger mixed use site comprising the current site, Taunton Trading Estate to the east, the former cider factory premises to the west and open land at Ford Farm beyond. The Local Plan refers to the proposed development as the Norton Fitzwarren Major Development Site and policies T10 to T13 are relevant. The site is also shown for residential development in the Norton Fitzwarren Draft Development Guide which was published in 1999.

Policy T10 of the Local Plan Revised Deposit states that to ensure the provision of a satisfactory overall development, a co-ordinated approach and the delivery of certain key elements are essential. These include contributions toward education and community facilities, infrastructure works and affordable housing. The requirement of the policies for the major development site is to deliver a scheme which maximises the use of brown field land, provides for a relief road for Norton Fitzwarren and ensures other related and essential highway and infrastructure measures.

There are a number of landowners and developers with interests in the major development site. The applicants are one of these in the guise of a prospective developer of one part of the overall site. I consider that piecemeal development of individual sites will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme which can claim to have minimised environmental impact whilst maximising community benefit. Individual development proposals are therefore only considered to be acceptable if the requirements of Policy T10 can be secured. In this instance the applicants have not put forward their willingness to provide contributions in line with this policy. The consultation response from the Forward Planning and Regeneration Unit sets out these requirements in greater detail. In the absence of contributions towards the implementation of the major development site I consider that the proposed development is inappropriate and is likely to undermine the successful implementation of the emerging policies.

## **B. Environmental Impact**

As part of the Local Plan process, a Scoping Opinion was prepared by the Local Planning Authority under Part IV of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A copy of this Opinion applies to the whole of the proposed major development site included in the Taunton Deane Local Plan Revised Deposit. The affect of the Opinion was a

requirement for the preparation of an Environmental Statement for the development.

The application was not accompanied by an Environmental Statement and although one has been requested one was not submitted within the prescribed time limits under the above Regulations. In such circumstances, the advice is that the only option for the Local Planning Authority is to refuse the application.

The southern part of the site is particularly environmentally sensitive. There are a number of trees the subject of a Tree Preservation Order and the southern end of the site adjoins the Halse Water, which is frequented by otters. It is in this general area that measures to alleviate flooding and the provision of the relief road will impact.

### **C. Access**

Access to the site is proposed from the B3227 through Norton Fitzwarren. Although the application is in outline only, the means of access is not reserved for future approval and an illustrative plan has been submitted indicating a suggested layout.

The applicants submissions consider that there are no impediments to bringing development forward on the site in terms of access. The Transport Assessment submitted with the application indicates that traffic impact on the local area and further afield would not be material, and a suitable site access has been designed, which could either incorporate a priority junction onto the B3227 or a mini roundabout.

However, I consider that the site is allocated for housing development as part of the major development site in the Local Plan and it is crucial that a co-ordinated approach is adopted to ensure the provision of a satisfactory overall development. The County Highway Authority take the view that to permit the development of this land in advance of the Local Plan Inspector's Report would be premature. With regard to the access onto the B3227, it has not been demonstrated to the satisfaction of the Highway Authority that an acceptable means of access to the B3227 can be provided. They therefore recommend refusal of the application.

### **D. Flooding**

The southern part of the site is within the flood plain of the Halse Water and the Environment Agency object in principle to the development of the site until such time as the strategic flood mitigation works proposed to the Halse Water have been satisfactorily completed.

A Flood Risk Assessment Report, included as Appendix 1 to this Report, proposes that the development takes place in 2 phases. The first phase, the northern part of the site, would take place up to the

existing floodplain line. The second phase would then come forward once improvements to the Halsewater are undertaken.

The flooding implications of the proposed development have to be considered against the background of PPG25 and under that guidance the site is located within an area of high flood risk. The Authority's proposals for Norton Fitzwarren are consistent with the advice contained in PPG25. As part of this advice, where development is to be considered on land subject to flood risk, applicants are required to demonstrate that:- (i) a proposed scheme of flood protection of the required standard is both technically feasible and deliverable; and (ii) a proposed scheme of flood protection will not adversely affect third parties by reason of increased flood risk.

In the instance of the Norton Fitzwarren major development site, the Borough Council, together with the various landowners of the other sites, have developed a comprehensive scheme involving a dam across the Halse Water, together with major on-site channel works, which will protect the current application site from flooding. However the owner of the current application site did not wish to be a party to such a scheme and its successful implementation, on which part of the current development would depend, is not within the control of either the site owner or the current applicants. At the present time, therefore, the proposed development is in conflict with the precautionary principle set out in PPG25.

#### **E. Visual Impact**

The site is a brownfield site within an existing settlement. The majority of the site is taken up by a mobile park, although the occupancy rate is not as great as it was in the past. There is some screening to the site, particularly from the south. I consider that in view of the current use of the site and the fact there is fairly substantial existing development adjacent to it, the visual impact of new development will not be significant.

#### **F. Sustainability**

The strategy contained within the Somerset Structure Plan Review encourages development to be focussed upon the major towns in the County. In accordance with Policy S1 of the Taunton Deane Local Plan Revised Deposit, the site is well located in terms of local facilities and public transport. The site is largely brownfield in nature. The identification of this site removes the need to identify comparable amounts of housing land at greenfield locations. The southern part of the site has significant tree cover and it is known that the adjacent Halse Water is a habitat for otters. An Environmental Statement was requested.

#### **9. Other Issues**

The consultee responses raise a number of issues related to specific areas of concern. These issues would be raised in the event of an appeal.

The position of the tenure of existing residents on the mobile home park is not an issue which the Local Planning Authority can have regard to.

#### 11.0 **CONCLUSION**

In view of the developers not submitting the requirement Environmental Statement and not appealing against the Local Planning Authority's request for one, there is no option but to refuse permission on that ground alone.

However, I also consider that the proposal is premature pending the outcome of the Taunton Deane Local Plan Inquiry and furthermore fails to contribute towards the comprehensive local plan proposals set out in Policy T10. The County Highway Authority is also not satisfied that on the basis of the submitted plans, a satisfactory access can be provided onto the B3227 to serve the development.

My recommendation is therefore one of refusal.

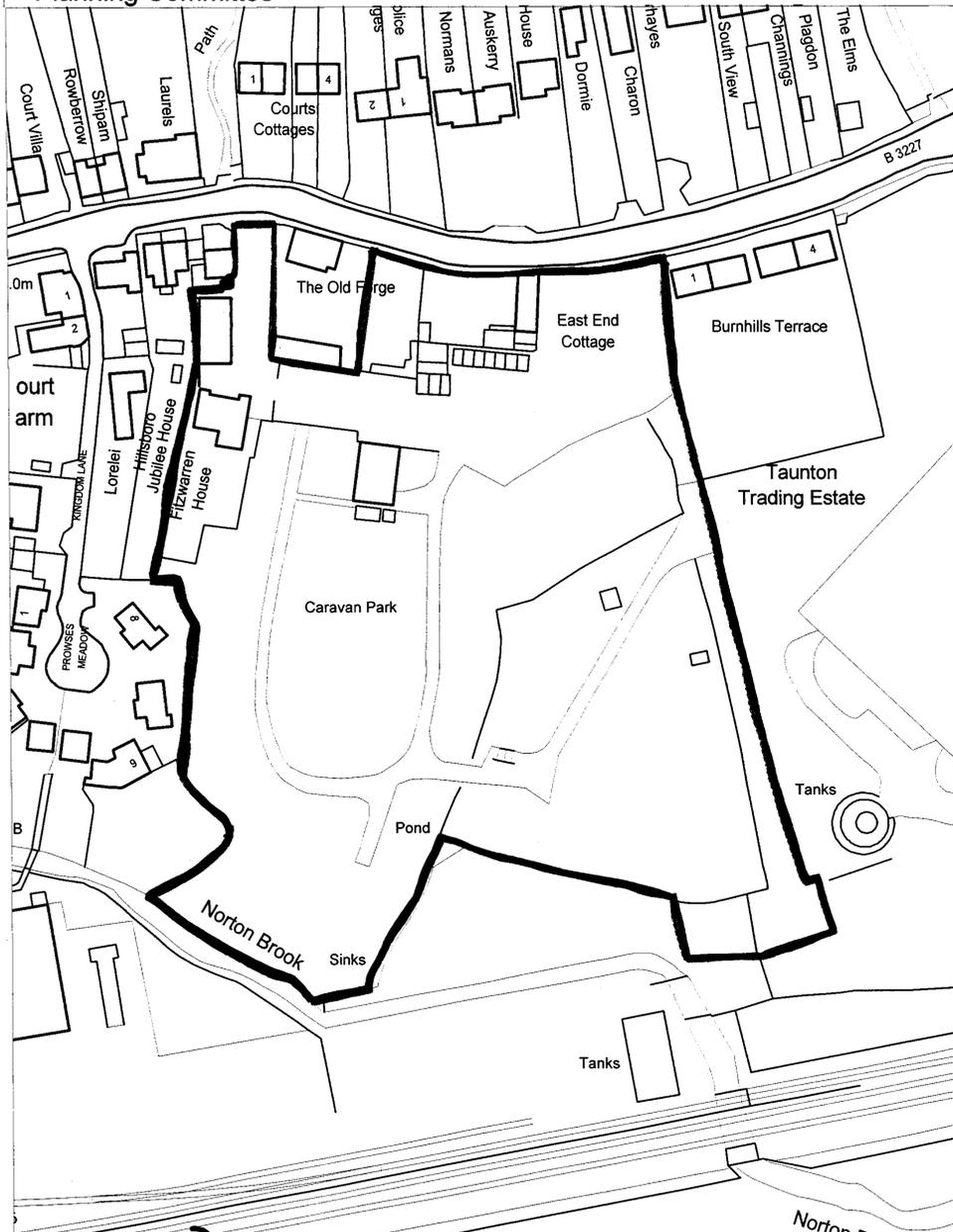
**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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

#### **APPENDICES**

1. Flood Risk Assessment Conclusion
2. Transport Assessment Conclusion
3. Scoping Opinion of the Local Planning Authority in relation to proposed major development at Norton Fitzwarren

(These documents can be viewed at the Deane House or via the Council's website: [www.tauntondeane.gov.uk/planning](http://www.tauntondeane.gov.uk/planning))



NT Noall, Chief Planning Officer  
The Deane House, Belvedere Road,  
Taunton TA1 1HE

The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Taunton Deane Borough Council LA079677

25/2002/034

## **APPENDIX 1**

### **7.0 SUMMARY OF FLOOD PROTECTION MEASURES**

- 7.1 The Environment Agency and Taunton Deane Borough Council have adopted a policy requiring the area to be protected against a 1 in 200 year flood event, plus an additional 20% flow to take account of predicted climate change.
- 7.2 The site is affected by the Halsewater river and the predicted flood level using the FEH method of analysis varies from 23.0 m AOD in the west to 22.7 m AOD in the east.
- 7.3 The northern third (approx) of the site is above the flood plain.
- 7.4 Properties built on this land will need to have floor levels 600 mm above the predicted flood level to ensure that their surface water drainage system operates safely. The land may be raised to achieve this.
- 7.5 The southern 2/3 of the site is at risk of flooding in an extreme event.
- 7.6 If the adjacent Matthew dark site gains planning permission, major river management works will need to be undertaken before development can begin.
- 7.7 Once completed the improvements to the Halsewater will allow development on all the Pring land.
- 7.8 The previously flooded land will need to be raised to ensure that development floor levels are above the predicted top water level of the Halsewater.
- 7.9 The proposed development will incorporate sustainable drainage features to improve surface water runoff quality and attenuate flows to existing rates.
- 7.10 The river improvement works will need to satisfy access and environmental requirements which will be subject to detailed consultation with the Environment Agency.

### **8.0 CONCLUSION**

- 8.1 Part of the Pring land is at risk of flooding from the Halsewater.
- 8.2 The residual area is above the flood plain and therefore may be developed subject to planning consent.
- 8.3 The land at risk of flooding may be developed if the Halsewater river management works are completed.

## **APPENDIX 2**

### **TRANSPORT ASSESSMENT CONCLUSION**

#### 5.0 CONCLUSIONS

- 5.1 The early granting of this site as part of development of Norton Fitzwarren is consistent with the Draft Local Plan and Draft Design Guide for the area.
- 5.2 The traffic impact of the site on the local area and further afield based on existing traffic conditions and distribution is not material and is less than the day to day variation in existing traffic flows.
- 5.3 A suitable site access can be designed into the site, which either could be a roundabout or a priority junction. However, the priority arrangement is preferred because of the limited impact on through vehicle movements and on the core area of Norton Fitzwarren.
- 5.4 Given the direct pedestrian links to the historic core and potentially to the Relief Road in the future, the site is consistent with the sustainable pedestrian and cycle requirements of national, regional and local guidance.
- 5.5 The limited increase in public transport users as part of the development confirm that major improvements to public transport provision are not required. However, local improvements to the facilities available at bus stops could be provided. In the longer term the development will link by foot and cycle to the new park and ride facilities, with the frequent bus services.

## **APPENDIX 3**

### **The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999**

#### **PART IV**

#### **Preparation of Environmental Statements**

#### **Regulation 10 : Scoping Opinion Of The Local Planning Authority In Relation To Proposed Major Development At Norton Fitzwarren, Taunton**

The following represents the "adopted scoping advice" of the Local Planning Authority. Regulation 20 requires that this adopted advice (along with the developers request) be kept available for public inspection for two years alongside the planning register. Once a planning application is received, this opinion and related documents will be transferred to Part I of the register with the application.

The form and content of the EIA must have regard to Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. The issues highlighted within schedule 4 must be addressed as part of the EIA.

The EIA should be structured in the following manner, which will enable a logical assessment of the impact of the scheme on a broad range of environmental criteria. Each main heading has been divided into a range of sub headings, all of which will need to be addressed. The following represents a comprehensive list of the significant environmental issues raised by the development. However, some will be more important than others, and in this respect the applicant should refer to the advice at paragraph 82 of Circular 02/99 (Environmental Impact Assessment).

The advice of the "consultation bodies" can be inspected upon request.

#### **Introduction/Project Description**

##### **Planning Policy**

1. National
2. Regional
3. Structure Plan
4. Local Plans
5. Supplementary Planning Guidance, including development guide.

##### **Population (Human Beings)**

1. Noise (road/rail/new employment facilities)
2. Air quality (eg road travel/measures to reduce travel)
3. Road safety and community severance
4. Rail line safety
5. Impact of employment uses (noise, vibration etc)
6. Security

7. Access to leisure/play areas and community facilities
8. Over head power lines (radiation)
9. Sustainability of proposed transport/travel measures (access to a choice in mode of travel, including convenience, frequency of trips etc)
10. Site services
11. Socio/economic impact

#### Wildlife Habitats/Fauna & Flora

1. Impact on water courses and wetlands (ie floodplains)
2. Trees and hedgerows
3. Landscaping
4. Linear open space
5. Protected species (and those species on either the UK, southwest region or local Biodiversity Action Plans eg dormouse, watervole, skylark, brown hare, grey partridge, barn owl, great crested newt and badger). There will be a need to undertake habitat surveys and species related surveys. If these species are present, the EIA must indicate how their habitats will be effected and what measures will be taken to manage the remaining habitat in a sustainable manner in the future. This assessment must include the use of pasture land by birds particularly wetland species during times of flood, and the orchards and the associated herb rich neutral grassland.

