



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 27TH SEPTEMBER 2006 AT 17:00.

(RESERVE DATE : MONDAY 2ND OCTOBER 2006 AT 17:00)

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### **AGENDA**

1. Apologies.
2. Minutes of the meeting of the Committee held on 6 September 2006 (attached).
3. Public Question Time.
4. Declaration of Interests - To receive declarations of personal or prejudicial interests in accordance with the Code of Conduct.
5. Enforcement action in respect of unauthorised gypsy site at Oxen Lane, North Curry. Report of the Chief Solicitor (attached). Enforcement item
6. CREECH ST MICHAEL - 14/2006/029  
ERECTION OF DETACHED GARAGE AND STORE WITH HOBBY ROOM ABOVE AT LASHPOOL BUNGALOW, CREECH HEATHFIELD, TAUNTON
7. HATCH BEAUCHAMP - 19/2006/025  
ERECTION OF GARDEN BUILDING IN PARKLAND OPPOSITE HATCH COURT, HATCH BEAUCHAMP, TAUNTON
8. NORTH CURRY - 24/2006/034  
TWO REPLACEMENT DWELLINGS AT 1 & 2 OAKHILL COTTAGES, LILLES DON LANE, NORTH CURRY
9. RUISHTON - 31/2006/018  
ERECTION OF 2 STOREY EXTENSION TO PROVIDE FOR FUNCTION ROOM AND ADDITIONAL 13 BEDROOMS TO EXISTING HOTEL, TOGETHER WITH LANDSCAPING WORK AND NEW SEWAGE TREATMENT PLANT AT THE MOUNT SOMERSET HOTEL, HENLADE
10. RUISHTON - 31/2006/019LB  
DEMOLITION OF COACH HOUSE AND SIDE ADDITION TO THE EAST ELEVATION, ERECTION OF A 2 STOREY EXTENSION TO PROVIDE FOR A MULTI PURPOSE FUNCTION ROOM AND 13 ADDITIONAL BEDROOMS AT THE MOUNT SOMERSET HOTEL, HENLADE

11. TAUNTON - 38/2006/316  
ERECTION OF 22 NO 1 BEDROOMED FLATS, CYCLE AND BIN STORES AT NOS. 5 & 7 COMPASS HILL, TAUNTON AS AMPLIFIED BY LETTER DATED 15TH AUGUST, 2006 AND DRAWING NO. 05.32.22 AND LETTER DATED 24TH AUGUST, 2006 AND DRAWING NO. 05/32/15C
12. TAUNTON - 38/2006/334  
CONVERSION OF HOUSE INTO 2 FLATS AT 95 ST AUGUSTINE STREET, TAUNTON
13. WEST HATCH - 47/2006/004  
CHANGE OF USE OF LAND FOR THE SITING OF 10 PITCHES TO ACCOMMODATE GYPSIES AND TRAVELLERS AT SLOUGH GREEN CARAVAN PARK, WEST HATCH, AS AMENDED BY LETTER DATED 25TH MAY 2006 AND NEW SITE PLAN RECEIVED 19TH JULY 2006. SEE ALSO CONFIDENTIAL APPENDIX AT ITEM 22.

IMPORTANT - PLEASE NOTE THAT DUE TO THE WEIGHT OF BUSINESS FOR THIS MEETING, THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE COMMITTEE'S RESERVE DATE ON MONDAY, 2 OCTOBER AT 17:00 IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON.

14. NORTON FITZWARREN - 25/2006/018  
DEMOLITION OF BUILDINGS AND ERECTION OF 57 RESIDENTIAL RETIREMENT APARTMENTS; RENOVATION OF TWO COTTAGES TO FORM ONE RESIDENTIAL COTTAGE AND ONE WARDENS COTTAGE AT BEAUFORD PARK AND FITZWARREN HOUSE, NORTON FITZWARREN, TAUNTON AS AMENDED BY LETTER DATED 5TH SEPTEMBER, 2006 AND FURTHER AMPLIFIED BY LETTER DATED 7TH SEPTEMBER, 2006
15. CHIPSTABLE - 09/2006/012  
CONVERSION OF BARN TO DWELLING AT VENN FARM, WATERROW, WIVELISCOMBE
16. LANGFORD BUDVILLE - 21/2006/007  
DEMOLITION OF BARN AND ERECTION OF HOLIDAY CHALET AT WELLISFORD FARM, LOWER WELLISFORD, LANGFORD BUDVILLE, WELLINGTON (RESUBMISSION OF 21/2005/010)
17. LYDEARD ST LAWRENCE - 22/2006/008  
EXTENSION OF DWELLING AND WORKS TO EXISTING BOUNDARY BANKS TO PROVIDE NEW RETAINING WALLS AND DRIVE WITH SUBTERRANEAN GARAGE, COURSLEY COTTAGE, LYDEARD ST LAWRENCE AS AMENDED BY AGENTS LETTER DATED 21ST JULY, 2006 AND DRAWING NOS. 1045/26, 1045/27, 1045/28 AND 1045/29.
18. LYDEARD ST LAWRENCE - 22/2006/009LB  
REFURBISHMENT AND EXTENSION, COURSLEY COTTAGE, LYDEARD ST LAWRENCE AS AMENDED BY AGENTS LETTER

DATED 21ST JULY, 2006 AND DRAWING NOS. 1045/26, 1045/27,  
1045/28 AND 1045/29

19. WELLINGTON (WITHOUT) - 44/2006/021  
CHANGE OF USE OF LAND FOR RESIDENTIAL GYPSY SITE FOR  
2 NO. MOBILE HOMES AND 2 NO. TOURING CARAVANS AT TWO  
ACRES, FORD STREET, WELLINGTON
20. 35/2006/014 - Erection of two storey extension at Bella Vista,  
Stawley. Miscellaneous item
21. E382/38/2005 - Erection of additional extension at Pippins, 31  
Wellington Road, Taunton. Enforcement item

The following item is likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

22. West Hatch - 47/2006/004 - Slough Green, West Hatch. Confidential Appendices.  
Clause 4 - Service Recipient.

G P DYKE  
Member Services Manager  
20 September 2006

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

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillor Mrs Allgrove  
Councillor Bowrah  
Councillor Miss Cavill  
Councillor Croad  
Councillor Denington  
Councillor Floyd  
Councillor Guerrier  
Councillor Henley  
Councillor C Hill  
The Mayor (Councillor Hindley)  
Councillor House  
Councillor Lisgo  
Councillor Phillips  
Councillor Mrs Smith  
Councillor Stuart-Thorn  
Councillor Wedderkopp



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

## **Planning Committee – 6 September 2006**

Present: Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Floyd, Guerrier, Henley, Hill, Hindley, House, Phillips and Wedderkopp

Officers: Mr J Hamer (Development Control Area Manager – West),  
Mr G Clifford (Development Control Area Manager – East),  
Mr R I Taylor (Chief Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm)

### **105. Apologies**

Councillors Croad, Denington, Lisgo and Stuart-Thorn.

### **106. Minutes**

The minutes of the meeting held on 16 August 2006 were taken as read and were signed.

### **107. Applications for Planning Permission**

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

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

#### **05/2006/022**

**Erection of four dwellings with associated parking and access and removal of Condition 14 (which relates the permission to a named Housing Association) on planning permission ref No 05/2005/011, on land adjacent to 18 Northfields, Bishops Hull**

#### **Condition**

The applicant shall enter into a legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure that the site is owned by a registered social landlord. This Agreement shall be entered into prior to occupation of the units approved under planning permission reference No 05/2005/011.

(Note to applicant:- Applicant was reminded that Conditions 1 to 13 and Condition 15 of planning permission No 05/2005/011 are still applicable to the development as a whole and need to be discharged/adhered to.)

**Reason for granting planning permission:-**

The site was within the settlement limits of the Taunton Deane Local Plan and was in accordance with Policies S1 and H9, and the removal of the previous Condition 14 and its replacement with an appropriately worded Section 106 Agreement to tie the dwellings to a registered social landlord was acceptable.

**14/2006/025**

**Erection of single storey extension to rear and side and erection of porch to front of 12 Heathfield Close, Creech Heathfield**

**Conditions**

- (a) C001A – time limit;
- (b) C102 – materials.

**Reason for granting planning permission:-**

The scale and design of the extensions was considered to be acceptable and it was not thought that they would harm the appearance of the street scene or neighbouring amenity. Therefore the scheme accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

**20/2006/015LB**

**Installation of window, 4 The Conies, Kingston St Mary**

**Conditions**

- (a) C002C – time limit – listed building
- (b) The proposed window shall be timber only and shall be a scrupulous match to the existing windows in all respects including sections, mouldings and profiles, working details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation;
- (c) The window hereby permitted shall be painted white to match the existing windows.

**Reason for granting listed building consent:-**

The proposal would not adversely affect the character and appearance of the listed building and therefore did not conflict with Taunton Deane Local Plan Policies EN16 and EN17.

**Reason for granting listed building consent contrary to the recommendation of the Development Control Manager:-**

Given the number of windows at the property with double-glazing, the Committee felt that the proposed additional window would not affect the character and appearance of the listed building.

**38/2006/323**

**Erection of single storey extension at 6 Humber Grove, Taunton**

### **Conditions**

- (a) C001A – time limit;
- (b) C102 – materials.

### **Reason for granting planning permission:-**

The proposed single storey extension would have no material impact on neighbouring amenity and complied with Taunton Deane Local Plan Policy H17.

### **44/2006/015**

### **Retention of ménage and stables at Southey Farm, Wrangway, Wellington**

### **Conditions**

- (a) C001A – time limit;
- (b) The use of the riding arena hereby approved shall be limited to horses being stabled in association with Southey Farm. The number of horses stabled on site for livery purposes shall not exceed 50% of the total number of horses kept on site. Therefore, no more than nine horses shall be stabled for livery purposes unless any variance is agreed in writing by the Local Planning Authority;
- (c) Details for the storage of any jumps or related equipment shall be submitted to, and approved in writing by, the Local Planning Authority within one month of the decision notice. Equipment and jumps shall then be stored only in accordance with the details so approved.

### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7, C9, EN10 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6, Policy 3 and Policy 5.

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

### **24/2006/030**

### **Retention of covered link between dwelling and garage at The Olde Canal Barn, Wrantage, Taunton**

### **Reason**



In the opinion of the Local Planning Authority, the proposed link extension has resulted in an unacceptable loss of outlook and light to the neighbouring property thereby resulting in loss of visual and residential amenity. Accordingly, the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and H17.

(Notes to Applicant:- (1) Applicant was advised that the rooflights and window changes are acceptable in principle and should be re-applied for. A lower wall at the front not tied into the public house may also be acceptable; (2) Applicant was advised that the link should be removed in order to avoid enforcement action being taken.

**Reason for refusing the application contrary to the recommendation of the Development Control Manager:-**

The Committee felt that the loss of light caused by the link building affected the visual and residential amenity of the adjoining Canal Inn.