The movement of otters within and through the development site. The site may be vital as a route to the rest of the Halse Water and the Norton Brook catchment. If this is the case, then the EIA should detail how this route will be protected.

The potential and actual bat roosts and feeding habitat (watercourses, hedgerows and pasture land). The EIA should determine which species are concerned and which roosts are in use.

The provision of suitable "buffer" areas alongside hedgerows and watercourses which are capable of conserving their (ie hedgerow/watercourse) wildlife interest. Details of provisions to be made for the management and aftercare of these features once the development has finished.

Particular attention should be paid to area I (Ford Farm).

Appropriate surveys may also be necessary for land use change and geomorphology.

#### Soil and Ground Conditions

1. Agricultural land quality (including the effect of the development on Farms)
2. Use of excavated soil
3. Contamination

#### Water

1. Flooding (analysis of flood flows, siltation rates etc must take account of the present land use and not rely on historical land use).

2. Existing watercourses - water quality
3. Surface water quality and quantity (the use of Best Management Practises for dealing with contaminated surface water needs to be considered).
4. Ground water (a water interest survey will need to be undertaken to assist in ensuring no adverse impacts occur to ground and surface water).
5. Foul drainage (including potential impact of additional nutrient loading on the Somerset Levels and Moors SPA should foul drainage be passed to the Ham Sewerage Works). Details of how foul water will be kept separate from other water courses.
6. Water supply and efficiency
7. Geomorphology (potential impact via watercourses on areas beyond the site).

#### Air

1. New sources of pollutants

#### Climatic Factors

1. Travel generation and modes
2. Energy efficiency - building design, landform etc
3. Tree cover - losses/gains

#### Material Assets

1. Impact on archaeology/Scheduled Ancient Monument
2. Impact on existing built environment/historic buildings

#### Landscape

1. Views into the site and the visual impact of the new development
2. Impact on Green Wedge
3. Impact on Special Landscape Feature

The EIA should consider the inter-relationships between all of the above.

In general terms, and as part of the process, the EIA should consider:

- i How the development will generate/minimise residues and emissions (by water, air and soil pollution, noise, vibration, light, heat, radiation etc).
- ii The reuse of material (as part of the demolition & construction process).
- iii Impact of construction works and construction phasing ie the implications of alternatives in reducing environmental impact.
- iv An assessment of alternative schemes explored (for example, the off site scheme of flood prevention).
- v The "Zero option" ie what are the environmental effects of doing nothing. This will help highlight current problem areas which can be resolved through the development.
- vi Mitigation measures, and how the development proposes to deal with identified problems.
- vii Monitoring, maintenance, audit and contingency. The impact of the site when operational, needs to address how habitats and information will

be maintained, including what actions can be taken by whom and at what cost if the completed scheme fails to safeguard habitat or features or other planned objectives.

- viii The Environmental Objectives of the Local Plan - how well does the development comply with the Local Plan Objectives?
- ix Any other elements as required by Schedule 4 of the Regulations.



SOMERSET COUNTY COUNCIL

**ERECTION OF DWELLING TO THE REAR OF HIGHLAND COURT FARMHOUSE,  
ASH PRIORS**

15250/29270

OUTLINE APPLICATION

---

**PROPOSAL**

This outline application is for the erection of a single dwelling within the settlement limits of Ash Priors. The site is accessed from the track which serves the barns to the rear of the site (which have consent to be converted to dwellings) and currently forms part of the garden for the farmhouse. The site is not within the Conservation Area but is adjacent to it. A public footpath runs along the access track.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site lies within the village of Ash Priors and falls within its development boundary limits. However, facilities and services within the village are poor (no shop or school) and access to public transport is very limited. Residents would be dependant on the private vehicle for their daily needs. This would constitute unsustainable development in terms of transport policy, as the proposal will foster growth in the need to travel and increase reliance on the private motorcar. This is contrary to advice contained within PPG14, RPG10 and the provision of Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan review. The application is very similar to a proposal to erect a dwelling in Sampford Brett in West Somerset, which also has limited facilities, services and public transport provision. The Highway Authority recommended the refusal of that application which was refused by the Local Planning Authority and the appeal was dismissed on transport policy grounds. Recommend refusal of the application on the grounds that the proposed development would be located where it would be remote from adequate services, employment, education, public transport etc and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13 and RPG10 and to the provisions of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. ENVIRONMENT AGENCY no comment.

CONSERVATION OFFICER character of this part of the Conservation Area is large dwellings with generous curtilages. This proposal would undermine this aspect and hence the character of the Conservation Area. Objection raised. RIGHTS OF WAY OFFICER the surface of the access road must not be changed without reference to the Highway Authority. Otherwise the development will not affect the footpath.

PARISH COUNCIL permission should not be granted on the basis that the site is too small to accommodate 2 dwellings with reasonable sized gardens that would fit in with the surrounding properties, taking into consideration that it is sandwiched between Conservation Areas. If permission is granted any dwelling should be single storey construction and with no more than 2 bedrooms. Because of the high water table in the

area which already causes problems for nearby properties, surface water should not be dealt with by a soakaway. Foul water should be dealt with by a treatment plant. In view of the fact that Somerset County Council will gain a great deal of money from the eventual sale of the property and have already done so by the sale of the nearby farm buildings, as part of any permission should not the area be now brought up to local standards and have the very rough muddy access track made up to a county road condition (a local planning gain). The application is for infill and the access to an infill must be from a council maintained road. This is not the case here. Therefore this application comes under the heading of 'backfill' which is not allowed in Ash Priors and the application as it stands must fail. If this is 'backfill' and it is allowed, a precedent would be created and I know of several other similar sites which would then qualify for development.

1 LETTER OF OBSERVATION raising the following matters:- high ground water table and the introduction of a further drainage system will add to the existing problem; the erection of a dwelling would not seem to comply with the intention of the 1991 Structure Plan which designated the area as a Special Landscape Area although the erection of a bungalow on the site would not be so objectionable as a house; query the ownership and maintenance of the access lane.

## **POLICY CONTEXT**

The West Deane Local Plan (adopted May 1997) is the adopted local plan for this site. WD/SP/1 defines Ash Priors as a village within which development will be permitted in accordance with the policies and proposals of the Structure Plan and West Deane Local Plan (adopted May 1997). Policy WD/HO/3 permits development provided that the proposal respects the form and character and setting of the settlement and the integrity of the streetscene, conforms with the housing policy for the settlement, important open spaces, views and tree groups are not lost, servicing and highway aspects are acceptable, there is no material effect on neighbouring properties, satisfactory landscaping is provided, and new dwellings are not sited where they would be detrimentally affected by existing or proposed unneighbourly uses. Policy WD/HO/4 discourages proposals for infilling and small groups which unacceptably increase densities and erode the character and amenity of existing residential areas, and policy WD/HO/7 requires that new housing developments will be expected to make use of the existing site features, allow for sufficient space between dwellings so that there is no problem of overlooking and the best possible use is made of natural light, respects the character of the settlement, conforms with policies for access and internal circulation, car parking, utility services, etc. WD/AP/1 requires that new housing in Ash Priors be restricted to infilling within the defined village limits. WD/EC/16 in special landscape areas such as this the Borough Council will exercise strict control of development and encourage positive measures of enhancement.

In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are relevant:- S1 (General requirements), S2 (Design), S3 (Energy conservation), Policy H1 (Housing within classified settlements) which permits development within defined limits of settlements provided that there is safe and convenient access by bus or on foot to facilities and employment, provision for

off-site public transport, cycling and pedestrian facilities and highway improvements, traffic calming, pedestrian, cycle and bus measures are provided where necessary, there is convenient access and movement for people with impaired mobility, the character or residential amenity of existing residential areas is not eroded, a coherent approach to the overall design is adopted, and existing and proposed dwellings will enjoy adequate privacy and sunlight.

## **ASSESSMENT**

I consider that the plot size (0.07 hectares) is sufficient to provide reasonable amenity space for the existing property and, depending on the detail contained within the reserved matters application there is likely to be sufficient amenity space for the proposed dwelling. The area to the north of the site is relatively loose knit with substantial gardens. However, I do not consider that the integrity of the streetscene is lost at this point. The garden area of Highland Court Farm does not make a significant contribution to the streetscene or contribute to an important view/open space. I therefore do not feel that the development of this site would erode the character of the adjoining Conservation Area or the character or amenity of this part of the settlement. It can be argued that the proposal, being adjacent to the Conservation Area neither enhances nor detracts from the character and appearance of the Conservation Area. Suitable conditions are recommended to seek design, siting and materials to reinforce the local character and distinctiveness of the area and to ensure that details of the proposed drainage system are submitted to and agreed by the Local Planning Authority. I do not consider that it is reasonable to condition that the dwelling be single story and a maximum of 2 bedrooms as this would conflict with the Local Planning Authority's Design Guide and be inappropriate for the locality. Careful siting and design as part of the reserved matters application should ensure that the proposal does not harm the residential amenity of neighbouring dwellings or the amenities of the existing property. I do not consider that the proposal would lead to an overloading of the access roads causing any road safety problems or environmental degradation. The developers are being advised to incorporate measures to minimise the use of energy and water in the use of the building and to secure the protection of the public footpath.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limits, details of site levels, materials to be submitted, landscaping scheme, trees to be retained, details of boundary treatment, access, parking standards, meter boxes, services underground, details of a drainage scheme to be submitted, removal of permitted development rights for extensions and ancillary buildings, details of rainwater goods. Notes re access for the disabled, energy and water conservation, Lifetime Homes, good design, use of renewable energy sources, minimise overlooking or loss of privacy to Bryants Cottage, Yscolen or Highland Court Farmhouse.

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

**CONTACT OFFICER: 356462 MRS J HIGGINBOTTOM**

NOTES:

C R &amp; M E COLES

**ERECTION OF TWO STOREY EXTENSION, LINK EXTENSION, SINGLE STOREY EXTENSION, CAR PARK EXTENSION, DEMOLITION OF GROUND FLOOR LINEN ROOM AND GARDEN TERRACE, ALTERATIONS TO HOTEL AT NEW LINK ENTRY, MINOR INTERNAL ALTERATIONS, NEW RAISED GARDEN TERRACE, SERVICE ACCESS AND YARD AT RUMWELL MANOR HOTEL, RUMWELL AS AMENDED BY AGENTS LETTER AND PLANS REF. 138/15; 16; 17 AND 18 DATED 27TH SEPTEMBER, 2002 AND LETTERS DATED 31ST SEPTEMBER AND 3RD DECEMBER, 2002**

19340/23200

FULL PERMISSION

---

**PROPOSAL**

The proposal is for the erection of a two storey extension measuring 17 m wide x 12.8 m deep and link extension 5.5 m x 6 m with demolition of ground floor linen room and garden terrace, proposed car parking extension, new raised garden terrace, new service access and service yard at The Rumwell Manor Hotel. The agent describes the hotel as an informal group of buildings with the dominant three storey building being the Georgian former Manor House built in 1805 by William Cadbury of Wellington. There are several Victorian buildings with a newer wing built approximately 15 years ago. The proposed extension has been positioned so that it is set back from the main elevation of the principal building by 6 m and to ensure that the extension is not seen during the approach to the hotel's entrance. The amended plans proposing a new conference/function room at ground floor level with a link through the existing kitchen, and 7 new bedrooms are proposed at the first floor. The design of the extension has attempted to be subservient to the principal building with lower eaves and ridge levels being two storey only. The materials will be natural slate roof with painted render/stucco for the external walls, windows will be timber and rainwater goods are intended to be metal. The proposed link will be a glazed screen with black polyester powder-coated frame. The access will remain as existing, however, a new vehicular driveway is proposed for the kitchen/service yard. The originally submitted plans included a 21 m wide two storey extension with dormer windows.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection, concern that visibility for and of vehicles exiting from the site is substandard, recommends that the applicant provides as much visibility as possible on land in his control. COUNTY ARCHAEOLOGIST no archeological implications. WESSEX WATER the developer has indicated that the disposal of foul drainage will be to an 'on site sewage treatment plant'. There are public sewers approximately 70 m to north of the proposal, only if a connection with that sewer is shown to be not feasible or practicable should a sewage treatment package plant be provided. Point of connection required to water main.

LANDSCAPE OFFICER initial plans:- concerned that the rear car park extensions and two storey extension will seriously affect existing trees and their roots. Require a tree survey and other details. CONSERVATION OFFICER original submission unacceptable in terms of scale and design. The principle of extension in this location is acceptable; the design is acceptable on the amended scheme, the details will be important. Conditions suggested. RIGHTS OF WAY OFFICER footpath appears to be preserved on the original line and therefore will not be affected by the development. TOURISM OFFICER fully supports the proposal, provides an important tourism accommodation for business visitors and leisure sector. ENVIRONMENTAL HEALTH if any changes in food preparation areas, they must comply with the relevant food safety etc regulations. DRAINAGE OFFICER conditions required re soakaways and tank.

## **POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit EN17 development proposals which would harm a Listed Building, its settings or any features of special or historic interest which it possesses, will not be permitted; EN18 explains the criteria to be followed for extensions to a Listed Building, includes the architectural and historic features, the design and materials being sympathetic and the extension being limited in scale so as not to dominate the appearance of the original building. Policy EC18 relates to tourist accommodation and the criteria for new or expanded facilities. It is considered that the proposal, as amended, is in accord with these policies.

## **ASSESSMENT**

The principle of an extension to provide additional facilities for the hotel is acceptable. The hotel is well situated, adjacent to the A38 and served by bus routes, and has a landscaped setting with countryside beyond. The new extensions would provide conference/dining room with bedrooms over. The new building would also provide level access for wheelchair users, who are unable to easily access the existing main building. The scale and design have been modified to meet the concerns of the Conservation Officer and subject to conditions the revised scheme is acceptable. In order to be able to achieve the full visibility standard, part of the existing boundary/retaining wall would have to be removed. This would not be acceptable in Listed Building nor planning terms. There are trees close to the proposal some of which will have to be removed. Details of these and replacements have just been received, and views are awaited from the Landscape Officer. The new parking area extends to the south east and the revised extent is less than the original submission and is considered to be acceptable. The new driveway for the service yard results in a gap in the existing hedge. This is regrettable, but the overall improvement with the services yard adjacent to the existing and improved kitchen facilities outweighs the small loss of hedge. The overall setting of the Listed Building is not considered to be affected by this part of the proposal.

## **RECOMMENDATION**

Subject to the views of the Landscape Officer regarding the details of trees to be removed/planted the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to materials to be submitted, landscaping, levels, tree projection, no trenches beneath trees, parking

provided. Notes re keep right of way clear, food hygiene regulations, no trenches under canopy, contact Wessex Water, soakaways, septic tank, not over sewer.