**42/2006/014**

**Erection of single storey extension to west elevation and two storey extension to north elevation at Fisherman's Rest, Sweethay Lane, Trull**

**Reason**

The existing dwelling resulted from the conversion of a former agricultural building which it was the policy of the Local Planning Authority to retain without material alteration to its external appearance. The proposed extension would be detrimental to the architectural integrity and traditional character of the building in its rural setting and thereby contrary to Taunton Deane Local Plan Policies S1, S2 and H17 and the Taunton Deane Supplementary Planning Guidance on Rural Building Conversions.

**108. Appeals**

- (1) Reported that the following appeals had been lodged:-
  - (a) Demolition of buildings and erection of 1 No flat over new arch to existing business, 58-60 Mantle Street, Wellington **(43/2006/018)**;
  - (b) Appeal against enforcement notice – Site at Higher House Farm, Helland Lane, Stoke St Gregory;
  - (c) Appeal against enforcement notice – Site at Maidenbrook Farmhouse, Cheddon Fitzpaine;
  - (d) Change of use, conversion and extension to form dwelling at The Pound House, Trents Farm, Churchinford **(10/2005/023)**;

- (e) Retention of raised decking area at 1 Trevett Road, Taunton (38/2006/016).

(2) Reported that the following appeal decisions had been received:-

- (a) **Erection of a two storey extension at Yeomans, East Combe, Bishops Lydeard (06/2005/041)**

**Decision**

The Inspector noted that the proposed extension would be a large and bulky structure at right angles to the main building, which would dominate views of the rear of the building and have a harmful effect on the general linear arrangement. He concluded that the proposal would not preserve the special architectural and historic interest of the listed building and would conflict with the aims and objectives of Local Plan Policies. The appeal was dismissed.

- (b) **Erection of one detached dwelling with integral garage, extension to No 1 Piffin Lane and erection of garages for Nos 1 and 4 Piffin Lane, land adjacent to north side of Piffin Lane behind 1 to 4 Church Street, Bishops Lydeard (06/2005/033)**

**Decision**

Although the Inspector felt a dwelling continuing the frontage development would be appropriate for this location, the proposal would be considerably forward of the general line of building on this side of the road and would be unacceptably dominant in views from Church Street. He also felt that the window arrangement would be a dominant feature and the substantial difference in levels between the windows of the adjacent cottage and the proposed new dwelling would be stark. Overall, the Inspector considered that the proposal would neither preserve nor enhance the character or appearance of the conservation of the area as a whole. The appeal was dismissed.

- (c) **Display of illuminated fascia sign at 42 Bridge Street, Taunton (38/2006/046A)**

**Decision**

The Inspector noted that the appeal fascia was considerably below the level of the retained fascia panel. It was also considerably deep, which made it look awkwardly sited and top heavy on the frontage. He considered that the appeal sign stood out with undue assertiveness within its surroundings and concluded that the display of the appeal sign was detrimental to the interests of amenity. The appeal was dismissed.

- (d) **Retention of a boundary fence at 1 Burch's Close, Comeytrowe, Taunton (52/2005/033)**

**Decision**

The Inspector was concerned that the fence represented a form of hard landscaping which would erode the spacious character of the front garden and detract from the pleasant open character of the area. He also felt that approval of this proposal would establish a damaging precedent for similar further proposals. In the Inspector's view a hedge of an appropriate type and density would achieve the same effect as the current boundary fence. The appeal was dismissed.

- (e) **Formation of access and driveway to 2 and 3 Burnhill Terrace, Norton Fitzwarren (25/2005/033)**

**Decision**

The Inspector noted that the site was situated on a long sweeping bend in the road where visibility was impeded in both directions by the presence of parked vehicles. As there were no restrictions to prevent parking on the road, the benefit of removing one or two of these vehicles was far outweighed by allowing an additional access on a road where visibility might be restricted at any time, in either or both directions. He also noted that with a turning space being provided in the rear garden, with a narrow access leading to it, there was a possibility of vehicles having to reverse onto the highway if two vehicles met on the driveway or if access to the rear was obstructed. The appeal was dismissed.

(The meeting ended at 6.04 pm)

# **Planning Committee – 27 September 2006**

## **Report of the Chief Solicitor**

### **Enforcement action in respect of unauthorised gypsy site at Oxen Lane North Curry.**

#### **1. Background**

- 1.1 Members will recall that in October 2004 an unauthorised gypsy residential site was set up at Oxen Lane, North Curry with sixteen plots being laid out over a weekend. An Enforcement Notice and Stop Notice were served. In December 2004 an application for planning permission for the use of the land at Oxen Lane as a residential gypsy site with the provision of 16 mobile homes, 16 tourers and 16 day rooms was refused.
- 1.2 In January 2005 an application was lodged with the High Court for an injunction seeking the removal of all the occupiers and caravans from the land and its re-instatement. The proceedings were served on the various parties but were subsequently held in abeyance as a date for a Public Inquiry into an appeal against the Enforcement Notice was set for June 2005. An appeal against the refusal of planning permission was lodged immediately after the Inquiry and the Inspector decided that he had heard sufficient evidence at the Inquiry to enable him to report to the Secretary of State on both appeals.
- 1.3 In September 2005 the Secretary of State confirmed that the Enforcement Notice would be upheld and the appeal against the refusal of planning permission dismissed. He varied the Enforcement Notice to allow twelve months for compliance, in effect requiring the occupiers to vacate the site by the 26 September 2006.
- 1.4 Throughout the subsequent period, the site has been monitored by the Enforcement Officers who have kept records of those living on site. At the date of the Inquiry it was stated that there were sixteen families either living, or intending to live, at the site. However, of the sixteen families who were appellants at the Inquiry, only four have remained on site since that time. These are the Holland family, the O'Neill family, the Packman family and Jim Smith and Launa Price.
- 1.5 Although other families have moved on to and off the site in the intervening period, at the time of the drafting of this report there is only one further family on site, the Dunn/Dolans.

#### **2. Planning Applications**

- 2.1 In late August 2006, an application for the stationing of a caravan on Plot 12 was received from the appellants and former occupants, the Loveridge family. They have not lived on site for some considerable time. Their

application is being considered in the usual way and will be reported to a future meeting of the Committee.

- 2.2 Solicitors acting for the Hollands, O'Neills, Packmans and Smith and Price have indicated that individual planning applications will be submitted on behalf of each family. The new occupier, Mr Dolan, has also indicated that he will be submitting an application for Plot 9. As with the Loveridge application any applications will be reported to a future meeting of the Committee.
- 2.3 In the light of the recent guidance in ODPM Circular 1/2006, Members must consider whether it is likely that a temporary planning permission would be granted in response to such applications either by the Council or the Secretary of State. If there is a reasonable prospect that temporary permissions would be granted, it is unlikely that a court will grant an immediate eviction injunction. The gypsies are bound to raise this point if injunction proceedings are resumed.
- 2.4 Circular 1/2006 requires Local Planning Authorities to carry out an assessment of the need for gypsy sites in their areas (a 'GTAA'). Results from all the GTAAs in a region will be submitted to the Regional Planning Authority which will, through the Regional Spatial Strategy (RSS), impose quotas for the provision of gypsy sites in each district. The Local Planning Authority will then be expected to make allocations sufficient to meet this quota. This will mean identifying particular sites. This process of identification will be achieved through the new Development Plan Document (DPD) process: it is contemplated that there may have to be subject-specific DPDs dealing solely with the allocation of land for gypsy sites.
- 2.5 The above scheme contemplates that allocations in DPDs will follow the imposition of quotas in the RSS. Plainly this process may take a considerable time. In the interim the Government has set out transitional arrangements in paragraphs 41-46 of Circular 1/2006. Where there is an obvious present need, site allocations may have to be made in advance of the imposition of quotas (paragraph 43). Further, in the period before allocations are made paragraphs 45 and 46 give guidance on the grant of temporary planning permissions. These are obviously directed at cases where land is already unlawfully occupied by gypsies, as in the present case: paragraph 12(i) indicates that one of the principal aims of the new circular is to prevent gypsies from becoming homeless through being evicted from unlawful sites with no alternative site to go to.
- 2.6 Paragraphs 45 and 46 state:–

*"45. Advice on the use of temporary permissions is contained in paragraphs 108-113 of Circular 11/95, The Use of Conditions in Planning Permission. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission.*

*Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission.*

*46. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocation DPD. In such circumstances, Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.”*

2.7 Several points need to be made about this new guidance.

- 2.7.1 First, there was no equivalent guidance about the grant of temporary planning permissions in Circular 1/1994 or in the draft version of the new circular.
  - 2.7.2 Second, questions of temporary planning permission only arise where there are no alternative sites.
  - 2.7.3 Third, Local Planning Authorities are required to give ‘substantial weight’ to unmet need in deciding whether to grant such a temporary planning permission – that is the need for gypsy sites that is not presently being met by the allocation of sites. There plainly is a level of need in the district: at the present time this is unmet. The present position on the progress that is being made towards meeting this need is set out below.
  - 2.7.4 Fourth, it is made clear that such a temporary planning permission should not be regarded as setting a precedent for allowing permanent occupation of the site in question.
  - 2.7.5 Fifth, paragraph 45 makes express reference to paragraphs 108-113 of Circular 11/95, the circular dealing with conditions and temporary planning permissions. One of the points made in paragraph 109 of Circular 11/95 is that it is never appropriate to grant a temporary planning permission if the injury to amenity caused by the development cannot be mitigated to an acceptable level by the imposition of conditions. This point applies as much to temporary planning permission for a gypsy site as to any other kind of temporary planning permission.
- 2.8 There is recent case law on the approach that the courts will take to a claim for an eviction injunction in a case like the present where there is a

very recent decision of the Secretary of State refusing planning permission, albeit one given before Circular 1/2006. The most comprehensive analysis is set out in *South Cambridgeshire DC v Flynn*, decided in June of this year. In that case the judge was prepared to assess how strong the prospects of the gypsies getting a temporary planning permission were. He assumed that if the prospects were reasonable, it might well be appropriate to defer any injunction until a further inquiry had been held. However, in assessing these prospects, he considered that the pre-Circular 1/2006 findings of the Inspector/Secretary of State remained relevant, especially to the question of harm to amenity and whether this harm could be overcome by conditions, as required by paragraph 109 of Circular 11/95. In *Flynn* the Inspector had found that the gypsy site (which was neither in the Green Belt nor an Area of Outstanding Natural Beauty) was causing significant harm to the countryside and to residential amenity. The Inspector had specifically found that conditions could not overcome this harm and that not even a temporary planning permission should be granted (the appellants had sought a permanent planning permission, as in the present case). On the strength of these findings the judge was prepared to find that the gypsies did not have a reasonable prospect of a temporary planning permission, despite the advent of the new Circular. Accordingly he granted an eviction injunction.

- 2.9 Members therefore need to address the new circular and ask whether the gypsies have a reasonable prospect of obtaining a temporary planning permission. If Members think that such a reasonable prospect exists, they should not seek to resume the injunction proceedings at the present time.
- 2.10 Officers set out below the matters relevant to this judgment, namely the present position with regard to the assessment of the need for gypsy sites in the district, the personal circumstances of the occupants, the present position with regard to the allocation of land for gypsies and the planning assessment of the development at Oxen Lane made by the Inspector/Secretary of State.

### **3. Needs Assessment**

- 3.1 At the time of the Public Inquiry there was no quantitative assessment of the need for gypsy sites across Somerset, although the Secretary of State did comment on the Council's good record with regard to site provision. However, since then work has commenced on a county wide housing needs assessment prepared by the ARK Consultancy. This includes a continuing assessment of the needs of gypsy and traveller families. This detailed work is likely to be completed within the next twelve months.
- 3.2 However, as at January 2006, four unauthorised gypsy or traveller sites were identified with a total of 22 caravans (although not all were occupied). The current position in relation to these sites is as follows:-

Site 1 has since been granted permission.

Site 2 has, at the suggestion of the Planning Officer, submitted a further application as the main objection to the site is likely to be overcome in the light of recent changes on guidance.

Site 3 is not currently occupied but is subject to a resolution to take injunction proceedings to clear the site.

Site 4 is Oxen Lane. It was noted at that time that in addition to the four families who have remained since the Inquiry, there were four other families who have since moved off the site.

#### **4. Personal circumstances of families on site**

4.1 All those currently living on the site have been visited to assess their current needs. The position is as follows:-

##### **4.1.1 The Holland Family (Plot 8)**

This plot is occupied by John and Tracey Holland and their three daughters Krystle (17), Sophie Marie (15) and Tracey Jane (11). In terms of particular medical needs Sophie has heart problems and has been receiving treatment at Musgrove Park Hospital. She has been referred to the Royal Infirmary in Bristol. All the family are registered with the local surgery.

Tracey Jane has been attending North Curry Primary School and will be moving on to Monkton Heathfield at the beginning of the academic year. It is unusual for girls in the Holland family to attend secondary school and if the family moves and Tracey Jane is not able to stay at Monkton Heathfield, it is likely she will be withdrawn from secondary education.

They state that since settling at Oxen Lane they have not only been paying Council Tax but are also registered with the Inland Revenue. John Holland has family connections in the area and the family state they have nowhere to go if evicted from the site. They would wish to remain with the O'Neill family from Plot 7.

##### **4.1.2 Smith and Price (Plot 16)**

Jim Smith and Launa Price have two children, Jimmy Dean (8) and Adam Lee (12 weeks). Jim Smith suffers from asthma and all the family are registered with the local doctor's surgery. Jimmy Dean attends North Curry Primary School. The family state they have nowhere to go if evicted from the site.



#### **4.1.3 The O'Neill family (Plot 7)**

Mary O'Neill has five children - Kathleen (9), Christopher (7), Billy (4), Andrew (2) and Alice (10 months). Billy suffers from asthma and has been hospitalised on occasions. All the family are registered with the local doctor's surgery. Kathleen and Christopher attend North Curry Primary School. Billy is due to start at North Curry Primary at the beginning of the academic year. Andrew is due to start pre-school in January 2007.

The family state they have nowhere to go if evicted from the site and would like to move with the families on Plots 8 and 13.

#### **4.1.4 The Packman family (Plot 1)**

Steven and Charmaine have five children - Steven (11), Cheyanne (10), Joseph (9), Charmaine (8) and Paris (3). All the family are registered with the local doctor's surgery.

Stephen is in the middle of a course of dental treatment at Musgrove Park Hospital. Joseph is attending the ADHD clinic at Musgrove. Paris is awaiting an eye operation to correct a muscle disorder. Charmaine has continuing problems with her back and legs.

Steven, Cheyanne, Joseph and Charmaine all attend North Curry Primary School. Joseph is statemented.

The family state they have nowhere to go if evicted but would be prepared to move if a suitable alternative site could be found. They do not wish to move with others currently on the site.

4.2 It is not apparent that the circumstances of these 4 families have changed materially since the inquiry.

#### **4.3 The Dunn/Dolan family**

The Dunn/Dolan family consist of Mr Dunn and Mrs Dolan and four children, three girls and one boy. They formerly lived in Ireland and have moved around before settling in Oxen Lane. Two of the children attend North Curry Primary School and there are, in addition, two youths associated with the family group who occupy a caravan on an adjacent plot. Inquiries into the needs of this family are continuing and will be reported to the meeting.

4.4 The remaining plots are unoccupied although caravans are stationed on some.

### **5. Alternative Provision**

5.1 The Gypsy and Traveller Working Group has been working to identify

suitable alternative sites for residential use within Taunton Deane. Government and quasi-Government Agencies have been approached, but the only organisation able to assist is Somerset County Council. Work is continuing to identify possible County Council land that might be suitable for small residential gypsy sites. In addition, where suitable areas of land can be identified the owners are being approached. Whilst the Council is not yet in a position to identify specific sites to which the Oxen Lane residents may move, progress is being made. Additionally, in the light of recent Government guidance the Council's policy in relation to the prohibition of gypsy sites within Areas of Outstanding Natural Beauty has been relaxed so that formerly unacceptable sites may now be acceptable. The Planning Officers have throughout the last six months been offering informal advice to the Oxen Lane residents as to the suitability of various proposed sites.

5.2 However, whilst the Council is working towards the provision of alternative sites, officers do not consider that the provision of an alternative site is a pre-condition to removing the current occupiers from the site. For the reasons set out below, the harm caused by the continuing unauthorised development is so severe that eviction should be considered even if this renders the families homeless. However, Members must form their own view on this.

## **6. Consultations**

6.1 The following have been consulted as to the consequences of pursuing an injunction seeking removal of the families from the site and have commented as follows:-

- (i) The Gypsy Liaison Officer - Views awaited.
- (ii) The Police - Views awaited.
- (iii) The Traveller Education Unit - Views awaited.

## **7. Relevant findings of the Inspector/Secretary of State**

7.1 The following points emerge from the Inspector's report/Secretary of State's decision letter:-

- As a consequence of the development the visual amenities of No 6 Oxen Lane had been reduced to a level far below that which ought reasonably to be expected;
- The development is a major encroachment in the countryside;
- The sub-standard junction at Oxen Lane/Greenway is a material highway objection to the development;
- The Secretary of State specifically considered and rejected the grant of temporary planning permission;

- It is implicit in the decision of the Secretary of State that he did not consider that the injury to amenity could be acceptably overcome by conditions – even if only a temporary planning permission were to be granted;
- The Council was unable to identify any alternative site so that if moved on immediately the residents would be likely to be on the road side with the consequent disruption to the education of the children and the healthcare associated with having a settled base;
- Although the Secretary of State recognised the good work done by the Council in assessing need and seeking land to allocate, there is no suggestion in the decision letter that the occupants should be allowed to remain at Oxen Lane until an alternative site is found for them by the Council;
- The period of one year allowed in the enforcement notice (as varied) 'gives an adequate period for the appellants to seek an alternative site or sites'. It is noteworthy that the Secretary of State places the onus on the appellants;
- It is implicit in the decision that the Secretary of State considered that it would be unacceptable for the occupation of the land at Oxen Lane to continue beyond September 2006.

7.2 Officers agree with these planning judgements. In particular, officers consider that eviction now is justified in planning terms, despite the present inability of the Council to offer an alternative site.

## **8. Article 8 and Proportionality**

8.1 In making a decision as to whether or not to pursue injunction proceedings, Members need to consider the rights of the occupiers under Article 8 of the Convention on Human Rights and whether the taking of such action would be proportionate. Article 8 provides that:-

- (i) Everyone has the right to respect for his private life and family life, his home and his correspondence.
- (ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in the interests of national security, public safety or the economic well being of the country, for the prevention of crime and disorder, for the protection of health or morals, or for the protection of the rights and freedoms of others.

8.2 Article 8 is engaged despite the fact that the homes at Oxen Lane have been established unlawfully. In reaching a decision to re-instate the injunction proceedings therefore, Members must be satisfied that such action is necessary within the exemptions referred to in paragraph 2 above and is proportionate. The prospect of homelessness of the occupiers (and the consequent hardship) needs to be balanced against the harm arising from the continuance of the unauthorised development. In the balance Members need to weigh the factors identified by the

Secretary of State, namely the major encroachment into the countryside, the impact on the visual amenities of No 6 Oxen Lane and the continuing additional use of the sub-standard junction at Oxen Lane/Greenway.

- 8.3 As pointed out above, the number of occupants is now far less than at the time of the inquiry. It follows that eviction of the occupants will cause less hardship in total than the Secretary of State must have had in mind when upholding the enforcement notice.
- 8.4 If injunction proceedings are resumed, they are unlikely to come before the Courts until early in the New Year. If the families currently on the site become homeless, and made the appropriate application to the Council, the Council as a Housing Authority would be under a duty to assist them in the same way as any other person presenting as homeless. However, any accommodation provided pursuant to homelessness duties would inevitably be in bricks and mortar, which would almost certainly be culturally unacceptable to the gypsies.

## **9. Conclusion**

- 9.1 The period for compliance with the Enforcement Notice at Oxen Lane has expired. Injunction proceedings issued in January 2005 requiring the occupiers to move and the land to be re-instated are held in abeyance. The Council has actively been looking for suitable alternative sites for the occupiers at Oxen Lane, as well as advising in respect of areas of land suggested by the occupiers.
- 9.2 There is no doubt that having a settled base has assisted the children on the site in terms of education and all in terms of healthcare. However, balanced against this must be the harm arising to the landscape and the amenity of neighbours arising from the continued presence of the unauthorised development and the fact that the Secretary of State judged that the harm from the unauthorised development should not be tolerated beyond the twelve month period. Clearly as only four of the original appellants remain on site, some twelve families have either re-located or not taken up occupation.

## **10. RECOMMENDATION**

- 10.1 It is therefore **RECOMMENDED** that an application be made to re-instate proceedings HQ05X00297 in the High Court against Packman and others seeking an injunction to secure compliance with the Enforcement Notice.

### **Chief Solicitor**

Contact officer: Judith Jackson 01823 356409 or e-mail  
[j.jackson@tauntondeane.co.uk](mailto:j.jackson@tauntondeane.co.uk)



14/2006/029

MR & MRS C REYNOLDS

**ERECTION OF DETACHED GARAGE AND STORE WITH HOBBY ROOM ABOVE  
AT LASHPOOL BUNGALOW, CREECH HEATHFIELD, TAUNTON**

329030/126582

FULL

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**PROPOSAL**

Lashpool Bungalow is situated at the end of Charlton Road, alongside the Taunton and Bridgwater Canal. The site comprises a detached bungalow with surrounding gardens and a paddock to the rear.