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

**CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)**

NOTES:



C R &amp; MR E COLES

**ERECTION OF TWO STOREY EXTENSION, LINK EXTENSION, SINGLE STOREY EXTENSION, CAR PARK EXTENSION, DEMOLITION OF GROUND FLOOR LINEN ROOM AND GARDEN TERRACE, ALTERATION TO HOTEL AT NEW LINK ENTRY, MINOR INTERNAL ALTERATIONS, NEW RAISED GARDEN TERRACE, SERVICE ACCESS AND YARD AT RUMWELL MANOR HOTEL, RUMWELL AS AMENDED BY AGENTS LETTER WITH ACCOMPANYING PLANS REF. 138/15; 16; 17 AND 18 DATED 27TH SEPTEMBER, 2002 AND LETTERS DATED 31ST SEPTEMBER AND 3RD DECEMBER, 2002**

19240/23200

LISTED BUILDING CONSENT-WORKS

---

**PROPOSAL**

The proposal is for the erection of a two storey extension measuring 17 m wide x 12.8 m deep and link extension 5.5 m x 6 m with demolition of ground floor linen room and garden terrace, proposed car parking extension, new raised garden terrace, new service access and service yard at The Rumwell Manor Hotel. The agent describes the hotel as an informal group of buildings with the dominant three storey building being the Georgian former Manor House built in 1805 by William Cadbury of Wellington. There are several Victorian buildings with a newer wing built approximately 15 years ago. The proposed extension has been positioned so that it is set back from the main elevation of the principal building by 6 m and to ensure that the extension is not seen during the approach to the hotel's entrance. The amended plans proposes a new conference/function room at ground floor level with a link through the existing kitchen, and 7 new bedrooms are proposed at the first floor. The design of the extension has attempted to be subservient to the principal building with lower eaves and ridge levels being two storey only. The materials will be natural slate roof with painted render/stucco for the external walls, windows will be timber and rainwater goods are intended to be metal. The proposed link will be a glazed screen with black polyester powder-coated frame. The access will remain as existing, however, a new vehicular access is proposed for the kitchen/service yard. The originally submitted plans included a 21 m wide two storey extension with dormer windows.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER objected to original submission on grounds of scale, footprint and design competing with the principal building. Revised submission, principle of extension in this location acceptable. Design satisfactory but details will be all important; conditions required.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit EN17 development proposals which would harm a Listed Building, its settings or any features of special or historic interest which it possesses, will not be permitted; EN18 explains the criteria to be followed for

extensions to a Listed Building, includes the architectural and historic features, the design and materials being sympathetic and the extension being limited in scale so as not to dominate the appearance of the original building. Policy EC18 relates to tourist accommodation and the criteria for new or expanded facilities. It is considered that the proposed scheme, as amended, is in accord with these policies.

### **ASSESSMENT**

The design and scale have been amended following discussions with the Conservation Officer. The amended scheme is considered to be acceptable subject to detailed conditions.

### **RECOMMENDATION**

Consent be GRANTED subject to conditions of materials, sample slate, details of doors and windows, no bell casts, recessed windows, details of pilasters.

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

**CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)**

NOTES:

11/2002/007

**AGENDA ITEM NO. 8**

MR & MRS MAHON

**CHANGE OF USE OF TWO HOLIDAY LETS TO A SINGLE DWELLING AT QUANTOCK COTTAGE, SEVEN ASH.**

15190/33340

FULL PERMISSION

---

**PROPOSAL**

Planning permission was granted in February 1997 for the change of use and sub-division of the former Stags Head Public House at Seven Ash near Combe Florey and the conversion of the skittle alley to 2 holiday lets. The application has been implemented. This application is for the change of use of these 2 holiday lets to a single dwelling. There are no external alterations apart from the demolition of a small extension to improve the access/turning arrangements. The residential curtilage is formed by the existing boundaries.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site is located adjacent to the A358, in an area which is remote from local services and facilities, education or employment opportunities. Residents would be dependant on the private vehicle for their daily needs. This would constitute unsustainable development in terms of transport policy, as the proposal will foster growth in the need to travel and increase reliance on the private motorcar. This is contrary to advice contained within PPG14, RPG10 and the provision of Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan review. Planning history shows a recommendation of refusal by County Highways Authority for the conversion of the skittle alley to 2 holiday lets and draws the attention to the poor alignment and lack of forward visibility at the junction with the A358. This situation has not been improved and the junction is extremely substandard given the speed of traffic on the main road. Whilst I do not consider that the junction is adequate to serve the proposed dwelling it is unlikely to generate significant additional traffic movements over and above that which was created by the 2 holiday lets. Therefore the Local Planning Authority must consider whether the planning merits of the case outweigh the highway safety and sustainability issues raised.

DRAINAGE OFFICER note that the foul drainage is to drain to the existing sealed system. Recommend note regarding existing drainage systems and the possibility of overloading and public health nuisance. TOURISM OFFICER I am eager to assist in safeguarding the future economic benefits of tourism to the local economy and to the host communities it serves. The loss of any holiday accommodation is regrettable but in this instance the establishment has the potential to continue to play an important role in the local economy and the tourism sector. This proposal requires careful assessment and I would like you to consider the following information. Quantock Cottage is situated on the edge of the Quantock Hills Area of Outstanding Natural Beauty which attracts

approximately 440,000 visitors per year. Seven Ash is situated close to our largest visitor attraction the West Somerset Railway, wonderful countryside and villages providing local shops and pubs such as Crowcombe, West Bagborough and Triscombe. Quantock Cottage has never taken the opportunity to promote itself through any of our tourism publications and in particular the annual visitors guide which research has highlighted provides accommodation providers in the Deane with 30-95% of all known bookings. The cottage is located in one of Somerset's tourism honey pots and is ideally equipped to attract walkers and cyclists. This is not one of the areas in the Deane that is suffering from holiday accommodation saturation and there is still potential for growth. There is immense potential for future tourism development on the hills and surrounding area working in partnership through the 'Coleridge Way Project' linking Exmoor and Quantock Hills, EU funding (Leader+) in the neighbouring areas of Blackdown Hills and Somerset Levels and Moors. Equine tourism, cycling and teashop tourism projects are already under development in the area (Manor Farm, Broomfield, trekking, Fasttracks mbt offering mountain bike packages) and 'Green Ways' project on the hills will be developed further to offer extensive bridle, cycle and foot paths.

WEST BAGBOROUGH PARISH COUNCIL (neighbouring Parish Council) no objections to this proposal. In fact it is thought that a change to a single dwelling would be an advantage to the village.

1 LETTER OF CONCERN raising the following issues:- septic has leaked in the past so the septic tank is not capable of dealing with the current loading let alone the extra effluent generated by another permanent dwelling.

## **POLICY CONTEXT**

The West Deane Local Plan (adopted May 1997) is the adopted local plan for this site. WD/SP/3 (Conversion of buildings outside settlement uses for small scale industrial, warehousing, commercial, tourist and recreational uses) and WD/SP/4 (Conversion of buildings outside settlement limits to residential uses) are relevant. Here, the conversion of buildings to residential use will only be permitted where the criteria of policy SP/3 are met and where it would not harm the rural character of the area and the historic or architectural qualities of the building. WD/EC/16 (Special landscape areas) applies. In such areas, the Borough Council will exercise strict control of development and encourage positive measures of enhancement.

Structure Plan Policy 23 states that outside settlements or defined Tourism Development Areas, the priority is to improve existing attractions and accommodation and to mitigate the environmental impact of existing development. West Deane Local Plan Policy WD/RT/1 encourages proposal for tourism development where they diversify tourism opportunities, provide alternatives to areas of excessive tourist pressure and support the local economy.

In the assessment of this application the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are relevant:- S1 (General requirements), S2

(Design) S3 (Energy conservation) H9 (Conversion of rural buildings). Here, the conversion of buildings to residential use will not be permitted unless the building to be converted is of permanent and substantial construction and is in keeping with its surroundings, has a size and structure suitable for conversion without major rebuilding or significant extension and alteration, is unlikely to attract a suitable business re-use, is sited near a public road with convenient access by foot, cycle, or public transport to a settlement, will not harm the architectural or historic qualities of the building, does not involve the creation of a residential curtilage which would harm the rural character of the area, and will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality.

## **ASSESSMENT**

The applicant's agent argues that the holiday lets were let in 2000 for a total of 7 weeks and in 2001 they were let 4 times. The agent advises that the properties have been extensively marketed and the low return is due to the location of the building so close to the main road. The applicant's agent has also enclosed, as part of the application, letters from a holiday company indicating that they were unprepared to market the holiday lets due to the location close to the main road and letters from holiday makers who indicate that the location close to the road does not make it attractive for tourism purposes. It can be argued that the applicants should have considered the proximity of the main road at the time of researching whether the skittle alley should be converted to the 2 holiday lets and presumably considered it to be a worthwhile venture at that time. As amplified by the Tourism Officer, the properties have not been advertised in Taunton Deane Borough Council's literature and no further evidence of the marketing strategy has been submitted with the application. In light of there being minimal external alterations and the residential curtilage remaining the same, I consider that the proposal does not affect the appearance or character of the building or the street scene. However, currently the adjacent dwelling and the holiday lets are in the same ownership. The use of the former skittle alley as a separate dwelling, where there is no relationship with the adjoining dwelling (the former pub), is likely to have a more adverse impact on that property. However, I do not feel that this relationship is so adverse as to warrant refusal of the application on loss of amenity grounds. The form and character of the building are not compromised. It can be argued that there might be a reduction in traffic to and from the site as the number of planning units on the site is being reduced from 2 to 1. In light of this, I consider that the proposal would not lead to an overloading of the access roads causing any road safety problems or environmental degradation. The developers are being guided to incorporate measures to minimise the use of energy and water in the use of the building. With regard to assessing the application against the current and emerging policies, the application requires careful consideration. Section 54A of the Town and Country Planning Act 1990 provides that development control decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Whilst there are policies which encourage the formation of tourism accommodation for the benefit of the economy, there are no specific policies which seek to protect the loss of accommodation. However the Structure Plan Policy 23 states that outside of settlements or defined Tourism Development Areas, the priority is to improve existing attractions and accommodation and to mitigate the environmental impact of the existing development. The holiday units were permitted in order to provide accommodation for tourists in an area with tourist potential and where new residential development is normally restricted. The holiday lets

are likely to have a more positive impact on local employment and the economy than the proposed residential use. Hence it is considered that the loss of the positive effect that the tourism use may have on the local economy is a significant material consideration and my recommendation is to follow the ethos of the positive tourism policies and refuse the loss of this tourism accommodation.

## **RECOMMENDATION**

Permission be REFUSED on the grounds that the proposal would result in the loss of tourist accommodation in an area of tourism potential contrary to the aims of Structure Plan Policy 23 and Local Plan Policy WD/RT/1. The proposal would also conflict with policies and aims of the Council's Tourism Strategy 1999 - 2004 which encourage a choice of accommodation for such tourist in areas not suffering from holiday accommodation saturation and where there is still potential for growth

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

**CONTACT OFFICER: 356462 MRS J HIGGINBOTTOM**

NOTES:

MR M JAMES

**CHANGE OF USE AND RE-CLADDING OF AGRICULTURAL BUILDINGS FOR THE WHOLESALE STORAGE AND DISTRIBUTION OF PACKAGING MATERIALS, ALLERFORD FARM, NORTON FITZWARREN.**

17920/25080

FULL PERMISSION

**PROPOSAL**

The proposal provides for the change of use of agricultural buildings at Allerford Farm to wholesale storage and distribution of packaging materials. The buildings are mostly vacant, being used until about 3 years ago for the storage of animal feed and silage. They would be reclad to make them weatherproof and secure. The rear courtyard elevations of some of the buildings are open and the intention would be to make them enclosed with additional cladding and with the provision of loading doors. The floorspace totals 4,402 sq m. The intended occupiers currently operate from premises at Courtlands Industrial Estate at Norton Fitzwarren. Their business as merchants of a wide range of packaging materials involves the storage and selling throughout the south west of often very inexpensive packaging materials such as bubble wrap, loosefil, corrugated paper, cardboard boxes, adhesive tapes, paper, polythene bags, sacks, film, etc. Some of the goods held remains in stock for a year, but on average for about 3 - 4 months. The intended occupiers estimate that they have about 6 deliveries a day from suppliers using a wide range of vehicle sizes, only 1 or 2 being large lorries. Deliveries are made in light vans and 7 a half ton vehicles averaging in total about 5 trips a day. They employ 12 full time and 3 part-time staff and are continuing to grow and have searched the Taunton area to acquire suitable economic storage for many years but have been unsuccessful. They nearly purchased land in Sedgemoor earlier this year, but they are loath to move with their staff out of the Taunton area. Information has been supplied by the applicant, the previous user of the buildings for farming purposes, indicating intensive traffic movements when the site was in full use as a dairy farm. This information indicates traffic movements in the order of 200 trip a day back and forth totaling 400 movements a day.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site is accessed via classified unnumbered roads that suffer from extremely substandard widths and alignment, with severely restricted forward visibility on the double bends adjacent to the site. This location is clearly inappropriate for formation of a large-scale commercial use with significant traffic generation, particularly a use generating HGV traffic. Such a use should be located within a purpose built industrial estate with suitable access to the County and National Primary Route network, via appropriately designed approach roads. Regard has to be given to the fact that substantial buildings are already in place on the site, and the present lawful use for agriculture has in the past generated substantial traffic movements, including HGVs. At present these uses have ceased, but an agricultural use, generating similar levels of traffic to the past use, could proceed on the site,

presumably without the need for planning permission. The levels of traffic generation are therefore a relevant issue. In my opinion a comparison must be drawn between the 'existing' or likely traffic generation of an agricultural use of these buildings and the level of traffic generated by the proposed use. Information received from the applicants suggests 'existing', traffic movements in the region of 100 - 200 movements per day. It is considered that this level of traffic generation is unusually high for a dairy farming enterprise of this scale. Investigation of similar scale dairy enterprises suggests that 30 - 40 movements per day may be a more realistic estimate. The proposed use of the site indicates an initial traffic generation of 52 trips per day, although the business is expected to grow. The traffic generation of non-perishable storage and distribution uses tends to be around 1.6 movements per day per 100 m<sup>2</sup> GFA, (based on figures from the TRICS database) and, using this trip rate, the total traffic generation of this use could be in the region of 70 movements per day. (A general employment use of these buildings could attract between 400 and 900 movements per day.) If there is presumption in favour of reuse of these buildings for a non-agricultural business use, then the current proposal may offer best solution in terms of minimising traffic generation. While the traffic generation of the Kingfisher storage and distribution use is higher than the Highway Authority's estimate of the likely traffic generation of an agricultural enterprise on the site, it is considerably lower than the 'existing' traffic generation put forward by the applicant. Subject to the application of suitable conditions and agreements, regarding personal consent, specific use, routing of vehicles via the classified unnumbered road connecting with the B3227 immediately to the west of Norton Fitzwarren, it may be unreasonable to raise an objection to this application on transport grounds.