Recent permission has been granted for a loft conversion with dormer windows and a side extension to replace the existing garage. The proposal is for a detached building to provide three garage spaces with a hobby room above. The building will be positioned to the south west of the dwelling, alongside the paddock and will measure 9.144 m x 5.486 m. It will be timber framed, with clay roof tiles and have a maximum height of 6.630 m. On the canal side elevation there will be an external stairway and decking area providing access to the first floor hobby room. There will be rooflights to the front and rear and a window in the north west gable.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY if permitted, recommends conditions to restrict use to ancillary accommodation.

PARISH COUNCIL does not object/supports the proposal.

**POLICY CONTEXT**

Taunton Deane Local Plan Policy S1 (D) the appearance and character of any affected landscape, settlement, building or street scene should not be harmed as a result of the development.

Policy S7 Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and: (A) is for the purposes of agriculture or forestry; (B) accords with a specific development plan policy or proposal; (C) is necessary to meet a requirement of environmental or other legislation; or (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

Policy EN25 Development which would harm the landscape, character and wildlife and recreational potential of the water environment will not be permitted.

## **ASSESSMENT**

The proposed building is to replace existing outbuildings on the site. The applicant feels that the existing outbuildings are not suitable for his requirements.

The proposed building is positioned some distance behind the dwelling and would relate well to the existing dwelling. Therefore it must be considered as a new building within the countryside. There is no agricultural nor forestry need for the building and it does not support the viability and vitality of the rural economy. Due to the proximity of the site to the Taunton and Bridgwater Canal, plus its elevated position on the hillside, the building will be visible from the canal and the surrounding countryside.

The building is considered to be very large in relation to the size of the dwellinghouse. With the recent approval for the extensions and enlargement of the dwellinghouse there is little justification for the need of an additional hobby room. If the applicants have decided that they need a garage after all maybe it would be more appropriate if they revise their proposals for the alterations to the dwellinghouse so an integral garage is included. If an ancillary building is required it should be a much smaller building (i.e. single storey) and much better related to the dwellinghouse.

## **RECOMMENDATION**

Permission be REFUSED for the reason that the site lies within the open countryside where it is the policy to restrict new building unless it maintains or enhances the environmental quality and landscape of the area and (A) is for the purposes of agriculture or forestry; (B) accords with a specific development plan policy or proposal; (C) is necessary to meet a requirement of environmental or other legislation; or (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits or a settlement. In the opinion of the Local Planning Authority the proposal does not meet the above criteria and is therefore be contrary to Taunton Deane Local Plan Policy S7.

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

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:

19/2006/025

MR PHILIP GIBBS

**ERECTION OF GARDEN BUILDING IN PARKLAND OPPOSITE HATCH COURT,  
HATCH BEAUCHAMP, TAUNTON**

330820/120640

FULL

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**PROPOSAL**

The proposal comprises the erection of a hexagonal, single room, garden building of 4.5 m in diameter. The building would be constructed above a rusticated Batt stone plinth, the walls rendered in lime mortar and all cills, architraves and mouldings cut from Bath stone to match the masonry of the house. Glazing would be vertical sliding sashes with handmade glass and the roof covered with hand cut Delabole slates with a painted timber cupola at the apex.

The building would be sited within the grounds of Hatch Court, a Grade I country house of classical design, and within a field on the opposite side of the Curry Mallett road. Hatch Court is, and the proposed building would be, set within a Grade I Park and Garden of Special Historic Interest. The building would also be sited with a Country Wildlife site and within Fivehead Vale Landscape Character Area.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds. ENGLISH HERITAGE Hatch Court is a fine small country house of classical design set in a grade II registered historic landscape. The house was constructed in the mid eighteenth century, by a designer believed to have had connections with other country houses in Somerset, and it is likely that a designed landscape was laid out at the same time although there was also a major phase of works in the late eighteenth century. The grounds contain the remains of an interesting eighteenth century landscape garden, now, unfortunately, in divided ownership and somewhat altered by the loss of historic structures and planting belts, and by new tree planting reflecting the changes of ownership. The proposal to construct a new ornamental garden structure is not one to which English Heritage would object in principle, since it is known that such structures were a feature of the eighteenth century landscape at Hatch Court. However, we do have concerns at the location of the proposed building since it assumes a very formal relationship with the house which does not appear to be informed by detailed historic research or to be characteristic of historic landscapes of this period elsewhere in the area. No specific justification is given for the precise location of the building but comparisons are made with other designed landscapes. In fact, the example given of the site apparently with closest links to Hatch Court - Halswell House in Goathurst - is somewhat misleading since although the Temple of Harmony currently stands in open pasture it was designed to be set within a wood in which other ornamental structures were also situated. The position either within a wood, or set against a backdrop of woodland



(such as Robin Hood's Hut at Halswell) was, in fact, a much more characteristic location for such buildings than open parkland. In the case of Hatch Court, research undertaken so far suggests that all the ornamental garden structures were located within Line Wood, which is situated to the north of the house and now within separate ownership. We would question, therefore, whether it is appropriate to situate a building clearly intended to be seen as a high status feature within a designed historic landscape, in a historically incorrect position and one which, furthermore, is so visually prominent in relation to the grade I listed house. It is unfortunate that, due to the separation of ownership, the current owner of the house does not control the area of land most likely to have contained the original ornamental structures, but it might still be worth him commissioning research from a historic landscape consultant to investigate alternative, more appropriate, locations for a garden structure, on which we would be happy to comment. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request. GARDEN HISTORY SOCIETY Hatch Court is a site of national importance, as signified by its inclusion on the English Heritage Register of Parks and Gardens of special historic interest. This is a highly selective list, comprising just under 1600 sites. PPG 15 is quite clear in its advice that 'planning authorities should protect registered parks and gardens in preparing development plans and in determining planning applications' (para.2.24). The PPG also confirms that the effect on a registered park or garden or its setting is a material consideration in assessing an application (para.2.24). We visited the site last week in response to the current application. We have viewed the English Heritage Register Map and entry and ask you to consider the following comments:- We consider that the proposal for a garden building in the field opposite Hatch Court is a most interesting one. We do have some concerns that perhaps the proposed design is rather elaborate - but then, the original pleasure ground walk did have something of the rococo about it. On balance we feel that the design is not an unduly harmful proposal even without modification. However, we are concerned about the location of the proposed building and suggest that it requires more careful consideration in a landscape context. We would question whether it is really appropriate for the proposed building to be seen in a 'stand alone' position against a solitary mature oak tree. We feel that there may be other, more appropriate sites for the building; it might be preferable and less dominant if the building were to be seen against the boundary plantation, embowered in the trees. The way in which this landscape worked in the C18 was that there was relatively little immediately round the house, but the pleasure grounds took the form of an extended walk along the ridge north of the house, with various buildings scattered at intervals along it. It is not quite true to say that nothing but the views and mounds survive today: there are remains of the grotto and archaeological remnants of other features. We understand that there was, historically, never a building in the park on the south side of the house, and presumably this contrast was deliberate and part of the aesthetic. There was a greenhouse (said to have been designed by Winde, which pre-dates the present house), but its location is unknown. It may have been north-west of the church near the old fish ponds which may be the serpentine water referred to in the C18 and C19 descriptions - not that they are exactly serpentine. The supporting statement is interesting, but perhaps needs expanding. We are interested in the parallel examples produced, and think that the

architect might have considered some of Sanderson Miller's garden buildings; the Oval Pavilion and the Temple on the terrace at Farnborough Hall, Warwickshire or the Game Larder at Farnborough seem particularly relevant in this case and might provide a useful model. The point is that Prowse and Miller are known to have worked closely together, and while there is no documentary evidence that Miller visited Hatch, there are stylistic similarities with sites where he is known to have worked, and he is known to have visited Wokey Hole in Somerset. We suggest that the architect is referred to these buildings, and to Jennifer Meir's recent book on Miller's landscapes published by Philimore. We suggest that this might be helpful both in terms of this proposal and in understanding the way the landscape was supposed to work. We fully appreciate, of course, that the landscape cannot now work as it was originally intended because it is in divided ownership. Good conservation practice indicates that any changes should flow clearly from a thorough understanding of the designed landscape and should not compromise the potential for repairs to the historic landscape in the future. We would suggest that the applicant should undertake, or commission, research of archive material which may be held in the County Record Office or the District Council. This historical research should follow the guidance set out in *Researching a garden's history: A guide to Documentary and Published Sources* (1995) published by the Garden History Society. Sale catalogues, estate accounts, maps and plans can provide valuable sources of information for a site such as this to assist in the future management of the landscape. English Heritage would provide a list of recognised historic landscape consultants. In conclusion, the Society would advise that that, ideally, a Landscape Strategy and Conservation Management Plan for Hatch Court should be prepared before the application is determined in order to provide the full context for the consideration of the location of the proposed building. This plan would also provide clearer guidance and priorities for landscape improvements.

PARISH COUNCIL supports.

1 LETTER OF SUPPORT has been submitted which welcomes such a sympathetic addition to the estate.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 and S2 seek to safeguard, inter alia, the appearance and character of any affected landscape or building. Policy EN3 ensures that development which would significantly adversely affect local nature conservation or geological interests will not be permitted. Policies EN6 and EN20 seek to resist development which would adversely affect the appearance, setting, character and historic interest of parks and gardens of special historic interest. Policy EN11 seeks to resist development which would harm the appearance, character and contribution to landscape quality of special landscape features, and Policy EN16 seeks to resist development proposals which would harm the setting of a listed building.

## **ASSESSMENT**

I would concur with the views of both English Heritage and The Garden History Society in that whilst the principle for such a well designed garden structure may be

acceptable, the proposed siting of the building is not acceptable, and would adversely affect the setting of the Grade I Hatch Court, and the appearance, setting, character, and historic interest of this garden of Special Historic Interest. It is also concluded that the proposed siting in this obtrusive location would adversely affect the character and appearance of the open countryside and the landscape quality of this Special Landscape Feature.

## **RECOMMENDATION**

Permission be REFUSED for the following reason that the proposed development would adversely affect the setting of Hatch Court; the appearance, setting, character and historic interest of this garden of Special Historic Interest; the character and appearance of this open countryside location; and the appearance, character and contribution to landscape quality of this Special Landscape Feature. The proposal is therefore conflicts with Taunton Deane Local Plan Policies S1, S2, EN6, EN20, EN11 and EN16. Note re suitable position may be possible and should be accompanied by a Landscape Strategy and Management Plan.

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

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

24/2006/034

MS E MALLINSON

**TWO REPLACEMENT DWELLINGS AT 1 & 2 OAKHILL COTTAGES, LILLESDON LANE, NORTH CURRY**

330045/122809

FULL

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**PROPOSAL**

The proposal comprises the demolition of a pair of semi-detached cottages which are in a state of disrepair, and their replacement with 2 No. detached 4 bedroomed dwellings. The existing vehicular access would be unlined, and existing farm buildings would be removed. Application 24/2006/022 also relating to 2 No. detached dwellings on the same site, was refused in June this year, on the basis that the design, size and bulk would be out of character with and inappropriate to this open countryside setting.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY recommends conditions. WESSEX WATER recommends note.