11 LETTERS OF OBJECTION Allerford Farm lies along the convergence of four narrow winding country lanes with passing places, often with steeply banked sides and low overhanging trees; all four lanes are subject to periodic inundation from overflow from the River Tone and the Hillfarrance Brook and their tributaries and from run-off from the roadside fields; flooding appears to be occurring more frequently, temporarily isolating the communities and also aggravating the disrepair of the roads; there is already a perception of increasing weight of traffic, particularly HGVs, through Hillfarrance and Pontispool; the lanes are also extensively used for recreational activities, eg cycling, walking, jogging, running, dog exercising, children's ponies, adult horse riding and the narrow high-banked winding section of road between Norton bridge and Allerford provides access to the equestrian centre at Pontispool Farm; the 1999 estimate of 410 traffic movements into and out of the farm during a normal working day is disingenuous, extraordinary and highly improbable, amounting to one arrival or departure every 3 and a half minutes per 24 hours, or every 1 and a half minutes during a 10 hour day, and quite at variance with the visible evidence of activity around the farm at the time; some of the traffic figures show some surprising entries, viz neighbours and visitors for open days and visiting parlour 10 times in and out listed as every day, electric and water meters readers twice daily and seasonal work which it is unfair to extrapolate to daily movements; though the dairy herd has gone, the land belonging to the farm remains in use for stock, silage and arable crops, presumably under contract arrangements, and so there has been no perceptible reduction in the agricultural traffic using the lanes - therefore the use of the buildings for a new business would inevitably mean an increase in road traffic; the volume or intensity of traffic activity (milk, stock or arable produce) generated by a farm is often seasonal and therefore bears little comparison with the activity of a business receiving and dispatching goods along these rural lanes on a

regular basis through each working day; the local lanes are totally unsuitable for large lorries and it would be environmentally unacceptable to upgrade them solely to provide access to an enterprise that would be more appropriately located on a trading estate; if the application were to go ahead, consideration should be given to designating the lane between Allerford and Hillfarrance as unsuitable for HGVs; the local lanes are part of National Cycle Route 3; not aware of Allerford Farm ever being serviced by a regular traffic of vans and lorries in the past; this development could be the thin end of the wedge and could lead to a small industrial estate blighting this lovely rural area; will be an increased risk of accidents; the proposed operators own claims for traffic flows would suggest around 100 trips per day, which would be set to increase as they continue to expand; it is their need to expand cheaply that is the reason for their proposed move and understand that there are other parties interested in moving to Allerford and the potential for serious environmental impact is considerable; if all the buildings are to be used, this is a huge amount of storage; it does not appear that heavy goods vehicles will be able to enter and leave the site in forward gear, to turn an articulated lorry in the adjacent lanes would be very difficult and highly undesirable; applicant's figures cannot be correct as they appear to be having more goods delivered to them than they are sending out; the possibility of a fire on the site is a matter of concern as access through the country lanes, which are subject to flooding could be difficult, if not impossible, for fire appliances, and packaging materials are notoriously inflammable; the buildings at present are not suitable for storing packaging, considerable work needs to be carried out to bring them up to standard; buildings may be leased off to other users, thus doubling or trebling the volume of traffic; undertakings should be sought from the applicant that no unacceptably large vehicles or large numbers of vehicles will use these minor lanes.

PARISH COUNCIL have previously discussed and commented on the proposal and this plan only serves to confirm and strengthen their views. The Parish Council strongly objected to the earlier application on highway grounds. The roads from 4 directions on to the site are totally unsuitable for the vehicles necessary to bring in and dispatch goods for this type of business. It is also on a main cycle route and would be extremely dangerous for cyclists and horse riders.

## **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. Policy STR6 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. Policy 19 of the same plan states that in rural areas provision should be made for development which creates or enhances local employment facilities. Policy WD/IE/1 of the West Deane Local Plan sets out criteria against which employment proposals will be assessed. Policy WD/SP/3 of the same plan is relevant. This policy indicates that change of use of buildings outside defined settlement limits will be allowed provided certain criteria are met. One of these criteria is that there is no harm to highway safety. Policy S1 of the Taunton Deane Local Plan

Revised Deposit includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy EC3 of the same plan states that outside the defined limits of settlements, the conversion of buildings to small scale business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating use will be permitted provided that certain criteria are met. Again, one of the criteria is that the proposal should not harm highway safety.

## **ASSESSMENT**

The site is located in an area accessed by lanes which have extremely sub-standard widths and alignment, with restricted forward visibility on the double bends adjacent to the site. The County Highway Authority consider that the location is clearly inappropriate for the formation of a large scale commercial use with significant traffic generation, particularly a use generating HGV traffic. Although they consider that it may be unreasonable to raise an objection on transport grounds, I consider that the location is inappropriate for a distribution centre. The claimed number of daily traffic movements to the former dairy farm seem unusually high and I am sceptical that this information is sufficient to warrant approval of the currently proposal on the grounds that it will bring about a reduction in traffic movements to/from the site.

## **RECOMMENDATION**

Permission be REFUSED for reasons that the proposed development would not be in the interests of the safety and convenience of road users for reason that the site is accessed via classified unnumbered roads that suffer from extremely substandard widths and alignment, with severely restricted forward visibility on the double bends adjacent to the site . Consequently, the location is considered inappropriate for the formation of a large-scale commercial use with significant traffic generation, particularly a use generating HGV traffic, which should be located within a purpose built industrial estate with suitable access to the County and National Primary Route network via appropriately designed approach roads.

**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:





MRS D J SADDLER

**ERECTION OF BUNGALOW ON LAND TO THE REAR OF HIGHCROFT, HENLADE (RESERVED MATTERS), AS AMENDED BY LETTER DATED 14TH NOVEMBER, 2002 AND ACCOMPANYING REVISED SITE PLAN**

27130/24090

RESERVED MATTERS

---

**PROPOSAL**

Outline planning permission was granted on 20th November, 2002 for the erection of a bungalow on 0.02 ha land to the rear of Highcroft. The current application is for the approval of reserved matters. This proposal indicates a new access drive 3.6 m away from the boundary with Falcon Lodge and a detached bungalow with integral parking. There is a window at first floor level in each of the gables and two small velux windows in the roof that would light two bedrooms contained within the roof. The bungalow would be rendered with a tile roof and brick quoins. The bungalow would be approximately 2 m to eaves and 6. 2m to apex in height.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection subject to conditions requiring adequate turning facilities on site.

PARISH COUNCIL the bungalow is considered to be too high and out of keeping with adjacent properties.

**POLICY CONTEXT**

Somerset and Exmoor National Park Structure Plan the following policies apply:- Policy STR1 requires development to be of high quality, good design and locally distinctive. Policy 49 requires development proposals to be compatible with the road network or, if not, to provide an acceptable improvement. Taunton Deane Local Plan Revised Deposit the following policies apply:- S1 governing the general requirements of all development; criteria (A) additional road traffic would not lead to overloading of access roads or road safety problems; (D) requires that the appearance and character of the landscape would not be harmed as a result of the development; H1 governs development within settlement boundaries criteria (G) requires development to respect the character of the area and criteria (I) requires existing dwellings to retain existing levels of privacy and sunlight.

**ASSESSMENT**

The proposed bungalow is to the rear of the property in a back land situation that will not have a detrimental impact on neighbours. It has been designed so that first floor

windows are in either gable and look back towards Highcroft and out over the agricultural land to the north. Ruishton exhibits a number of bungalow properties that are of varied design, age and character. The proposed design utilises render and tile with brick quoins and is considered to be acceptable in this location. Proposal considered acceptable.

### **RECOMMENDATION**

Details be APPROVED. Note re outstanding conditions.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

ROSS CAMPBELL

**CHANGE OF USE AND CONVERSION OF HEALTH CLUB TO SEVEN DWELLINGS, CONVERSION OF OUTBUILDINGS TO TWO DWELLINGS AND SUBDIVISION OF OWNERS HOUSE INTO TWO DWELLINGS AT PRESIDENTS HEALTH CLUB, STOKE HILL, HENLADE.**

27520/23000

FULL PERMISSION

---

**PROPOSAL**

The application seeks the conversion of the buildings currently comprising the health club into seven dwellings, an outbuilding into a further two together with subdivision of the proprietor's dwelling. In support of the application, the proprietor has written to indicate the reasons why the proposal has been submitted.

"Firstly while we fully appreciate the need to maintain and preserve recreational facilities for the local community, I would point out that it is because of competitive pressure from more and more health and fitness facilities, both public and private sector that operation of Presidents has become unviable. I would also point out that this is a reluctant move by my partners and I and not one that we ever wanted or envisaged. We have thrown all possible finances and marketing at the business in the last few years to dwindling effect. It has now become a priority for the future of my family to move to this stage. We simply can not compete any longer in a market place that has become more and more price sensitive and is being spread ever more thinly around the facilities. The provision of a new 23,000 square foot health club in East Reach will be the final nail in the coffin. Even members are aware that it must be creating hardship for us and many people are just waiting until it opens next year. It also makes the point that while one facility is closing, other larger ones on the same side of town are opening therefore ensuring that the sport and recreational needs of local community are met. People will be able to go somewhere else. Should this application not be accepted then we will be forced to foreclose anyway with mounting debt. Secondly, we have been looking for a buyer for the business for 3 years. However the type of niche club that we operate does not fit the requirements of most if not all operators. The multi national groups look for facilities in or just out of town and prefer new build and a greater square footage. An independent operator would suffer the same problems that we have and so it would not be cost effective. This is why we have reluctantly chosen this planning route."

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposed development is unlikely to generate more traffic than the existing use of the site, and consequently I would not wish to raise an objection to this proposal. WESSEX WATER no objection.

ENVIRONMENTAL HEALTH recommends note due to possibility of noise from adjacent depot. DRAINAGE OFFICER suggests conditions. LEISURE & RECREATION

OFFICER please ensure that a contribution to sport/open space is made that we will spend within the parish in consultation with the Parish Council.

SPORT ENGLAND we have considered the application in the light of Sport England's Land Use Planning Policy Statement 'Planning Policies for Sport' (a copy of which was sent to your council in the autumn of 1999). The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of the local community are met. Sport England has adopted a national policy on the loss of sports facilities. We feel that the protection of existing facilities is vital for the continued development of sport. However, as sport is a relatively low value land use, sports facilities are often under pressure from other forms of development. Sport England's Planning Policy Objective 5, contained in our 'Planning Policies for Sport' document states: "To prevent the loss of facilities or access to natural resources which are important in terms of sports development. Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location." Consequently, Sport England objects to the above proposal. We would gladly reconsider our position if there were any further details that we should be aware of.

STOKE ST MARY PARISH COUNCIL have held a site meeting where they resolved not to raise objection provided that the proposal did not set a precedent for further development. RUISHTON & THORNFALCON PARISH COUNCIL it should be noted that although this development is in Stoke St Mary Parish, it does affect our parishioners more than those of our neighbouring parish. There is concern over the number of dwellings, the density and that the type of development which does not appear to be suitable for an area of designated open country and would have an impact on the environment. It is noted that no garages are included which may mean further development at a later date. Stoke Hill is very narrow and access would be a problem, as it is at present. It should also be noted that there is a storage facility for liquid gas in the area. Concern that the development could overlook neighbouring properties, especially the property known as 'Henlade Way'. We would not like to see the property used as a holiday complex.

4 LETTERS OF REPRESENTATION have been received raising the following concerns: housing out of place in rural location; will lead to pressure for further developments; loss of amenity; loss of jobs; density out of keeping; privacy of adjoining dwellings; entrance needs to be kept clear to allow access to Dairy house Farm.

## **POLICY CONTEXT**

PPG17 Planning for Open Space, Sport and Recreation states that: "Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements." Structure Plan Policy STR1 relates to sustainable development and TR6 to development outside settlement limits. Taunton Deane Local Plan Policy C4 requires that developers of new housing will provide landscaped and appropriately equipped recreational open space in accordance with approved standards; Policy S1 covers general requirements and H9 conversion of rural buildings.

## **ASSESSMENT**

The buildings generally meet the criteria for conversion of buildings in the countryside. Whilst their subdivision into small units results in a high density form of development, it does not impact upon nearby dwellings and the traffic generated will be less than from the existing use.

In the light of the recent growth in Health and Fitness clubs in the Taunton area it is not thought that the proposal could be resisted on the grounds of loss of a recreational facility, nor would it be appropriate to seek a contribution towards alternative provision.

## **RECOMMENDATION**

Subject to the applicants entering into a Section 106 Agreement to provide a contribution of £12,500 towards off-site provision of play equipment and agreement to maintain the two existing tennis courts for the use of the residents; and the submissions of revised roofing details the Chair/Vice Chair be authorised to determine and permission be granted subject to conditions of time limit, landscaping, walls and fences, parking, meter boxes, windows, extensions, ancillary buildings. Notes re: drainage, noise from adjacent depot, conversion, 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:



MR &amp; MRS P SLOMAN

**ERECTION OF REPLACEMENT BOUNDARY WALL INCORPORATING LAND OUTSIDE OF THE EXISTING WALL AT 45 FARM VIEW, TAUNTON.**

23360/27040

FULL PERMISSION

---

**PROPOSAL**

In September 2002 an application for a 1.9 m high boundary wall to the side of the property was refused by Committee as it was considered that it would have a detrimental impact on the street scene, visual amenities of the area and that it would conflict with the open plan nature of the estate. The current proposal is a revised scheme which resites the 1.9 m high brick wall 0.5 m back from the edge of the pavement, allowing for landscaping to soften its impact. A lower level picket fence currently encloses the land at the side of the house.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no comments.

HOUSING OFFICER no objections as long as the wall is not on the boundary as this would restrict visibility. ESTATES AND VALUATION OFFICER this does not appear to have anything to do with TDBC land. LANDSCAPE OFFICER no objections subject to landscaping.

3 LETTERS AND A PETITION (signed by 9 local residents) have been submitted in SUPPORT of the application which raise the following issues:- the applicants have made us fully aware of their plans and we cannot see any cause for concern and fully support the application; when the wall is resited it would be the same height and not affect us or cause any visibility hazard; it will enhance the area as they are planting shrubs at the side of the wall making the area more attractive; a smart brick wall will look better than a difficult to maintain hedge.

6 LETTERS OF OBJECTION have been received on the following grounds:- with the exception of a small adjustment of the positioning of the wall to allow for shrubbery, it is the same as the earlier application; it raises concern about Taunton Deane Council's policy on re-assigning/giving away land in the area; refusal of applications of this type should be a policy and not about particular concerns; the Slapes Farm development was designed to be open plan and has gained a unique, visually attractive "green effect". Protection for these features was to be ensured by extensive covenants; at some time prior to 1988 the house and wall at No. 45 were extended, leaving little greenspace; the Deane's policy covering the give away of "common land" must include restrictions to subsequent development to protect the ideals of the original planners and visual amenities of present and future residents; 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**

The previous application was refused as it was considered that the wall would constitute an intrusive feature in the street scene, be detrimental to visual amenity and conflict with the open plan nature of the estate. By resiting the wall 0.5 m back from the edge of the

pavement and providing landscaping to soften its impact it is considered that, on balance, the revised scheme overcomes these previous concerns. Therefore, the proposal is considered acceptable.

### **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping. Notes re planting scheme and covenant.

**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:



MALCOLM NESS

**ERECTION OF BUILDING ACCOMMODATING WAREHOUSE/STORAGE, OFFICE SPACE AND 5 FLATS AT THE DEPOSITORY, UPPER WOOD STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 25TH NOVEMBER, 2002 AND ATTACHED PLAN NOS. 2127/14A, 2127/12A, 2127/10A AND 2127/17**

22380/24910

FULL PERMISSION

**PROPOSAL**

The proposal is for the demolition of the existing dilapidated warehouse and the erection of a new building to provide office and warehousing on the ground floor with 5 flats above. There would be garaging for a car and 14 cycle parking spaces with access direct off Upper Wood Street. The design has two separate components:- a more traditional brick and tile element that will physically connect to 1 Portland Place, as at present, and a modern design element that combines render walls and modern curved roof of light grey ply membrane.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposed development is situated within the Taunton Central Area, in a location that offers access to a wide range of community facilities, with a very good range of transport mode choices. Consequently there is no objection to the principle of development. I am concerned about the pavement parking adjacent to the sub-station as this may result in a conflict between vehicular and pedestrian movements and I would prefer the spaces to be deleted. There should be 12 cycle parking spaces provided on the site. COUNTY ARCHAEOLOGIST no objections. ENVIRONMENT AGENCY views awaited. WESSEX WATER mains and foul sewers are available.

ECONOMIC DEVELOPMENT OFFICER verbal discussions with the Economic development officer indicated that it was important to retain some employment use of the site. ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions on noise and contaminated land.

6 LETTERS OF OBJECTION have been received raising the following points:- it is not clear if there are any windows on the north elevation that may overlook adjacent dwellings; the curved roof is not pleasing and could be shiny given the wrong materials; there should be adequate off street parking provided as the demand for parking space is already over the capacity of the area; the parking adjacent to the sub-station is unrealistic; the design is out of keeping; traffic to the site would be a danger to children going to school and the elderly residents of the area who are more important than a semi commercial development; use of the parking at the front of the property in the past has been mis-used and caused obstruction; the warehouse use should not be allowed to alter to more intrusive uses in the future; the warehouse would result in HGV's driving through a quiet residential area; the proposal is over development of the site; safe

pedestrian access to 1 and 2 Portland Place and North Town Community Primary School should be ensured at all times; swifts nest in the building, these are a protected species during their nesting season ( May to September).

## **POLICY CONTEXT**

Somerset and Exmoor National Park Structure Plan polices STR1, requiring proposals to be a sustainable development; and develop a transport pattern that minimises the need for travel and maximises the use of public transport, cycling and walking. STR2 identifies Taunton as a town. STR4 requires new development to be focused in towns with a priority for the re-use of previously developed land and for mixed use development. Taunton Deane Local Plan Revised Deposit the following policies apply:- S1, governing the general requirements of all development; criteria (A) additional road traffic would not lead to overloading of access roads or road safety problems; (B) the site should be accessible minimising the need to use the private car; (D) requires that the appearance and character of the landscape would not be harmed as a result of the development; (F) requires health safety and amenity to be protected from pollution or nuisance from the development. EC6 resists the loss of employment land unless the overall benefit of a proposal outweighs the disadvantages of the loss of employment or potential employment on the site. The proposal is located in a town centre location and the loss of employment land is balanced by the residential neighbourhood and awkward access to the site.

## **ASSESSMENT**

Amended plans show the provision of a solid wall along the northern boundary (avoiding overlooking of adjacent residential properties) the removal of the pavement parking adjacent to the sub-station and the provision of 14 cycle parking spaces. At present there is approximately 460 sq m of warehouse space at the premises. The proposed scheme provides 278 sq m of warehousing and Office accommodation on the ground floor with 5 flats above. I have balanced the reduction in the amount of employment space offered in this proposal against the largely residential area in which it is sited and I consider that the overall benefit of the proposal outweighs the loss. The proposed design combines traditional and modern elements and I consider that these blend together well and reflect the mixed nature of the uses on the site. The County Highway Authority raises no concern over the access roads to the site and the pavement parking has been deleted. Proposal considered acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, details of guttering, cycle parking prior to occupation/use, noise report, contaminated land, warehousing use as defined in B8 only, no additional windows on the northern elevation and the survey of the buildings for nests of protected species and replacement nesting facilities if appropriate. Notes re protected species during nesting season, infrastructure charges will apply, safe access must be maintained to 1 and 2 Portland Place and North

Town Community Primary School at all times, energy and water conservation, disabled access, encroachment, secure by design.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:



A &amp; R TAYLOR

**ERECTION OF SINGLE STOREY EXTENSION TO FRONT AND SIDE OF 7  
LADYLAWN, TRULL.**

21660/22240

FULL PERMISSION

---

**PROPOSAL**

The proposal is for the erection of a single storey extension to the side and front of the bungalow to be used as a circulation link to provide privacy for the wheelchair owner and the carers. The proposed extension measures 9.6 m x 1.7 m to the side, the roof of the extension connects to the existing eaves falling to 1.8 m. A small component of the extension is located to the front measuring 2 m x 1.3 m x 2.6 m at the highest point. The proposal also includes velux windows in the side elevation. Materials are render and tiled roof to match existing.

**CONSULTATIONS AND REPRESENTATIONS**

RIGHTS OF WAY OFFICER development will not affect the footpath to the north.

PARISH COUNCIL object on the following grounds; proposal extends to front, virtually up to boundary with road; two existing windows to be replaced with glass doors looking onto work space; additional rooflights are considered unacceptable; both bedrooms should have direct access to natural light and easily accessed ventilation, proposal does not allow this and should be refused; low level profile of roadside elevation (the eaves line is below eye level) is unacceptable from the point of view of the general streetscape of the neighbouring houses.

**POLICY CONTEXT**

In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are relevant:- 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, nor the form and character of the property to be extended, and that the extension is subservient in scale and design to the existing dwelling.

**ASSESSMENT**

The side extension (north elevation) will be close to the boundary of the property which is adjacent to Lady Lawn. Though close to the road the extension will be well screened by an existing hedge. The closest dwelling from the north elevation is approximately 20 m away. The front aspect of the extension (west elevation) adjacent to Wild Oak Lane will be approximately 8 m to the boundary of the property, the boundary is well screened

with a high hedge and other shrubs/small trees. Due to the low profile of the proposed extension and the existing screening it is felt that the proposal will not have any detrimental impact on the neighbouring properties or surrounding area. The proposal is therefore considered acceptable.

### **RECOMMENDATION**

Planning permission be GRANTED subject to conditions of time limit and materials.  
Notes re: building over public sewer.

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

**CONTACT OFFICER: 356463 MR D ADDICOTT**

NOTES:

42/2002/048

**AGENDA ITEM NO. 15**

MESSERS MF, KJ & DC BAKER

**ERECTION OF TEN GARAGES ON EXISTING PARKING AREA TO NORTH OF HAYGROVE CARAVAN PARK, MILL LANE, TRULL (REVISED PROPOSAL)**

21790/22260

FULL PERMISSION

---

**PROPOSAL**

The proposal is for the erection of two blocks of garages on land to the north of Haygrove Caravan Park. The site is currently used as a parking area for the caravan park, with the existing timber and stone buildings in the north east corner being demolished. A previous proposal for garages on this site earlier in the year was subsequently withdrawn.

**CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER this is a much better scheme than the previous application and generally respects the streamside habitat and existing tree groups. I recommend that the Ash tree, to the north west of garage block B, is plotted so that any impact and necessary tree management works can be agreed at the planning stage rather than making a TPO application later. Tree protection will be required during construction. There are no details of landscape proposals or tree management along the streamside. RIGHTS OF WAY OFFICER the adjacent footpath will not be affected.

**POLICY CONTEXT**

TDLP Revised Deposit Policy S1 (General Requirements) requires proposals for development to meet certain criteria. Sub section (D) of the policy requires that the appearance and character of any affected landscape settlement, building or street scene would not be harmed as a result of the development. Policy S8 of the same plan states that 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 it meets certain other criteria Policy EN14 (Green Wedges) of the TDLP Revised Deposit states that development which would harm the open character of green wedges will not be permitted.

**ASSESSMENT**

The site lies to the east of Trull village, outside but adjacent to the settlement limits of the village as designated in the TDLP Revised Deposit. It is accessed along a narrow

lane which leads to Haygrove Farm and Haygrove Mill to the east of the site, and the Haygrove Caravan Park to the south. The site is bounded by the Sherford Stream to the west, with a public footpath running along its boundaries to the east and north. The existing car parking area has mature landscaping along the stream boundary.

The applicant has indicated that the car parking and garages will be used in connection with the Caravan Park which is within his ownership.

The site is situated in an attractive area outside the village settlement boundaries, and although close to existing houses, it has the feeling of a countryside location with mature trees in wooded areas, and the Sherford Stream on the western boundary. The public footpath in this location is well used.

The site is situated within the Vivary Green Wedge. The revised proposal overcome previous concerns in respect of impact upon the landscape.

## **RECOMMENDATION**

Subject to further details of tree protection and landscape the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees, garages for use of residents only.

**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:

BARRATT HOMES EXETER

**ERECTION OF 53 NO. DWELLINGS INCLUDING 12 NO. SOCIAL HOUSING UNITS, ROADS AND DRAINAGE THERETO, FORMER WEAVING SHED SITE, TONEDALE MILLS, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 20TH NOVEMBER, 2002 WITH ACCOMPANYING DRAWING NO. 1457/07, LETTER DATED 22ND NOVEMBER, 2002 WITH ACCOMPANYING DRAWING NO. 1457/04 REV B AND LETTER DATED 29TH NOVEMBER, 2002 WITH DRAWING NOS. 1457/01 REV B, 08 REV B AND 09 AND REVISED DEVELOPMENT BRIEF REF 1457/06A**

12750/21450

RESERVED MATTERS

---

## **PROPOSAL**

The proposal provides for the residential development of the former weaving shed site at the Tonedale Mills complex. Other than the weaving shed site, there is an open area between the former shed and Burchills Hill. To the east are the Millstream Gardens residential properties which were developed on the former mill canteen site in the late 1980's. To the south is the remainder of the mill complex. Outline planning permission was granted in September 2002 having been considered by the Planning Committee in August 2001. The permission was subject to a Section 106 Agreement covering a number of issues including the provision of 25% social housing on the site, the submission of a Feasibility Study for the whole complex, the preparation of a Development Brief for the site and contributions to cater for additional education and playing field provision. The application site comprises 1.17 ha, excluding the proposed play area across the Backstream. The application was accompanied by a Development Brief, as required by the Section 106 Agreement. The scheme provides for a mixture of 2, 3 and 4 bedroom 2 and 3 storey houses and flats. The materials will be two different types of brick with a slate finish to the roofs. The amended plans provide for the three storey blocks to front the Backstream and relate to the adjacent tall mill buildings. A streamside footpath links the development to the proposed children's play area.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY numerous detailed points on the internal layout (which can be resolved at the Section 38 stage with the Highway Authority and request conditions regarding estate road layout, surfacing, junction visibility splays, drive gradients and provision to prevent disposal of surface water onto the highway. COUNTY ARCHAEOLOGIST there have been discussions with the developers concerning the archaeological mitigation required. Recommend that a model condition 55 be attached to any permission granted. ENVIRONMENT AGENCY (initial plans) require confirmation that the conditions requested at outline stage have been complied with. An ecological survey has revealed an active badger sett on the bank of the stream within the proposed development in addition to otters previously known about. In carrying out the requirements of the outline condition, account must be taken of protected species and advice should be sought from English Nature. WESSEX WATER

reserved matters application with no implications for infrastructure. AVON AND SOMERSET CONSTABULARY the proposed play area is isolated with little or no opportunity for natural surveillance from nearby properties. This may lead to problems of criminal or anti-social behaviour in this area. Ideally play areas should be overlooked by nearby properties but in this case the existing and proposed trees and the nearest homes fronting away from the area only exacerbate the situation. ENGLISH HERITAGE (initial plans) the design brief is rather short and would have expected it to say more about the listed group and how the new development responds to it. Generally the scheme could go a lot further in being less domestic and more a response to the site's industrial character. Feel that trying to imitate Victorian terraced housing will not be successful as it will always look like a modern housing estate. A much stronger plan form around the perimeter would be an improvement. The stepping down of the first block does not help and it may be better to group the same height buildings together. The details of how the buildings front the entrance will be critical including boundary treatment. The fenestration generally is still weak and domestic and should be a lot stronger. The strength of eaves lines in the existing buildings is not reflected in the new designs. Designing the entrance road junction with its demolition implications is unsatisfactory before any wider strategy for the site has been developed. SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY following removal of the buildings from the site, a number of archaeological research questions emerged related for example to the provision of steam power to the former weaving sheds and elsewhere and the management of the water supply. Features have been highlighted in assessments during the demolition phase. A specification for an archaeological investigation has been drawn up. Importance of the need for a high quality design within this significant heritage setting. Greater emphasis now given to the collective heritage value of Tonedale Mills with its listed buildings of Grade II and II\* status. Feasibility study awaited. TAUNTON DEANE DISABILITY FORUM the houses should be built in accordance with the Building Regulations 2000 Part M Access for the Disabled.

LANDSCAPE OFFICER the amended scheme has given more space along the side of the stream but there are still very few landscaping details to comment on. The river corridor is an important landscape and wildlife feature and will need to be sensitively landscaped and managed. The proposed play area could be intrusive within the local landscape and should be carefully landscaped. RIGHTS OF WAY OFFICER there is a Section 53 claim under the Wildlife and Countryside Act with the County for a footpath through the site. It would be best for all parties for this to be resolved at the planning stage rather than when the houses are built only for them to be taken down. ENVIRONMENTAL HEALTH OFFICER requests contaminated land remediation condition and condition requiring the submission of a noise report. Also request that noise emissions during the construction phase be limited. DRAINAGE OFFICER no objection. LEISURE OFFICER the proposal as shown is under providing for play. The actual site proposed is also very isolated and has no informal supervision from surrounding houses or footpaths. This is not ideal and could lead to problems with misuse of the site. The detail of the bridge over the stream into the play area and the actual provision to be made on the site needs some careful consideration. We must endeavour to include provision for all age groups including older children such as a sports wall and kickabout/bmx area, which should be separate from the small children's equipped area. HOUSING OFFICER no objection.

TOWN COUNCIL in favour.