DRAINAGE OFFICER recommends notes.

PARISH COUNCIL do not support this application on the same grounds as cited in the previous application i.e. 1. Poor design - in terms of excessive bulk and scale which in its detail fails to reflect local vernacular or represent imaginative contemporary design sympathetic to its siting and surrounding area. 2. Curtilage details are vague and fail to adequately describe garden, vehicular circulation and boundary treatment in this sensitive countryside location. 3. The current properties although of significant individual value in themselves, are not of such value as the proposed will undoubtedly be. As such, the proposal effectively moves two properties further from the grasp of the local community to the detriment of the social and economic character of the parish. However, the Parish Council would look at an application of similar character to the present semi-detached cottages more favourably.

**POLICY CONTEXT**

Taunton Deane Local Plan Policy S1 to safeguard, inter alia, road safety, and visual and residential amenity. Policy S2 seeks good design. Policy H8 seeks to resist replacement dwellings in the open countryside, unless: the residential use has not been abandoned; the appearance of the existing dwelling is incompatible with a rural location or it would be uneconomic to bring the dwelling to an acceptable state of repair or standard of amenities; it is a one-for-one replacement which is not substantially larger than the existing dwelling; and the scale, design and layout of the proposal in its own right is compatible with the rural character of the area.

## **ASSESSMENT**

In terms of assessing the proposal in relation to Policy H8, the residential use has clearly not been abandoned, in so far as the dwellings were lived in relatively recently; the existing dwellings are in such a state of disrepair that it would not be economic to refurbish; the footprint of the proposed dwellings is marginally larger than existing (197 sq m compared with 186 sq m); and the proposed dwellings are simple and agreeable in form and design and reflective of local vernacular cottages. When compared with the refused application which comprised dwellings of 'suburban' design and of greater bulk and taller ground to ridge heights, the current proposal represents a significant improvement.

The proposal is now considered acceptable on design ground and meets the requirements of the relevant Local Plan policy

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time, materials, landscaping, removal of permitted development rights, highway conditions, and fenestration to be recessed.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect visual amenity, or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 and H8.

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

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

31/2006/018

VON ESSEN HOTELS ONE LIMITED

**ERECTION OF 2 STOREY EXTENSION TO PROVIDE FOR FUNCTION ROOM AND ADDITIONAL 13 BEDROOMS TO EXISTING HOTEL, TOGETHER WITH LANDSCAPING WORK AND NEW SEWAGE TREATMENT PLANT AT THE MOUNT SOMERSET HOTEL, HENLADE**

327282/123077

FULL

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**PROPOSAL**

The application is for an alternative scheme to that approved in 2002 (ref.31/2002/015) and proposes 13 additional bedrooms and a function room to the side and rear of the existing listed hotel building. The works involve the demolition of the existing Coach House building and a separate listed building application for these works accompanies this proposal. To be viable as a country house hotel, it is suggested that 25 -30 bedrooms are required together with facilities for guests, including an independently accessed function suite. The setting has been looked at from various views and the most appropriate location to minimise the impact has been concluded to be the south east. In addition to the bedrooms and function suite a suitable lounge, small spa, manager's flat and second informal dining area with associated back of house facilities are proposed. In terms of the built form the single storey additions on the east side and the coach house would be demolished. The character of the east wing would be improved with reinstatement of windows and two ground floor rooms. The new extension to the south east would be largely ground floor and the first floor would be set back and cut into the treed slope to the south with a green roof. A central courtyard with glazed roof would be reinstated by removing 1980's ground floor infill. The proposals seek to preserve and enhance the setting and the parking areas are to be re-organised to be better screened. A 5 year plan is proposed to improve the landscape setting with various works to remove trees, improve views and replant.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY I would refer to my letter of 13th June, 2006 and consider the comments apply equally to this application i.e. the proposal is to add an additional 13 bedrooms to the Hotel together with the addition of a function room. The application would superseded the previous permission ( No 31/2001/006) for an extra 10 bedrooms and function room. The net affect of this application is therefore for an additional 3 bedrooms. The traffic generation of this small increase would not be significant. There is no objection to the current proposal provided the conditions contained in my colleagues letter dated 25th September are included in the granting of any permission. Condition recommended re visibility. WESSEX WATER the proposal is not in a sewered area and the developer has indicated the disposal of foul drainage will be to a packaged treatment plant. There are no existing public service water sewers in the vicinity and the developer should investigate alternative methods for the disposal of surface water. Your Council should be satisfied with the

suitable arrangement for the disposal of surface water. There is a water main in the vicinity and the developer will need to agree a point of connection at detail design stage. ENGLISH HERITAGE is pleased to see that more extensive historic landscape restoration proposals have now been put forward by the applicant in order to recreate more fully the parkland setting to the grade II\* listed Mount Somerset Hotel. The use of the 1st Edition Ordnance Survey map is a reasonable precedent to take in this case and although the proposals do not reinstate the full extent of the parkland planting they should be sufficient to create a meaningful historic setting for the house. However, there is no indication of how the trees will be managed after they have been planted and we consider that some form of undertaking is required from the applicant to ensure that the planting scheme will be sustained. We trust that the Council's Landscape Officer will be able to advise on a suitable management scheme for the planting to include such things as replacement of tree failures, protection from stock and rabbits etc. There still, however, appear to be some omissions from the landscape restoration scheme - for example we had understood that the existing hedge alongside the drive was to be removed for its full length after passing the walled garden and not just in front of the house and it seems that the ornamental cherry in front of the house is still to be retained. Turning to the design proposals in the immediate vicinity of the house considerably more detail will be required on matters such as the surfacing of the drive and car park when altered, the 'improved' treatment between the drive and the bank to the west garden and the area surrounding the pool in front of the house - all important in relation to the overall character of the landscaping. There is also still an absence of detail for the new area of garden to be laid out to the east of the house. In summary, therefore, the indications are that a meaningful historic landscape scheme is being proposed which could considerably improve the setting of the listed building. If the detailed design and implementation of this scheme fulfil the commitment being made by the applicant then the overall result could be weighed favourably in the balance against the loss of the former coach house. This will, however, require a considerable amount of further detailed design work, and the submission of a detailed planting and maintenance specification in order to ensure that the benefits to the setting of the house are actually delivered and maintained for the future

LANDSCAPE OFFICER the proposals will require the felling of some mature trees but given the overall enhancements to the landscape setting of the building the losses are more than compensated for by the enhancements. ECONOMIC DEVELOPMENT UNIT the Economic Development Unit wishes to express its support for the proposed extensions to the Mount Somerset Hotel. In what is becoming a congested market place, those establishments that expand the range of services and their quality will not only improve their own trading position, but also take advantage of the increasing demand for 'business' hotel space and meetings facilities. We therefore support proposals from hotels that can invest to increase the capacity of business meetings space within the Deane. ENVIRONMENTAL HEALTH OFFICER I have reviewed the report and find the proposed system satisfactory as long as it meets the Environment Agency's specifications and discharge consent. DRAINAGE OFFICER I note that surface water is to be discharged to an existing system. The applicant should ensure that this system can accommodate the additional flows generated by the proposal. I also note that foul drainage is to be connected to a new package sewage treatment works. The Environment Agency

should be contacted as their approval will be required for any disposal system utilised to deal with the treated effluent generated.

PARISH COUNCIL support the proposal and welcome the new sewerage system and tree planting.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West, Policy EN4 – Quality in the Built Environment, Policy HO5 – Previously Developed Land and Buildings.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, POLICY 9 – The Built Historic Environment, POLICY 23 – Tourism Development in the Countryside, POLICY 48 – Access and Parking, POLICY 49 – Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, M1 & M2 – Parking Requirements, EN6 – Protection of Trees, Woodlands, Orchards and Hedgerows, EN8 – Trees in and Around Settlements, EN16 – Setting of Listed Buildings, EN17 – Extension of Listed Buildings, EN18 – Demolition of Listed Buildings.

## **ASSESSMENT**

The main consideration with the application is the future viability of the country house hotel and the impact on the setting and historic fabric of the listed building.

A previous permission has been granted for an extension to this listed building at the rear, southern side in 2002 and is still extant. The current proposal is an alternative to this and is considered to have an improved impact on the fabric and setting of the listed building, other than the coach house removal. It is accepted that for the future benefit of the business here improvements and alterations have to be made to the existing building. It is the extent of these alterations and their impact on the listed building that are at issue.

The Highway Authority considers the provision of the additional bedrooms and facilities is not significant given the extent of the existing approval. A condition is recommended concerning visibility at the access point.

The drainage of the existing building has been identified as causing a problem and the Environmental Health Officer considers that this should be addressed as part of the scheme. In response to this issue a new treatment plant is being installed and a condition requiring installation prior to occupation of the new extension can be imposed.

English Heritage consider the proposal to be an improvement over the previously approved scheme and while the application involves the demolition of the Coach House (which is regretted) the improvements to the listed building and its surroundings are considered sufficient mitigation to allow the scheme to progress



and to secure the future viability of this listed hotel building. Additional information in terms of the landscaping is considered necessary and the provision of this detailing can be conditioned.

In summary the highway and drainage issues can be addressed by condition. The main issue is the loss of historic fabric with the demolition of the Coach House. In light of expert advice and the need to provide a landscaping scheme which entails land outside the applicant's ownership it is considered that a Section 106 to secure the necessary compensatory works is achievable to offset the demolition proposed and the application is recommended for permission subject to this.

## **RECOMMENDATION**

Subject to a Section 106 Agreement to secure the off site landscape improvements the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, identification of trees retained and protection during construction, hard surfacing, parking, visibility and provision of treatment plant before occupation.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to secure the future viability of the listed building and the proposed extension and landscape works are considered to be acceptable and in compliance with Taunton Deane Local Plan Policies S1, S2, EN6, EN16, EN17 and EN18 and material considerations do not indicate otherwise.

If the Section 106 is not signed by the 3rd November, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission on grounds of loss of historic fabric and insufficient benefits to offset the loss contrary to Taunton Deane Local Plan Policies EN17(A) and EN18 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 or to impose a suitable condition if appropriate.

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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:

31/2006/019LB

VON ESSEN HOTELS ONE LTD

**DEMOLITION OF COACH HOUSE AND SIDE ADDITION TO THE EAST ELEVATION, ERECTION OF A 2 STOREY EXTENSION TO PROVIDE FOR A MULTI PURPOSE FUNCTION ROOM AND 13 ADDITIONAL BEDROOMS AT THE MOUNT SOMERSET HOTEL, HENLADE**

327282/123077

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

The application is for an alternative scheme to that approved in 2002 (ref.31/2002/016LB) and proposes 13 additional bedrooms and a function room to the side and rear of the existing listed hotel building. The works involve the demolition of the existing Coach House building and alterations to allow for the extension. To be viable as a country house hotel 25 - 30 bedrooms are required together with facilities for guests, including an independently accessed function suite. The setting has been looked at from various views and the most appropriate location to minimise the impact has been concluded to be the south east. In addition to the bedrooms and function suite a suitable lounge, small spa, manager's flat and second informal dining area with associated back of house facilities are proposed. In terms of the built form the single storey additions on the east side and the coach house would be demolished. The character of the east wing would be improved with reinstatement of windows and two ground floor rooms. The new extension to the south east would be largely ground floor and the first floor would be set back and cut into the treed slope to the south. A central courtyard with glazed roof would be reinstated by removing 1980's ground floor infill. The proposals seek to preserve and enhance the setting and the parking areas are to be re-organised to be better screened. A 5 year plan is proposed to improve the landscape setting with various works to remove trees, improve views and replant.