FIVE LETTERS OF REPRESENTATION (initial plans) plans in terms of the housing layout and highways are very insensitive to the heritage site and seem deliberately aimed to undermine its long term conservation; the issues of safety and security for the heritage buildings is reduced and ignored; domestic traffic to and from the new housing area should be kept separate from the listed buildings for security and safety reasons as well; allowing mixed use and building new houses adjacent to listed buildings will lead to a conflict of interest and will compromise its long term conservation; the plans do not set out to consider the quality of housing and the quality of people's lives along with the issues of sustainability; increased traffic; appears to be a serious under provision of garages and off street parking; no provision for fence repairs/painting at rear of property, pathway for this required; need for sleeping policemen at the new junction at the lower end of the factory road; need for parking restrictions on the access/exit road from the main road to the gate of the old factory; concern at three storey houses which may block views and result in overlooking; access to workshop blocked by a pavement and grass verge; the building of housing next to industrial sites is bound to cause problems in the future; pleased to see that the rest of the site has now been listed as this site is unique in the West Country and should be preserved at all costs for future generations; the area has been subject to flooding in the past and should ensure that the development will not cause problems for adjacent land and properties.

## **POLICY CONTEXT**

Policy 9 of the County Structure Plan states that the setting, local distinctiveness and variety of buildings and structures of architectural or historical interest should be maintained and where possible enhanced. Policy WD/HO/7 of the West Deane Local Plan. Policy S2 of the emerging Taunton Deane Local Plan sets out guidelines for the design and layout of new housing developments. Policy W5b of the same plan sets out the criteria which need to be met on any development at Tonedale Mill. The three criteria with the greatest relevance are that individual elements should not prejudice the provision of a satisfactory overall development; the design, materials and layout of the residential development should reflect the industrial heritage of the mill complex; and the stream frontage should be designed to maintain and enhance the character and environment of the stream, incorporating public access along its length and protection of the existing stream-side tree groups.

## **ASSESSMENT**

There is an outline planning permission covering the site, the current application being a reserved matters one to agree the details. The initially submitted scheme was disappointing and did not really reflect the industrial nature of the site. The amended plans are a big improvement and largely overcome the concerns raised by English Heritage. I consider that they comply with the above policies. The amended plans also provide for a greater element of natural surveillance of the proposed children's play area. I consider that parking is adequate.

## **RECOMMENDATION**

Subject to no further adverse representations raising new issues on the amended plans by 20th December, 2002 the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and details be APPROVED. Notes regarding outline conditions, compliance with CDM Regulations, footpath claim, noise emissions.

**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:

MR K DUNN

**FELL ONE LIME TREE INCLUDED IN TAUNTON DEANE BOROUGH  
(WELLINGTON NO.1) TREE PRESERVATION ORDER 1986 AT 12 MILLSTREAM  
GARDENS, WELLINGTON (TD 350)**12690/21450 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

---

**PROPOSAL**

The application is to fell one Lime tree at 12 Millstream Gardens, Wellington. The applicant does not own the property in which the tree is located but is the adjoining neighbour. The applicant considers that the Lime tree is too close to his property at 8.5 m from the main house; the tree is likely to cause drain collapse as roots of the tree are already touching his property; the tree is too large for the area and has been badly pruned in the past; it has overhanging dangerous branches and there are leaf and insect problems.

**CONSULTATIONS AND REPRESENTATIONS**

SEVEN LETTERS OF OBJECTIONS received against the felling of the tree from local residents on following grounds:- the tree is neither diseased or damaged; the roots would be unlikely to damage the property as the tree was there before the house and therefore adequate foundations should have been built; and the tree has considerable amenity.

WELLINGTON TOWN COUNCIL is in favour of the felling but give no specific reason.

**POLICY CONTEXT**

The Town and County Planning Act 1990 empowers local planning authorities to serve a Tree Preservation Order (TPO) in the interests of amenity. The Secretary of State advises that TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The tree(s) should normally be visible from a public place. It would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

**ASSESSMENT**

The tree is locally prominent and has high amenity value within the housing estate. Based on the tree's approximate height of 16 m, the tree's root extension would be about 8 m. This would indicate that the roots are likely to extend as far as the applicants house but are not likely to cause any damage given that the house has been constructed in the last fifteen years and has the appropriate foundations. The roots

themselves could not cause direct damage and given the sandy soils of the area are unlikely to cause heave or 'indirect' damage to the property.

The overall condition of the tree is reasonable. There is no supporting evidence of any large areas of decay or deadwood and from a visual survey none were apparent.

The tree has the potential to grow larger but the present owners have indicated that, after taking advice from a tree surgeon, they intend to manage it in the next five years to maintain it at its present height. This would be acceptable tree management practice.

## **RECOMMENDATION**

Permission be REFUSED as the tree has high amenity value, is healthy and a suitable distance from the applicants dwelling and is unlikely to cause damage to property.

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

**CONTACT OFFICER: 356493 MR I CLARK**

NOTES:

**PLANNING COMMITTEE - 18 DECEMBER 2002**

**Report of the Chief Planning Officer**

**MISCELLANEOUS ITEM**

**05/1997/040UD USE OF PART OF POTATO STORE BUILDING AS FARM SHOP RUMWELL, BISHOPS HULL**

The Committee will recall that the above item was reported for authorisation to take enforcement action over the sale of imported goods in connection with the Farm Shop. It was agreed following a report submitted to the 11th February, 1998 meeting that further negotiations take place with the owner to resolve the matter. Meetings have been held which resulted in an application for planning permission being submitted and approved for the formation of a kitchen within the shop for the production of jams and chutneys. Regular monitoring of the goods sold in the shop has shown that there is still a degree of bought in goods being offered for sale. A complaint has also been received from a member of the public regarding this issue.

In response to that complaint the history of the site was looked at in detail together with the relevant policies governing Farm Shops. In this particular case the agents acting for the owners submitted a letter stating that 8.73% of goods sold from the shop over the twelve months to 30th April, 2002 were brought in goods. 91.27% of goods sold was local produce. This falls within the agreed tolerance of 10% sales of brought in goods.

Furthermore, the Council's policy on farm shops has evolved since the matter was first considered in 1997. The Council's policy as of November 2000 is set out in the Taunton Deane Local Plan Revised Deposit Policy EC13. Paragraph 4.49 states that:- "Proposals for farm shops should only be considered where the scheme involves the sale of predominantly (i.e. more than 50%) locally grown produce direct to the public, as an ancillary operation to the main function of the farm. Locally grown produce is defined as produce originating from within the farm holding and its environs. However, it is difficult to provide local produce throughout the year. This may require bringing in non local produce to overcome problems of seasonality, provide continuity of employment and to ensure that a sufficiently wide selection of produce can be offered."

Whilst this Policy is intended to apply to those farm shops requiring planning permission, it could be argued that the same level of tolerance should be applied to Rumwell Farm Shop, even though it did not initially require planning permission.

Planning Policy Guidance Note 7 Annex C, sets out the Government's policy on farm shops. It says that if a farm shop is used only for the sale of unprocessed goods produced on that farm, with a minimal quantity of other

goods, it is a use, which is ancillary to the use as a farm and therefore does not require specific planning permission. Generally at Taunton Deane we have assumed this minimal quantity to equate to a 10% tolerance for brought in goods.

PPG 7 also states that:- "On-farm food processing adds value to farm produce and increases local employment opportunities. Small operations, especially those processing mostly local produce housed in farm buildings, including re-used ones and small purpose built ones, should be encouraged."

It would appear that the current level of sales of brought in goods is not such as to require a planning application or to justify Enforcement Action. If a planning application were to be submitted it is possible that up to 49% of turnover from brought in goods might be permitted within the terms of the Local Plan Policy EC13, subject to the criteria listed in the Policy.

From the evidence available there does not appear to be a case for Enforcement Action regarding the sale of brought in goods.

### **RECOMMENDATION**

The Committee resolve to take no further action regarding the amount of brought in goods at Rumwell Farm Shop providing they fall within the agreed tolerances as stated above.

**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**

**PLANNING COMMITTEE – 18 DECEMBER 2002**

**Report of the Chief Planning Officer**

**MISCELLANEOUS ITEM**

**19/2000/005 ERECTION OF NINE INDUSTRIAL UNITS WITH ASSOCIATED PARKING AND TURNING AREAS AT STATION ROAD, HATCH BEAUCHAMP**

On a site visit to check the landscaping scheme, the Landscape Officer noticed that two additional parking spaces had been formed on site in an area adjacent to unit 9 and Laurel Cottage that was due to be landscaped. This discrepancy was brought to the attention of the applicant who has now submitted amended landscaping and parking details.

The site has been the subject of much controversy with the neighbours, including the occupant of Laurel Cottage who has been concerned about the impact of the proposal on his property. This neighbour has been notified of the amended plans and his comments thereon are awaited and will be reported to the planning committee when available.

The alterations to the landscaping, shown on the amended plans include the replacement of a Sycamore tree with two smaller species which are considered to protect the amenity of Laurel Cottage whilst not being a potential danger to the property in the future and are in line with the requirements of the Landscape Officer. The proposal is considered acceptable.

**RECOMMENDATION**

Subject to no objections regarding the amendments by 20th December, 2002 the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and the proposed amended landscaping and parking scheme be accepted.

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

**CONTACT OFFICER: Mrs J Moore Tel: 356467**



**PLANNING COMMITTEE - 18 DECEMBER 2002**

**Report of the Chief Planning Officer**

**MISCELLANEOUS ITEM**

**43/2000/064 ERECTION OF 21 DWELLINGS AND GARAGES TOGETHER WITH CONSTRUCTION OF ESTATE ROAD, SEWERS AND PUBLIC OPEN SPACE, PLOTS 235 – 255, PART PHASE 3, LAND OFF SWAINS LANE, WELLINGTON**

The above reserved matters application was considered by the Committee on 23rd August, 2000 and following the conclusion of a Section 106 Agreement was approved on 2nd March, 2001. Five of the proposed dwellings (plots 238 - 242) were part of the social housing provision for the overall site as required by the Section 106 Agreement concluded for the outline planning permission (ref. 43/1994/112). On 5th August, 2002 a minor amendment was approved amending the fenestration details on the front elevations of the proposed dwellings on plots 238-242.

During October 2002, it was brought to our attention that the dwellings on plots 238 - 242 were being built closer to the western boundary of the site than proposed on the approved plan. An amended plan was submitted indicating the position of the dwellings as being built. The amendment repositions the dwellings on plots 238 - 242 by reducing the distance between the rear of the proposed dwellings and the rear boundary from 10 m to 9.1 m at plot 238 to 9.5 m to 8.2 m at plot 242. The applicant's agent indicates that the repositioning was due to the existing turning head not being in the position shown on the original developer's plans.

Wellington Town Council and adjacent residents have been notified of the amended plans. The Town Council has no objection.

Three letters of objection have been received from the occupiers of adjacent dwellings making the following points:-

1. Objectors' properties are higher than the new buildings and therefore three of the houses have a direct view of their entire garden, side door access and rear windows, totally excluding any privacy previously enjoyed
2. Have been advised by local estate agents that the value of their property will be affected considerably.
3. Find it totally unbelievable that the Council has permitted the houses to be built on such a small site and to be built in the wrong position.
4. The approved plans indicate a bedroom window and an obscure glazed window on the rear first floor of each of the dwellings. In practice, two bedroom windows have been inserted.

5. Dismay that the plots now encroach upon rear view further and garden no longer adjoins other rear gardens only.

An amended plan has also been received indicating the revised window arrangements.

The minimum window to window distance on the approved plans between the new dwellings and the objector's property was 18.8 m. As a result of the amended position of the new dwellings, this is reduced to 17.5 m, a 6.9% reduction. In a suburban location such as this development and particularly in view of the requirements of PPG3, which positively encourage higher densities for housing developments, I consider this distance to be acceptable.

### **RECOMMENDATION**

The revised position and fenestration of the dwellings on plots 238 - 242 be APPROVED as a minor amendment.

**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**

**TAUNTON DEANE BOROUGH COUNCIL**

**PLANNING COMMITTEE - 18 DECEMBER 2002**

**Report of the Chief Solicitor**

**MISCELLANEOUS ITEM - DAIRY HOUSE FARM, HENLADE**

**Background**

In 1983 permission was granted for the use of land at Dairy House Farm for the storage and distribution of gas cylinders. Although the application was recommended for refusal, it appears that the Committee were mindful of the personal circumstances of the applicant and agreed to grant planning permission subject to the applicant entering into a S52 agreement restricting the area to be used for such purpose and limiting the permission to the applicant and his descendants.

In 1985 a further application was granted for a single storey building to be used in conjunction with the business, subject to extension of the S52 restrictions to the new development. That permission was not implemented.

In 1991 there were two further applications; one for the continued use of the land for lorry parking and open storage, and one for the erection of an office building to be used in conjunction with the gas cylinder distribution business. Both applications were recommended for refusal but again the Committee appears to have considered that the applicant's personal circumstances outweighed the policy reasons for refusal and granted both permissions.

The permission for the use as a lorry park and additional storage was made subject to a S106 agreement extending the original provisions of the S52 agreement, but the erection of the office building was not limited to personal use. The owner believed that the "personal" element of the permission was removed at that time but has recently been advised that that is not the case. The use for the storage of cylinders and the lorry parking is still subject to the personal restriction, although the office building is not so constrained.

The owner is therefore in a situation where he has an established business with a permanent office building, but where part of the business is expected to cease if the business goes outside of the family. The owner has asked that the S 106 agreement be varied to remove the personal limitation on that part of the business.

**The present position**

The current business has been established on site for nearly twenty years and has had a permanent building since 1991. The office and surrounding land have always been used as the same business. Clearly the business has expanded and hence the various planning applications.

However, although it would appear that the original restriction of the use to that of a personal one was intended to secure the cessation of the use when the owner ceased trading, this is not consistent with granting an unrestricted permission for a permanent building in connection with the business in 1991 - indeed, government guidance advises against a personal limitation on permanent structures.

It therefore seems that at the time when the permission was granted for the office building the personal element in relation to the permission on the adjacent land should have been removed. Accordingly, it would be appropriate to remove such restriction now as requested by the owner.

Recommendation

It is therefore RECOMMENDED that the S106 agreement of the 6 November 1992 between Taunton Deane Borough Council and M G and O L Ake be varied such that the personal limitation on parts of the business carried on at Dairy House Farm be lifted.

Chief Solicitor

Contact Officer Judith Jackson  
e-mail: [j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)  
Tel: 01823 356409

**PLANNING COMMITTEE – 18 DECEMBER 2002**

**Report of Chief Planning Officer**

**ENFORCEMENT ITEM**

**Wellington Parish**

1. **File/Complaint Number** E226/43/2002
2. **Location of Site** Nos. 2, 4, 5, 6, 14, 15 & 16 Improvement Place, Wellington
3. **Names of Owners** Various
4. **Names of Occupiers** Various
5. **Nature of Contravention**

Erection of garden shed between the house and the highway

6. **Planning History**

A complaint was received regarding a shed being erected by the front door at a dwelling in Improvement Place, Wellington. Following a site visit it was ascertained that a number of sheds had been erected without planning permission. Letters were sent to the above addresses asking how long the shed had been on site. Nos. 2, 4 & 14 replied stating that the shed had been on site for more than 4 years. The remaining addresses have not replied. A site visit was also made by a Planning Officer to determine the likelihood of the remaining residents obtaining planning permission in the event of an application being submitted. The position of these dwellings are such that the only garden they have is to the front of their property and although the sheds are near the highway it is considered that this is the most appropriate position for them and any application received would be likely to be viewed favourably.