**CONSULTATIONS AND REPRESENTATIONS**

ENGLISH HERITAGE is pleased to see that more extensive historic landscape restoration proposals have now been put forward by the applicant in order to recreate more fully the parkland setting to the grade II\* listed Mount Somerset Hotel. The use of the 1st Edition Ordnance Survey map is a reasonable precedent to take in this case and although the proposals do not reinstate the full extent of the parkland planting they should be sufficient to create a meaningful historic setting for the house. However, there is no indication of how the trees will be managed after they have been planted and we consider that some form of undertaking is required from the applicant to ensure that the planting scheme will be sustained. We trust that the Council's Landscape Officer will be able to advise on a suitable management scheme for the planting to include such things as replacement of tree failures, protection from stock and rabbits etc. There still, however, appear to be some omissions from the landscape restoration scheme - for example we had understood that the existing hedge alongside the drive was to be removed for its full length after

passing the walled garden and not just in front of the house and it seems that the ornamental cherry in front of the house is still to be retained. Turning to the design proposals in the immediate vicinity of the house considerably more detail will be required on matters such as the surfacing of the drive and car park when altered, the 'improved' treatment between the drive and the bank to the west garden and the area surrounding the pool in front of the house - all important in relation to the overall character of the landscaping. There is also still an absence of detail for the new area of garden to be laid out to the east of the house. In summary, therefore, the indications are that a meaningful historic landscape scheme is being proposed which could considerably improve the setting of the listed building. If the detailed design and implementation of this scheme fulfil the commitment being made by the applicant then the overall result could be weighed favourably in the balance against the loss of the former coach house. This will, however, require a considerable amount of further detailed design work, and the submission of a detailed planting and maintenance specification in order to ensure that the benefits to the setting of the house are actually delivered and maintained for the future

LANDSCAPE OFFICER the proposals will require the felling of some mature trees but given the overall enhancements to the landscape setting of the building the losses are more than compensated for by the enhancements. CONSERVATION OFFICER comments awaited.

PARISH COUNCIL support the proposal and welcome the new sewerage system and tree planting.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West, Policy EN4 – Quality in the Built Environment, Policy HO5 – Previously Developed Land and Buildings.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Policy 9 – The Built Historic Environment, Policy 23 – Tourism Development in the Countryside, Policy 48 – Access and Parking, Policy 49 – Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, M1 & M2– Parking Requirements, EN6 – Protection of Trees, Woodlands, Orchards and Hedgerows, EN8 – Trees in and Around Settlements, EN16 – Setting of Listed Buildings, EN17 – Extension of Listed Buildings, EN18 – Demolition of Listed Buildings.

## **ASSESSMENT**

The main consideration with the application is the future viability of the country house hotel and the impact on the setting and historic fabric of the listed building.

A previous permission has been granted for an extension to this listed building at the rear, southern side in 2002 and is still extant. The current proposal is an alternative to this and is considered to have an improved impact on the fabric and setting of the

listed building, other than the coach house removal. It is accepted that for the future benefit of the business here improvements and alterations have to be made to the existing building. It is the extent of these alterations and their impact on the listed building that are at issue.

English Heritage consider the proposal to be an improvement over the previously approved scheme and whilst the application involves the demolition of the Coach House which is regretted, the improvements to the listed building and its surroundings are considered sufficient mitigation to allow the scheme to progress and to secure the future viability of this listed hotel building. Additional information in terms of the landscaping is considered necessary and the provision of this detailing can be conditioned.

In summary the main issue is the loss of historic fabric with the demolition of the Coach House. In light of expert advice and the need to provide a landscaping scheme which entails land outside the applicant's ownership it is considered that a Section 106 to secure the necessary compensatory works is achievable to offset the demolition proposed and the application is recommended for permission subject to this.

## **RECOMMENDATION**

Subject to the views of the Secretary of State the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and consent be GRANTED subject to conditions of time limit, materials, recording of building before demolition, no demolition before contract let, timber windows, recessed windows to match, partitions, doors, linings and architraves, details of fire precautions/means of escape and landscape management plan.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to secure the future viability of the listed building and the proposed extension and landscape works are considered to be acceptable and in compliance with Taunton Deane Local Plan Policies S1, S2, EN6, EN16, EN17 and EN18 and material considerations do not indicate otherwise.

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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:

38/2006/316

SUMMERFIELD DEVELOPMENTS LTD

**ERECTION OF 22 NO. 1 BEDROOMED FLATS, CYCLE AND BIN STORES AT NOS. 5 & 7 COMPASS HILL, TAUNTON AS AMPLIFIED BY LETTER DATED 15TH AUGUST, 2006 AND DRAWING NO. 05.32.22 AND LETTER DATED 24TH AUGUST, 2006 AND DRAWING NO. 05/32/15C**

322251/124277

RESERVED MATTERS

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## **PROPOSAL**

The application is a detailed submission of reserved matters for 22 one bedroomed flats following the granting of outline permission in March this year. The site is in a town centre location where no parking provision is proposed and service access is proposed in line with the previous outline. There are a number of 3 storey developments in the area and the proposal has a similar ridge height to the existing dwellings on the site. The form of the development follows the alignment of Compass Hill with a link at first and second floor level and turns the corner on the northern side of the site to avoid an unsatisfactory juxtaposition of the forms between existing and proposed properties. The scheme follows the refusal of proposal for 24 flats and has been revised to lower the element of the building at the rear adjacent to Dovetail Court to two storey.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY I refer to my colleague's letter dated 24<sup>th</sup> October in connection with application 38/2005/356 and my letter of 19<sup>th</sup> May, 2006 in connection with application 38/2006/113. I would advise that these comments apply equally to the current application i.e. Planning Officer will be aware of my comments made on the previous application 38/05/227 when I raised no objection in principle to a proposal for a vehicle access free development. This was so that there should be no significant increase in traffic movements on and off the highway at a point where traffic volumes are high and excess manoeuvring would create significant highway hazards. This proved controversial as it would have meant vehicles parking on the highway to load and unload, possibly causing greater problems. The application has since been withdrawn. Meetings have taken place with the developer and the present proposal has evolved which proposes a delivery only access, strictly controlled to prevent long term parking and misuse. Whilst this will generate additional traffic movements onto Compass Hill, they will be few, and it is considered that if in all other respects the development is appropriate in this location, then it would be unreasonable to raise a highway objection to the development, subject to suitable conditions being attached to any consent which may be granted to secure the widening of Compass Hill to allow additional manoeuvring space and lane width through the narrowest area such as those shown on Drawing No. 05/32/02. The construction of dwellings on this site will also be a complicated issue and traffic management must be undertaken with immense care. The developer will therefore be required to enter into a Section 278 or Section 106 Agreement with the Highway

Authority to secure the design, construction and funding of the road widening and replacement of the roadside footway together with an agreed traffic management programme that works both for the highway alterations and the construction of the development on site in so far as that affects the public highway. COUNTY ARCHAEOLOGIST there are limited or no implications to this proposal and we therefore have no objections on archaeological grounds. WESSEX WATER: The development is located in a foul sewer area. It will be necessary for the developer to agree a point of connection at detailed design stage. The developer has proposed to dispose of water to 'existing surface water sewer'. As there are no existing public/separate surface water sewers in the vicinity it is advised the developer investigate alternative methods for satisfactory surface water disposal, e.g. soakaways. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement. There may be a sewer crossing the site that by virtue of its age could be deemed a public sewer. Wessex is currently reviewing available data on these sewers. Public sewerage apparatus is covered by statutory easement and no new building works will normally be allowed within a minimum of 3 m. It should be noted that there is a private combined sewer crossing the site, although this is not Wessex Water responsibility. The developer should agree a point of connection prior to commencement on site. TAUNTON CIVIC SOCIETY given the design follows the lead given in the decision letter conveying the refusal and reduces the height of the building adjacent to Dovetail Court we expect this application to succeed. We are pleased to see the overall massing of the block has been somewhat reduced. The Conservation Officer's response to the previous application was quite a strong objection to the stylistic elements and to the materials used, and we realise we should have also objected to this latter aspect. We see no justification to the objectionable use of timber cladding for the top floor of the three storey parts of the building and consider this would be completely out of place. While we accept the argument that render will lighten the inner courtyard face of the buildings we do not see why it is desirable for the Compass Hill face. There we would prefer it to conform to the general finish of the existing buildings and those on the corner of Park Street i.e.. brickwork. (we would not agree that the buildings on Cann Street constitute an argument for render finish on Compass Hill – they are quite clearly a separate entity). It is arguable that the roofing material should be natural slate as at least over a period of time blue fibre cement slates will not match that of any older buildings in the vicinity. Our view is that if a substantial variation of the finish could be obtained this would be a much more acceptable building.

LANDSCAPE OFFICER there is scope for additional tree planting within the site. I suggest ginkgo biloba or more exotic species rather than betula pendula. Details of the shrub planting need to be more precise with numbers and sizes of plants. All shrub beds should be prepared to at least 500 mm deep and bark mulched to 100 mm depth.

16 LETTERS OF OBJECTION have been received raising the following issues:- access onto Compass Hill, chaos on main road, danger to traffic and risk of accidents, access should be pedestrian only; flats without parking should not be allowed, residents will need parking; will increase dangerous traffic load and congestion at peak times, in light of this and development opposite it should be refused; health and safety risks to road users, pedestrians and cyclists, road safety must be prime consideration; pressure on dated sewer and drainage system;

overlooking; loss of light; privacy and amenity; loss of local greenery; bin stores will attract rats and pests; where will the refuse lorry park?; insufficient cycle parking; increase in noise; increase in crime and disorder unless build follows advice of the Police; increase in pollution, flats too close to building and will put pressure on retaining wall.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West, Policy EN4 – Quality in the Built Environment, Policy HO5 – Previously Developed Land and Buildings.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 9 – The Built Historic Environment, Policy 33 – Provision For Housing, Policy 39 – Transport and Development, Policy 48 – Access and Parking, Policy 49 – Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing within Classified Settlements, H4 – Self-Contained Accommodation, M4 – Residential Parking Requirements, EN6 – Protection of Trees, Woodlands, Orchards and Hedgerows, EN14 – Conservation Areas.