8. **Recommendation**

It is therefore considered that no further action be taken regarding the unauthorised sheds.

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

**CONTACT OFFICER: Mrs A Dunford Tel: 356479**



**PLANNING COMMITTEE - 18 DECEMBER 2002**

**Report of the Chief Planning Officer**

**ENFORCEMENT ITEM**

Parish: Norton Fitzwarren

1. **File/Complaint Number**                      25/2002/032 & E101/25/2002
2. **Location of Site**                              108 Hilly Park, Norton Fitzwarren
3. **Names of Owners**                            Taunton Deane Borough Council
4. **Names of Occupiers**                        Miss D Fouracre and Mr M Evans
5. **Nature of Contravention**

Retention of fence at 108 Hilly Park, Norton Fitzwarren.

6. **Planning History**

The fence was erected in April 2002 and the tenant was informed that as the fence was over 1 m in height adjacent to the road an application for planning permission was required. The application was received on 25th September, 2002 and was subsequently refused under delegated powers on 31st October, 2002

7. **Reasons for taking Action**

The fence, by reason of its height and materials is undesirably intrusive in the street scene to the detriment of the visual amenities of the area and highway safety due to loss of visibility at this point.

8. **Recommendation**

The solicitor to the Council be authorised to serve an enforcement notice and to commence prosecution action subject to satisfactory evidence should the notice not be 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**



**PLANNING COMMITTEE – 18 DECEMBER 2002**

**Report of Chief Planning Officer**

**ENFORCEMENT ITEM**

**Taunton Parish**

1. **File/Complaint Number** E195/38/2002
2. **Location of Site** Riverside Place, Off St James Street, Taunton
3. **Names of Owners** Unknown
4. **Names of Occupiers** Newcross Nursing Agency
5. **Nature of Contravention**

Retention of unauthorised illuminated box sign

6. **Planning History**

The sign was first noticed in August 2002. Contact was made with the agency and they were informed at that time Advertisement consent was required for the retention of the sign. Application forms were left for them to complete. Further contact was made in September requesting the application and again in December 2002. Several phone calls have been made but to the owners but to date an application for the retention of the sign has not been received.

7. **Reasons for taking Action**

It is considered that the display of an illuminated sign would be inappropriate on these premises, having regard to the character of the area and would detract from the visual amenity of the area.

8. **Recommendation**

The solicitor to the Council be authorised to commence prosecution action to secure the removal of the sign.

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

**CONTACT OFFICER: Mrs A Dunford Tel: 356479**



**PLANNING COMMITTEE – 18 DECEMBER 2002**

**Report of Chief Planning Officer**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990. BUILDING PRESERVATION NOTICE, WESTLEIGH FARMHOUSE, WESTLEIGH, LYDEARD ST LAWRENCE CP**

1 **PURPOSE OF REPORT**

- 1.1 To seek Committee endorsement of the Chair's authorisation for the service of a Building Preservation Notice (BPN) in respect of Westleigh Farmhouse, Westleigh, Lydeard St Lawrence CP

2 **BACKGROUND**

- 2.1 Westleigh Farmhouse was brought to the attention of the Planning Authority when it came on the market earlier this year. Perusal of the sale particulars confirmed that further investigation was deemed appropriate and a site visit endorsed the opinion that it was indeed worthy of Listing.

- 2.2 Given a sale was imminent, the vendors were understandably nervous that listing at that time could prejudice the sale. The Conservation Officer therefore had a meeting with the prospective purchasers, outlined the constraints and benefits of Listing and discussed in detail their proposals for the house. As the majority of alterations discussed would be acceptable in the context of maintaining the character of the building, the purchasers decided to proceed with purchase, in the knowledge that the Council would serve a BPN once purchase had been concluded.

- 2.3 The sale of Westleigh Farm was concluded in early December, with the new owners engaging an agent to draw up plans for alterations, on the basis that Westleigh was a Listed Building. In order for such plans to be accepted by the Council in the form of a Listed Building application, the service of a BPN was required and the Chair agreed to this, with the Notice being served on .....

- 2.4 Service of the BPN, means that Westleigh Farmhouse (and its curtilage structures) is subject to the controls applicable to Listed Buildings for six months from the date of the service, during which time the Secretary of State for Culture, Media and Sport must decide whether or not to add the farmhouse to the Statutory List of Buildings of Special Architectural or Historic Interest.

3 **CONCLUSION**

- 3.1 Westleigh Farmhouse is indeed worthy of Listing, being essentially a fine early C19 farmhouse with unusually intact features, fixtures and fittings from that date. There is also strong evidence from an earlier phase of development i.e. C18.

4     RECOMMENDATION

- 4.1    Committee endorses the Chair's action to authorise the service of a Building Preservation Notice in respect of Westleigh Farmhouse, Westleigh, Lydeard St Lawrence CP.

**CONTACT OFFICER: Diane Hartnell Tel: 356492**

**TAUNTON DEANE BOROUGH COUNCIL**

**PLANNING COMMITTEE – 18 DECEMBER 2002**

1. The following appeals have been lodged:-

<b>Appellant</b>	<b>Date Application Considered</b>	<b>Proposal</b>
Summerfield Developments Limited (46/2001/017)	26.04.2002	Erection of industrial units use classes B1 (light industry), B2 (general industry) and B8 (warehousing and distribution), land adjoining Chelston Business Park, Chelston, Wellington.
Call-in by the First Secretary of State (48/2001/028)	04.07.2002	Erection of extension to 5 screen cinema to provide an additional 3 screens at Odeon Cinema, Heron Gate, Taunton.
Lloyds TSB (38/2002/221)	25.07.2002	Change of use from A2 to A3 former Lloyds TSB premises, 25 Fore Street, Taunton.
Mr A Hines	-	Enforcement Appeal – Stationing of touring caravans on land at Knapp Lane, North Curry.
Mr D C and Mrs S E Grant (34/2002/017)	DD	Change of use of agricultural land to domestic curtilage and formation of vehicular access at Hillmeade, Rectory Road, Staplegrove.

2. The following appeal decisions have been received:-

(a) **Display of an internally illuminated sign, former SWEB site, Priorswood Road, Taunton (38/2001/384A)**

The Inspector considered the main issue was the visual impact of the display.

The Inspector noted that the sign would be fairly tall but its apparent height would be lower because of its siting on ground well below the level of the embanked road. He also noted that the sign would be brightly-coloured and internally lit and would be seen against the back of the building to which it related and would serve to announce the location to northbound traffic.

The Inspector concluded that the appeal sign would be acceptable in relation to the appeal site and its surroundings and that its display should be permitted.

The appeal was, therefore, allowed.

(b) **Conversion of barn to form holiday let and formation of residential curtilage at Higher Way, Cushuish (13/2001/005 and 13/2002/001)**

The Inspector considered the main issue in both appeals was the effect of the proposed conversion on the character and appearance of the area and in particular on the landscape of the Quantock Hills Area of Outstanding Natural Beauty (AONB).

**Appeal A**

The Inspector felt that the building and paddock did have a rural character, even though the building was a relatively recent construction. He felt that the suburban appearance of the building, once converted, and the use of the paddock for parking and manoeuvring combined with the intrusion of domestic paraphernalia would be harmful to the rural surroundings and incompatible with the landscape and character of the area.

The Inspector did accept that a holiday use would be less harmful than a permanent residential use and would bring some benefits to the rural economy. He also acknowledged the disadvantages of the building remaining empty and becoming increasingly derelict if conversion was not allowed. However, the building was in an elevated position within the AONB.

**Appeal B**

The Inspector acknowledged the more sympathetic conversion of the building and the reduction of the curtilage to less than half that originally proposed, but

although of greater merit, the proposed conversion of the building and change of use of part of the paddock would still be essentially residential and incompatible with the rural character and landscape of the AONB.

The Inspector concluded that the proposals in both appeals would cause clearly identifiable harm to the rural character and appearance of the site and the landscape of the Quantock Hills AONB.

The appeals were, therefore, dismissed.

**(c) Erection of agricultural building and formation of access land adjoining Otterford Caravan Site, Culmhead (29/2002/002)**

The Inspector considered that the existing hedgerow close to the highway edge was important to the appearance and character of the land and any significant removal or realignment would be harmful.

The Inspector considered however that, because of the evidently low level of traffic on the road and the location of the site in the Blackdown Hills Area of Outstanding Natural Beauty, a relaxation of the Highway Authority's requirements was justified in this case.

He felt that visibility from the proposed point of access was good and that only minor improvements to achieve the appropriate radii and regular trimming back of the hedge would be necessary to provide the access which would be similar to countless others in the area.

The appeal was, therefore, allowed.

**(d) Erection of single storey dining room and conservatory to the rear of 3 Cedar Close, Poplar Road, Taunton (38/2002/031 and 38/2002/032)**

The Inspector considered the main issue was the effect of the proposal on the character of the listed building and any features of special historic or architectural interest that it possessed.

The Inspector felt that the proposed rear extension was in conflict with the character of the listed building. He felt that the roof ridge over the proposed dining room intersected the main rear roof pitch, breaking the line of the eaves and eroding the vernacular architectural relationship between the main house and the rear outshut. The two differing elements comprised an ad-hoc assembly of small-scale, modern domestic architectural forms, which detracted from the simple form and large scale massing of the original building.

The Inspector concluded that the proposal would be unacceptably detrimental to the character of the listed building, and features of special architectural interest which it possessed.

The appeals were, therefore, dismissed.

(d) **Appeal against The Taunton Deane Borough (Wellington No. 3) Tree Preservation Order 2002 - Bishop's Court, Wellington**

The Inspector considered that the tree was in reasonable health. He noted that it could be seen over much of the public car park, over a distance of approximately 60 metres, but to views beyond this area it was largely obscured by buildings.

The Inspector felt that the loss of the tree's canopy would diminish the attractiveness of the footpath to Fore Street. Along with other trees in the area it contributed to the character of part of the town centre and provided a significant soft landscape element in contrast to the buildings, walls and car park. He felt that the tree was a substantial specimen and its canopy was a significant feature of the immediate area providing considerable visual amenity.

The Inspector noted that leaves and debris from the tree were a nuisance and a potential hazard but this was only to be expected. He did not think that the effect of the tree was an unreasonable burden, but an acceptable part of the management of the buildings and its grounds.

The Inspector considered the most significant problem was the amount of loss of light to several of the apartments in Bishop's Court and the restricted outlook that resulted. The Inspector was not convinced that current light levels were so poor as to be unacceptable and such as to provide a very sound reason to remove the tree. Nor was he convinced that removal of the tree would produce a truly dramatic improvement.

The Inspector concluded that the tree had a clear public amenity value and he did not consider there were sufficiently good reasons to outweigh this amenity value such as to justify its removal.

The appeal was, therefore, dismissed.

(e) **Appeals against refusal of planning permission and service of an Enforcement Notice - Use of land to site mobile home, Mazzelsha Farm, West Buckland Hill, Wellington (46/2001/012)**

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

The appeals were allowed, and temporary planning was granted.

3. The following Public Inquiry has been arranged:-

	<b>Site</b>	<b>Venue</b>	<b>Date</b>
Call-in by The Secretary of State	Odeon Cinema Heron Gate	PCR	18.03.2003 for 3 days.

Contact Officer: Richard Bryant  
e-mail – [r.Bryant@tauntondeane.gov.uk](mailto:r.Bryant@tauntondeane.gov.uk)  
Telephone: 01823 356414



## Appeal Decision

Site visit made on 16 October 2002

by **R J Tamplin BA(Hons) MRTPI Dip Cons Studies**

an Inspector appointed by the Secretary of State for Transport,  
Local Government and the Regions

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail enquiries@planning-  
inspectorate.gsi.gov.uk

Date  
**25 OCT 2002**

Appeal Ref: APP/D3315/C/02/1092956 & 1092957

Mazzelsha Farm, West Buckland Hill, West Buckland, Wellington, Somerset

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr and Mrs G Cleft against an enforcement notice issued by Taunton Deane Borough Council.
- The Council's reference is 46/2001/012.
- The notice was issued on 24 May 2002.
- The breach of planning control as alleged in the notice is, without planning permission, the change of use of the land for the purpose of stationing a residential mobile home.
- The requirements of the notice are:
  - (i) Stop using the land for the purpose of stationing a residential mobile home.
  - (ii) Remove from the land the mobile home and reinstate the land to its condition prior to the breach of planning control
- The period for compliance with the requirements is, in both cases, 4 weeks after the notice takes effect.
- The appeal is proceeding on the grounds set out in Section 174(2)(a) of the 1990 Act.

**Summary of Decision: The allegation is corrected, the appeals on ground (a) succeed, the notice is quashed and planning permission is granted for the deemed applications, subject to conditions.**

Appeal Ref: APP/D3315/A/02/1092630

Mazzelsha Farm, West Buckland Hill, West Buckland, Wellington, Somerset

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Cleft against the decision of Taunton Deane Borough Council.
- The application (Ref. 46/2001/012), dated 8 May 2001, was refused by notice dated 13 December 2001.
- The development proposed is permission for retention of mobile home.

**Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions.**

### Preliminary Matters

1. The mobile home subject of these appeals is a direct replacement for one that was destroyed by fire and which had been granted planning permission by the Council in February 1998. That permission had been subject to conditions, including one which limited its duration to two years. Because this period had expired before the application subject of the planning appeal was made, that application was made under Section 73A(2)(b) of the 1990 Act as amended, for permission for development already carried out in accordance with a

permission granted for a limited period. In effect that application was for a new planning permission. Although the application form said that the proposal was the retention of the mobile home, such development is a use of land and not operational development. Therefore the planning appeal will be determined as if it had been made for the use of the land for the stationing of the mobile home.

2. The development subject of the enforcement and planning appeals is thus one and the same. Accordingly the enforcement appeals on ground (a), the deemed applications for planning permission, and the planning appeal will be considered together.

#### **The Appeal Site and Surroundings**

3. Mazzelsha Farm lies some 5km south-east of Wellington, on the crest of the Blackdown Hills. It has a total area of about 5.2ha, most of which is in a long narrow strip of open level ground with the remainder consisting of around 1.5ha of deciduous woodland on the steep northern face of the hill. From the access onto a minor road, a stony track leads westwards alongside an overgrown beech hedge forming the southern boundary of the site, to the mobile home. This stands roughly in the centre of the site within a fenced compound about 15m square which also contains a small garden area and car parking space. Two cars and a tractor were parked here at the time of the inspection. The mobile home, of modern appearance and coloured brown and white, is adjoined by a large shiplap shed or store on its eastern side, and a large open timber porch or verandah, roofed with corrugated plastic, on its western side. There is another shed to the rear of the porch alongside the mobile home.
4. West of the mobile home is a fenced paddock in which were two horses and a foal at the time of the inspection. Nearby is a wire mesh enclosure containing timber kennels and in which were two alsatian dogs. North of the paddock the land bounds the wooded scarp slope and on this area, which has been heavily poached, were several metal pig arks and weaner pens. A number of pigs and their young were running on this land.
5. To the east of the mobile home, and at a slightly lower level, stands a generator and a pair of monopitch buildings flanking a central concrete yard. The building on the northern side of this yard is split into several pens in which were a number of young calves and at one end a stack of straw. The front part of the southern building is also split into separate pens, most of which held several young pigs, one was empty and one is used as a store. The rear part of this building houses cattle overnight and during bad weather. A small paddock to the east of these buildings held nine Jersey cows and two young calves; a third, smaller, timber building with a small concrete forecourt adjoins this paddock and is used for shelter for the calves on the main eastern field which lies between the buildings and the access.

#### **The Allegation Subject of the Notice**

6. As drafted the allegation refers only to the use for stationing the mobile home, whereas it is evident that the land affected, which is the unit of occupation, namely the holding, is now in a mixed use, for the purposes of agriculture and for the stationing of the mobile home. Though the use for agriculture is not development for the purposes of the 1990 Act, it is nonetheless one of the actual uses which is taking place on the site, and for clarity should be referred to in the allegation. Consideration has therefore been given to whether this defect is capable of correction. It is clear that the appellants have not been misled by the reference

only to the mobile home, and that the Council would not suffer injustice if the allegation were to be corrected to refer to the mixed use. Hence because it is concluded that it would be within the available powers to correct the notice in that way, this will be done.

**The Enforcement Appeals on Ground (a), the Deemed Applications for Planning Permission, and the Planning Appeal**

*Planning Policy Context*

7. The statutory development plan for this area consists of the Somerset & Exmoor National Park Joint Structure Plan Review 1991-2011, adopted in April 2000, and the West Deane Local Plan, adopted in May 1997. Structure Plan Policy STR6 says 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. Local Plan Policy WD/HO/1 seeks to ensure that dwellings for agricultural or forestry workers will only be permitted outside the limits of settlements where:
  - (A) there is a proven need for the dwelling on the holding;
  - (B) the scale, design and materials of the dwelling and associated ancillary activities are in keeping with the local vernacular and the rural character of the area;
  - (C) the siting of the dwelling minimises impact on the surrounding landscape; and
  - (D) an appropriate landscaping scheme is proposed.
8. The Taunton Deane Local Plan Revised Deposit was approved by the Council in October 2000 and is currently the subject of an inquiry into objections. Draft Policies S8 and H14 have a similar thrust to those of the Structure and Local Plan policies noted above. Accordingly, some weight is to be attached to the aims of these emerging policies. Planning Policy Guidance Note No 7 (PPG7) of 1997, and particularly Annex I, gives advice on the handling of applications for agricultural workers' dwellings. The Blackdown Hills, including the appeal site, were designated an Area of Outstanding Natural Beauty (AONB) in 1996. Section 85 of the Countryside and Rights of Way Act 2000 imposes a duty on any Minister of the Crown to have regard to the purposes of conserving and enhancing the natural beauty of the area in exercising any function in relation to land in an AONB. That duty therefore applies to this decision. In June 2000 the Government announced that it now considered that the landscape qualities of National Parks and AONBs were equivalent and that the latter share the highest status of protection in relation to landscape and scenic beauty. This advice has also been taken into account in this decision.

*Planning History of the Site*

9. In December 1995 planning permission was granted for the erection of an agricultural building for storage of hay and straw and for the erection of a livestock building on the appeal site. At the inspection it was confirmed that these are the buildings flanking the concrete yard. In February 1998 permission was granted for the continued use of land for the stationing of a mobile home, subject to an agricultural occupancy condition and time-limited to two years. Permission was granted in April 1998 for the retention of a general stock shed (the small calf shelter) and to erect a hay and straw barn and two polytunnels. The latter does not appear to have been implemented. In April and July 1999 permission was refused for the

use of the existing and permitted buildings for kennels for dogs used by the local harriers and for a variation of the occupancy condition on the mobile home.

*Main Issues*

10. It is considered that the main issues in this case are the effects of the mobile home on the aims of policies seeking to restrict development in the open countryside and to conserve and enhance the natural beauty of the AONB and, if harm is caused to those aims, whether it is outweighed by any agricultural need for the mobile home.

*Inspector's Reasons*

11. Although Mazzelsha Farm lies at one of the highest points of the Blackdown ridge, it is all but invisible from its surroundings due to the woodland on the northern scarp and the tall, overgrown hedges which surround the holding on all the other sides. The only point from which any of the land can be seen is the entrance gateway, and from here the eastern field, the paddock and the agricultural buildings, which are set down in the land, look much like any other smallholding in this area. The mobile home itself remains out of sight from that point, screened by the trees along the southern boundary. Nevertheless, many local residents say that the noise of the generator and of barking dogs is a continual annoyance, out of keeping with the otherwise peaceful countryside, and that at night there are security lights which can be seen from a long distance on this skyline.
12. There is no reason to doubt the appellants' contention that the security lights were erected by the previous occupiers, although their use at night appears to conflict with the claim that the generator is switched off at that time. Even though the lights and generator may be used mainly for the servicing and protection of the animals, the residential use of the mobile home consolidates and adds to the need for these facilities. The glare of these lights is out of keeping with what should be a dark nocturnal landscape and is an alien and discordant intrusion. Though the noise of the generator does not affect the appearance of the countryside, it does undermine and detract from its peaceful character, a quality which is very apparent in this high, remote tableland. The noise of dogs, though no doubt annoying to those affected, appears to come from only a few animals. It is thus not considered to be so severe as to be out of place in this rural area such that it weighs against permission. Nonetheless, harm is caused by the security lights and generator to both the character and appearance of the landscape of this part of the AONB, contrary to the aims of designation and to Government policy seeking to protect its outstanding qualities.
13. Furthermore, as paragraph 3.21 of PPG7 points out, the fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often. Thus in this case the invisibility of the mobile home from public vantage points adds little weight to the argument for permission. In arriving at that conclusion account has also been taken that the surrounding trees and hedges may be vulnerable to reduction in height or removal, either of which might expose the development to distant views. Accordingly it is concluded that the mobile home causes serious harm to the aims of policies seeking to protect the countryside from development and to conserve and enhance the natural beauty of the AONB.

14. In the light of this conclusion consideration has been given to the arguments on the claimed agricultural need for the mobile home. The essence of these arguments is that, on the one hand, the appellants maintain that the agricultural appraisal which they have commissioned shows that there is a functional need for a residential presence on site and that the financial viability of the business is proven by its continued existence. On the other hand, the Council say that their report, which examines the appellants' appraisal, concludes that the business is unsustainable at the production levels proposed so that financial test of Annex I to PPG7 is not met. The appellants challenge this conclusion and point out that the author of the Council's report wrote the appraisal of the business in 1997, when a mobile home was first put on site, in which he concluded that a calf rearing business was viable. They say that because that report led to the 1998 permission to continue the use of the site for a mobile home for a two year period, and there is no essential difference between the farming systems proposed then and now, the appeals should be allowed and planning permission granted.
15. Paragraph I14 of PPG7 says that if a new dwelling is essential to support a new farming activity, whether on a newly-created holding or on an established one, it should normally, for the first three years be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. In this case the farming activity appears to be new even though it is an intensive calf rearing system as was that previously on the land. However, the present system uses eight or nine Jersey suckler cows to rear 21 calves per cow per year, whereas the previous enterprise was contract calf rearing of 120 calves per batch in about three or four batches per year. Not only is the annual throughput different for the two systems, but so too is their nature. The former enterprise rested on the use of the pens within the buildings in which the calves were reared on a hand-fed bucket basis, while that subject of these appeals involves the calves grazing intensively fertilised grass during the summer and being fed on silage/straw and concentrates in the winter. It is therefore appropriate to consider the application as being for a new farming activity within the terms of paragraph I14 of PPG7.
16. In terms of the five criteria of paragraph I14, it is accepted firstly that the activity now taking place on the land, in respect of the number and type of stock, the new fencing and the investment in the tractor and milking machine seen on site, constitute clear evidence of a firm intention and ability to develop the enterprise. Secondly, at any time on the holding there would be about 21 calves, eight or nine suckler cows which are central to the system, and eight or ten breeding sows with young. This number of animals, and the need to bring the cows into the calves in the buildings two or three times a day, points to there being a functional need for someone to be on hand at all times to operate the system effectively, to provide essential care and to be on hand in case of emergencies out of hours. Though the total labour requirement is somewhat low at 1930 hours per year, it is not so unreasonable when considered at the average of 37 hours per week, that it could be seen as more appropriate to a hobby than to a full-time job. Hence, if the enterprise is run at this degree of intensity, which looks to be the case since the appellants occupied the holding, there is no reason to suppose that permission would result in an abuse of the planning system.
17. The evidence of the financial basis of the enterprise shows that with a farm gross margin of £10,659 and overheads of £2,825 the management profit would be some £7,834. The Council's consultant queried several figures which go towards these totals, and though the appellants' consultant answered most of these points it remains the case that viability is fragile when the minimum agricultural wage is £9,277 a year and, as all parties

acknowledge, agriculture is in a parlous state. The appellants' appraisal recognises that to obtain even a modest living on this small holding it is essential that some kind of intensive enterprise is involved and that all resources are used to the full. Therefore any unforeseen circumstances such as serious illness or accidents to the stock or affecting the appellants themselves, large fluctuations in input or output prices, or prolonged adverse weather on this high ground could affect the enterprise in a much more damaging way than in a case where there were comfortable profit margins to absorb such eventualities.

18. This is therefore a very marginal case where it is by no means clear that the enterprise will be sustainable in the longer term. But the purpose of a temporary permission in agricultural cases is to test that very point. In this case the commitment of the appellants to the running of the enterprise on the holding is evident, and there is no claim that the functional need for someone to live full time on the land could be met by any existing suitable and available accommodation in the area. Nor is there any dispute that other normal planning requirements, such as siting and access, are satisfied in this case. Thus the crux of these appeals is the financial viability of the holding in the light of the advice in Annex I of PPG7. The judgement in the case of *Peter and Harris v SSE and Chichester DC [CoA 1999, EPL 5-163.25]* establishes that the financial viability test is only relevant in the determination of whether the grant of planning permission would, because of the uncertain future of the agricultural activity, threaten to produce in future a non-conforming residential use that would pass with the land. But here that threat would not materialise because the appellants are asking only that the mobile home be allowed to remain for a period of no more than three years so that they can prove themselves.
19. Accordingly, were permission to be granted in the terms sought, it would be for the appellants to use their best endeavours to ensure that during that temporary period they were able to show that the enterprise is sustainable and thus that the criteria in paragraph I5 of PPG7 are met. Should that not be demonstrated then they could not expect to receive either permission for a permanent dwelling or a further temporary permission. As matters stand at the time of this decision, the appellants have demonstrated sufficient need for a continuous residential presence on site, and that, on balance, there is some prospect that the farming enterprise will be able to show that it is sustainable in the long term. The residential presence requested by the appellants is a temporary one, so that no permanent harm would result from permission in these cases. Therefore it is concluded that these factors are sufficient to outweigh the harm that the mobile home causes to the aims of planning policies seeking to protect the countryside from development and to conserve the natural beauty of the AONB. All the other arguments advanced by the Council in support of its case have been taken into account, but none is so cogent as to affect that conclusion.
20. It follows that the appeals against the enforcement notice on ground (a) succeed so that the notice will be quashed. For similar reasons planning permission will be granted for the deemed applications, and the appeal against the refusal to grant planning permission also succeeds.
21. In granting permission account has been taken of the conditions suggested by the parties and of the length of time that the appellants have already been on site and operating the farming system considered in this decision. The evidence is that the appellants bought the land in September 2000 and their consultant's appraisal was prepared in March 2001. To date they have therefore had two seasons in which to establish the business, a not inconsiderable time

given their request for a three year permission. If that were to be granted today it would mean that by the date the suggested time limit expires, in all they would have had five years on site. That would be more than was requested by their consultant in March 2001 and substantially longer than is advised by Annex I of PPG7. It is accepted that the outbreak of foot and mouth disease in 2001 would have seriously affected the appellants' efforts to develop the business in that year, but it would also have given them time for other development work to be undertaken. Moreover, this was not a business being started on bare land, but one where substantial buildings, as well as the mobile home, already existed. In these circumstances it is considered that a time-limiting condition of two, rather than three, years is warranted.

22. The agricultural occupancy condition advised by Circular 11/95 will also be imposed, because, without the agricultural justification in this case, permission would have been refused. The permission for the planning appeal, because it arises from an application under Section 73A(2)(b) of the 1990 Act as amended, will be backdated to the time when the previous temporary permission expired.

#### Formal Decisions

23. For the above reasons, and in exercise of the powers transferred to me, I hereby determine these appeals as follows:

##### **A. Enforcement Appeals Ref APP/D3315/C/02/1092956 & 1092957**

- (i) I direct that the allegation in paragraph 3 of the notice be corrected by the deletion of all the words in lower case type in that paragraph and their replacement by the words "Without planning permission, the change of use of the land from agriculture to a mixed use for agriculture and for the stationing of a residential mobile home."
- (ii) Subject to that correction, I allow the appeals, direct that the enforcement notice as corrected be quashed, and grant planning permission for the applications deemed to have been made under Section 177(5) of the 1990 Act as amended for the use of the land for the stationing of a residential mobile home at Mazzelsha Farm, West Buckland Hill, West Buckland, Wellington, Somerset, subject to the following conditions:
- (a) The use hereby permitted, which shall be limited to one mobile home only, shall be discontinued and the land restored to its former condition on or before the expiry of two years from the date of this decision;
- (b) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

##### **B. Planning Appeal Ref APP/D3315/A/02/1092630**

I allow the appeal and grant planning permission for the use of the land for the stationing of a residential mobile home at Mazzelsha Farm, West Buckland Hill, West Buckland, Wellington, Somerset, in accordance with the terms of the application (ref 46/2001/012) dated 8 May 2001 and the plans submitted therewith, and subject to the following conditions:

- (a) The use hereby permitted, which shall be limited to one mobile home only, shall be discontinued and the land restored to its former condition on or before the expiry of two years from the date of this decision;

(b) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Note: (i) This permission shall take effect from 12 February 2000.

(ii) This decision does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990 as amended.

**Right of Appeal Against the Decisions**

24. These decisions are the determinations of the appeals before me. Particulars of the rights of appeal against these decisions to the High Court are enclosed for those concerned.



**Inspector**