## **ASSESSMENT**

The proposal is for a two and three story development to provide 22 one bedroomed flats on this site that lies within the central area of Taunton that previously has had outline permission. The main consideration with the current scheme is the design, materials and impact on the adjoining properties.

The proposal has been designed as a terrace of two and three storey development progressing down Cann Street and returning across the north of the site to provide an enclosed courtyard area. The proposed plan has two storeys at the Cann Street end of the Compass Hill frontage stepping up to three storey. The rear of the site backing onto Dovetail Court has also been amended from the previous refusal back to two storey and this is not considered to have a significant adverse impact on neighbours in Dovetail Court. The new building is set 10m away from the existing flats to the north with windows, a reduction in 1 m over the existing situation, while the northern two storey section is just over 2 m from the boundary at the closest point. To the south the building lies 2 - 2.5 m from the boundary with Cann Street properties and varies from 7 to 10 m from the rear of the dwellings while being set down into the site. The proposed windows on the east and southeast gable ends and the stairwells are to be fixed and obscure glazed and the window to plot 18 facing north east is to be obscure glazed and limited opening. The development will have an impact on adjoining properties but the design and conditions are considered to provide an acceptable development.

The hipped roof design is considered to be in keeping with the character of the area and the materials are intended to be brickwork and render. The applicant has been asked to revise the roof materials to provide natural slate not fibre cement and confirmation of this is awaited. The mass of the building is large as it steps down the

hill, however this is broken up by the design with the entrance feature and materials with the mix of render and brick. The material change with natural slate addresses a concern of the Civic Society. Terraced properties are characteristic of the area and on balance the impact of the development is considered to be an acceptable one.

The issue of access and parking has been raised by objectors. The site was considered at outline stage to be one within the town's central area and suitable for a car free development. The Highway Authority agreed that a service access was to be provided in conjunction with a marginal widening of the road and the access and frontage was designed on this basis. The access now proposed is in line with this outline approval. Both bicycle storage and bin storage is provided within the site. Provision of access controls over nearby private car parks is suggested by an objector as part of any approval. However, this cannot be conditioned on a reserved matters application and in any case is not considered reasonable. If the applicant was willing to provide this, then this would have to be considered as a private matter between the parties concerned subject to any necessary planning permission. The foul drainage proposed is considered acceptable by Wessex Water and existing services running through the site would need to be protected by the developer.

In summary the design is considered one that makes best use of a brownfield site in this town centre location. It provides 22 one bedroomed units in a terraced design with associated bin and cycle storage. The impact of the proposal upon adjacent properties is considered to be to an acceptable one and the application is therefore recommended for approval.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of materials, fixed and obscure glazing of eastern side elevations, north east window to plot 18 to be obscure glazed and limited opening, windows recessed. Notes re compliance with outline conditions, meeting secure by design and attention drawn to Section 106 Agreement relating to the site.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to be an appropriate redevelopment and to comply with Taunton Deane Local Plan policies S1, S2 and H2 and material considerations do not indicate otherwise.

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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:





38/2006/334

MR & MRS T HOLLEY

**CONVERSION OF HOUSE INTO 2 FLATS AT 95 ST AUGUSTINE STREET,  
TAUNTON**

323070/124995

FULL

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**PROPOSAL**

The proposal comprises the conversion of a mid-terraced Victorian property to form 2 No. flats. No extensions or external alterations are proposed.

**CONSULTATIONS AND REPRESENTATIONS**

4 LETTERS OF OBJECTION have been received raising the following issues:- existing parking problems would be exacerbated; property values will depreciate; and undesirable precedent would be set for more flats; and additional refuse bins would block the pavement.

**POLICY CONTEXT**

Taunton Deane Local Plan Policy S1 seeks to safeguard, inter alia, residential amenity, and road safety. Policy H4 accepts conversion of houses to flats subject to compliance with policy H2. Policy H2 accepts housing development within settlement limits provided, inter alia, there is safe and convenient access by foot of facilities and employment. Policy M4 expects a significant reduction in the average of 1.5 car parking spaces per dwelling, for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. The policy also advises that car-free developments will be sought in appropriate locations such as within or adjoining Taunton town centre. Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review seeks developments which provides access for, inter alia, cyclists

**ASSESSMENT**

The principle for conversion to flats is clearly acceptable in accordance with policy. Furthermore, it would be unreasonable to resist the proposal in terms of lack of on-site parking facilities. Not only does Policy M4 of the Taunton Deane Local Plan encourage car free developments in locations such as this, but also the precedent for this type of development has been established by numerous similar permissions.

**RECOMMENDATION**

Permission be GRANTED subject to conditions of time, and cycle/refuse facilities.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect residential amenity and there is safe and convenient access by foot

to facilities and employment. The proposal does not therefore conflict with Taunton Deane Local Plan Policies S1, H4 and H2.

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

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

47/2006/004

MR & MRS GOLDING

**CHANGE OF USE OF LAND FOR THE SITING OF 10 PITCHES TO ACCOMMODATE GYPSIES AND TRAVELLERS AT SLOUGH GREEN CARAVAN PARK, WEST HATCH, AS AMENDED BY LETTER DATED 25TH MAY 2006 AND NEW SITE PLAN RECEIVED 19TH JULY 2006**

327817/121468

FULL

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**PROPOSAL**

Planning permission was granted on appeal in September 1995 for the 3 year temporary use of land to site for up to 8 mobile homes. This has been renewed on a temporary basis until October 2005. There was a delay in submitting the current application as the applicant chose to await the Government's publication of its new guidelines on gypsy and traveller sites. In February 2006 the current, full application, for the provision of 10 pitches was registered. The agent has submitted details that confirm the occupants of the site have all been involved in travelling in the past and to a lesser extent at the present. The proposal would utilise the existing access and toilet block, providing 2 additional pitches on land to the left of the access track into the site.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). The site with permission for 8 units has been established for some time and an appeal against a refusal for the 8 temporary units was allowed in 1995. There were two highway objections relating to road safety issues. The first concerned the junction of the Ash Cross - West Hatch road with the A358. The inspector concluded that any traffic generation caused by the development using the junction was likely to be low and that it could be negotiated safely. Before that application and since accidents have occurred at the junction. Over the last 11 years there have been 6 personal injury accidents involving turning movements recorded at the junction. There is no way any of these accidents can be linked to the presence of the existing site. Therefore it would be unreasonable to object to the proposal on road safety grounds at this junction. The other road safety concern related to a visibility splay at the site entrance. As with the existing temporary permission this aspect would be acceptable provided the same condition is attached to the granting of any permission. The existing permission was temporary and for 8 units. This application is for a permanent situation and with 10 units. This increase and the fact that site has

been operating for a considerable time is not considered to be a sufficient reason for an objection. WESSEX WATER mains water supply is available at the site. The site is not within a sewered area and the Local Planning Authority should ensure that provisions are adequate. SOMERSET RECORDS OFFICE the Thurlbear Wood Site of Special Scientific Interest is immediately adjacent to the western and north western boundary of the site, the land is a county wildlife site due to its areas of unimproved pasture land, scrub, bracken and colonised building foundations. Within 1 km of the site legally protected species have been found. ENGLISH NATURE objects to the development because it may damage the special interest of the SSSI. Part of the SSSI is included within the application area (see attached map). Previous applications on this site for temporary use as a caravan site (47/91/002) and for temporary use for mobile homes plus hardstanding and toilet block (47/94/004) plus all subsequent applications have included part of the SSSI (see attached map). English Nature has not objected to any of these proposals but we have failed to alert you to the fact that a small part of the SSSI was included within the application areas. You will note some development has in fact taken place just over the boundary of the SSSI. A small part of the SSSI has therefore been damaged. However as we failed to make it clear that we did not want to see any development on the SSSI on previous occasions we do not want to pursue this further. We do wish to make sure that no further development takes place on the SSSI. This part of the development would also appear to have been constructed just outside of the application area but that is a matter for you. If the application were modified to exclude all of the SSSI land then we would withdraw our objection. Under Section 281 of the Wildlife and Countryside Act 1981 (as amended), "if [English Nature] advise against permitting the operations, or advise that certain conditions should be attached, but the [local planning authority] does not follow that advice, the authority- (a) shall give notice of the permission, and of its terms, to [English Nature], the notice to include a statement of how (if at all) the authority has taken account of [English Nature's] advice, and (b) shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice". Therefore, should the Council be minded to grant permission for this application, we would expect the Council to give notice immediately to English Nature of how you intend to proceed. If no further consultation is required, please forward a copy of the decision notice for this application to English Nature, as required under paragraph 33 of PPG9. This letter represents English Nature's formal consultation response under Section 28 of the Wildlife and Countryside Act 1981 as amended). SOMERSET WILDLIFE TRUST we have studied the response of the Somerset Environmental Records Centre which indicates that the site is within the Quarrylands County Wildlife Site and adjacent to Thurlbear Wood and Quarrylands SSSI. We wish to reiterate the concerns we expressed in our previous correspondence that a permanent permission for accommodation here could set a dangerous precedent, undermining the precautions which are stated in the Taunton Deane Local Development Plan in controlling development on or near SSSIs, County Wildlife Sites and the open countryside. We sympathise with the point made by the Community Law Partnership that there is a need for further accommodation sites for Gypsies and Travellers in the area. However in view of the sensitivity of the SSSI and County Wildlife Site and as mentioned above, at the risk of undermining planning precautions we would argue that the addition of two pitches would be unsuitable at this particular site. As we stated in our previous correspondence, in the past this site has only been granted permission for a temporary siting of

caravans. We remain concerned that while the current occupants of the site may apparently only cause very minimal disturbance to the SSSI there is no guarantee that future residents will be so responsible. In any event, even responsible people living so close to a sensitive SSSI may unwittingly cause adverse effects, for example through increasing disturbance. In view of this we wish to register our continued objection to this proposal. If the applicant were to resubmit this application as a temporary permission and with a detailed, scaled plan for the site we would be willing to reconsider our position.

LANDSCAPE OFFICER the existing caravans are well screened but its not clear, from some local viewpoints, whether the new pitches would be partially visible therefore boundary management, tree and shrub managements and colour of the caravans should be controlled. Access to the new pitches will involve level changes that may have impact on surrounding vegetation. Overall it should be possible to integrate the proposal into the local landscape. DRAINAGE OFFICER standard note should be applied regarding septic tank size etc,

PARISH COUNCIL thank you for forwarding a copy of reference A to West Hatch Parish Council. Much of the content of this letter repeats policy statements issued by the Office of the Deputy Prime Minister's Office, or extracts from Ark Consultancy, regarding the need to find suitable sites for gypsies and travellers. Members of the Parish Council are aware of these documents and, as stated at reference B, recognise the need to provide suitable accommodation sites for gypsies and travellers. The parish council however does not support application No 47/2006/04 in its present form as, if approved, it would give gypsies and travellers at Slough Green preferential treatment over the settled community of West Hatch. Turning to the proposal in reference A for personal planning permissions, our understanding is that planning permission is given to the land/property in question, not the owner or occupier. Gypsies and travellers by definition are nomadic, and there would appear to be no justification, just to get around planning laws, to issue personal planning permissions to residents of the Slough Green Site. The High Court issued a ruling in 2005 stating that gypsies and travellers may not claim immunity from the law, and that their family and cultural rights take second place to the need for fair and firm enforcement of the planning laws that apply to everyone else - we believe that this ruling should apply to the residents at the Slough Green site. With reference to personal statements from 10 residents; our understanding is that approval was given under Planning Application 47/2002/03 for the temporary siting of 8 family mobile homes - if there are now 10 site residents wishing to be considered for a personal consent it would appear that two of the residents (applicants) are there illegally; possibly Taunton Deane Borough Council could ask the Community Law Partnership to explain this breach of planning law. West Hatch Parish Council does not agree with the statement in reference A that "Slough Green site is a success story". As far as West Hatch parish council, and local residents are concerned quite the reverse is true; during the past four years planning law has been flouted, and the majority of the Conditions and Undertakings set out by TDBC have neither been met nor enforced. This was very much in evidence and witnessed by many parishioners who attended a site meeting on 15th March; many local residents expressed dismay with what they witnessed, clearly few if any of the Conditions set out in Planning Application 47/2002/003 have been met, or enforced, during the past three years. The site was over crowded with vehicles of every description and was a general disgrace; the

feeling from a large number of parishioners was that they had been badly let down by Taunton Deane Borough Council and West Hatch Parish Council. The position of West Hatch Parish Council regarding this application remains as stated at reference B. Planning Application 47/2006/04 should be refused and that the applicants should be advised to resubmit a further application, together with a comprehensive site plan, for "The temporary siting of 8 family mobile homes, 8 towing vehicles, and 8 cars with hard standing and toilet block".

WARD COUNCILLOR WILLIAMS 1. The site is adjacent to a Site of Special Scientific Interest and right next to Ancient Woodlands. Conditions as previously imposed on temporary planning applications have been completely ignored. Under no circumstances should a permanent permission be even considered for this site bearing in mind the special land designations that exist adjacent its location. 2. Although the camp has been established on a temporary basis over a long period, this is not justification for it being made permanent or increasing it in size. 3. Under no circumstances should an increase in the number of pitches be allowed and particularly plots 9A and 10A are completely outside the accepted area and should be rejected. Although not indicated on this plan, these plots are in very close proximity to permanent housing along the road to Higher West Hatch. 4. I also note that creeping in are plots 9B and 10B, which with plots 9A and 10A, total 12 living units according to my calculations. This must be resisted and under no circumstances should an increase over the 8 existing temporary permissions be contemplated. 5. I note also that unit 2 has extended well beyond the limits of the site as they were originally contemplated. When the camp was first established, everything was north of the toilet block. I now note that accommodation block 5 and block 2 are shown south of this toilet block. Should it be considered that a temporary permission is again warranted, this should only be on the condition that block 2 is relocated to the removed units 9B and 10B. This, at least, maintains some assemblance of compactness to the camp. 6. I was under the impression that the application was going to be from each individual on the camp and now note that it is a sole application from a Mr and Mrs Golding. Who are Mr and Mrs Golding? Presumably, they are occupants of the camp. What control will they have on people moving in and out of the camp and observance of planning conditions. 7. The reason the Parish Council resist this application so strongly, and I fully support them, is the complete disregard and contempt the occupants have for the planning conditions that have been applied over the years. In my view, it is essential that only a temporary permission be considered otherwise there will be no control over the application of planning conditions knowing the contempt they have been treated with previously. 8. In previous objections I have made to this application, I have also drawn attention to the fact that business activities are carried on at this site which is completely contrary to planning regulations or conditions. No reference has been made to this and I would ask that the Committee consider taking enforcement action in relation to this. I can only reiterate under no circumstances should a permanent application for this site or any increase in plot numbers be considered.

7 LETTERS OF OBJECTION have been received raising the following issues:- the land should be returned to agricultural; if permission is granted adjacent land owner is likely to apply for a similar use, temporary planning permission was granted for 8 caravans; 8 towing vehicles and 8 cars but on the site are 3 x twin units, 13 caravans 1 bus, 1 truck, 10 cars and 2 sheds on top of this there would be 2 additional pitches;

recently, over the weekend, there was loud music coming from the two new plots; always understood that pitches 9a and 10a were for turning lorries/vehicles where will they turn now?; extra pitches will result in increased noise from the site, make the control of the site more difficult for the existing occupants, have a greater visual impact on the area, increase health and safety risks (an outbreak of hepatitis C has been reported at the site) and increase the risk of pollution from the septic tank that lies uphill of residential properties where sewage seepage has been known to migrate; the expansion of the site is disproportionate to the wider community; increased units will result in a greater risk of damage to the SSSI.

AGENTS LETTER IN SUPPORT our case is two fold:- that there is a general local need for further pitches for Gypsies and Travellers that the proposal would help to meet and that there are personal needs for these applicants with respect to health, education and accommodation which would be met by the approval of the proposal.

General Need:- In 2002 the Office for the Deputy Prime Minister issued a report which indicated that within five years of that date a further 4,500 pitches to accommodate residential and transit need would be required. That estimate was based upon the largely discredited bi-annual count figures for an unauthorised Gypsy encampments which the Office for Population Census and Surveys has found to be inaccurate and to grossly underestimate the true extent of need. As a consequence the Office of the Deputy Prime Minister (ODPM) enacted legislation and issued fresh guidance for Local Planning Authorities in the following way: henceforth by virtue of Section 225 of the Housing Act 2004 Local Planning Authorities are placed under a new statutory obligation to quantitatively assess the need for further Gypsy and Traveller sites as part of the Gypsy and Traveller Accommodation Assessment (GTAA). These assessments are to feed into the Regional Spatial Strategy which will identify the composite number of sites required and then allocate a number of pitches for each Local Authority to provide. Where there is an unmet need for further pitches Local Authorities are required to place "substantial weight" upon such needs in assessing applications for Gypsy and Traveller sites. The Planning and Compulsory Purchase Act 2004 has placed a further statutory duty upon Local Planning Authorities to allocate land to meet the needs identified in the GTAA. As you know Local Planning Authorities within Somerset collaborated on the GTAA by employing Ark Consultancy to investigate the accommodation needs assessment for Gypsies and Travellers within Somerset, the final report of which was issued in February 2006. As is made clear from page 9 of the Ark report, New Travellers make up nearly a third of all of the known Gypsies and Travellers in Somerset. That New Travellers should continue to be considered as part of any assessment of need is made plain in the new definition of Gypsies and Travellers adopted by the ODPM in Circular 1/2006 Planning for Gypsy and Traveller Sites which was issued again in February 2006. Initially the ODPM consultation draft had indicated that only traditional ethnic Gypsies and Travellers may be considered but in the final version that criterion was omitted expressly. Moreover also in February 2006 the ODPM issued for consultation a paper on the definition of Gypsies and Travellers which went even further and invited Local Authorities to take into account those persons living in bricks and mortar accommodation against their will and culture due to the lack of suitable lawful sites for them to occupy. Clearly the Ark report has not taken the latter group into account when reaching the view that "the number of families on unauthorised development sites [within Taunton and Deane Borough] indicates a need for further accommodation.... " (page 14 of the



report). Whilst the report states a need for as much as 22 additional caravans identified that was made on the basis that the existing site at Slough Green was lawful and fully occupied (see page 26 of the report where it says number of vans authorised - 26 and number of factual vans - 26; comments - site full) in the context of a total authorised residential sites. At the moment the site is not lawful and clearly the provision of 10 further pitches on a permanent personal residential basis can be counted against the need identified by the Ark report. That is part of the need for further residential accommodation for Gypsies and Travellers identified by the report itself could be met by the approval of this proposal. We note further that the number of pitches available is due to be substantially reduced when the Gypsies resident at Oxham Lane, North Curry relocate following the expiry of the extension to the compliance period granted by the Secretary of State's Inspector last year. Moreover the transitory nature of New Travellers and Gypsies on unauthorised sites means that the Ark report has been unable to take account of subsequent changes that have occurred since the report was published in February 2006 including those Gypsies and Travellers who are now parked within Taunton Deane area on an unauthorised basis. The information in our position is that at least 6 further Gypsy and Traveller caravans are parked on unauthorised sites within your authority's administrative boundary. A further criticism of the report relates to the fact that between "30 and 40 families residing on one specific private site felt that they were unable to participate [in the research] due to the location of a large unauthorised development site in their area....." page 8. What this means is that a large proportion of families did not take part in the report and therefore their needs have not been considered at all. We note that the report states that "the first step in establishing this actual requirement in the longer term is therefore to identify which are the existing unauthorised sites [which of course now would include the application site here] are or could become acceptable and the conditions that would need to be met for them to become authorised. This to be on the basis of temporary and/or licence or permissions subject to conditions being met and maintained and might also include permanent permissions ....having established the number of pitches that cannot be made acceptable and the actual number of caravans that need to be accommodated, then alternatives have to be provided as a priority. That would represent immediate or backlog need. ....That clearly the number of caravans on site that are not tolerated will represent acute need that is equivalent to homelessness..." We note that if one takes the total figure of a total unauthorised sites in 22 vans then adds in the sites at Slough Green, West Hatch where 26 vans are included this more than doubles the need in the area. Our case is that allowing a personal permission on a permanent basis would meet a substantial element of that need. This would represent a win-win position for both the Local Planning Authority and the site residents. Personal Need:- Slough Green site is a success story. Allowed initially on appeal for a trial period of 3 years in order to make sure that the impact on the SSSI at the adjacent Thurlbear Woods was adequately managed when residential development was in close proximity, no real problems have persisted since that time. There has been a very low turnover of families on the site and this stability has enabled close co-operation to develop between the site residents and other people in the locality of the site. Children have been able to maintain regular access and attendance at schools with doctors surgeries and with hospital appointments, all of which evidence by the ODPM shows, would be imperiled by the closure of the site. In preparing for this application, our offices were in discussion with the leader of your authority and the Parish Council whose view is that the site remains needed. No one

is suggesting that this site should be evicted and these residents displaced to a roadside existence of chronic homelessness. Everyone is looking to render the use of the site acceptable in planning terms and the use of personal permissions would achieve this very result. In previous correspondence we have attached an appeal decision in relation to New Travellers at a site known as Llwyn Piod in Wales where a long standing breach of planning control was regularised by the Planning Inspectorate the conditions of which allowed for the use of the site by named individuals. We would argue that just such an approach in this case would ensure that the use of the site continues in a positive way and that constructive discourse between the site residents, local villagers and the Local Planning Authority continues in the positive constructive manner that has developed over the decade that this site has been occupied by these Travellers. Conclusion:- There is an accepted unmet need for further sites for Gypsies and Travellers within the area that has not even taken into account this site and these residents' needs. Once those needs are put into the equation the "substantial weight" with the ODPM Circular 1/06 confirms must be accorded to such circumstances means that permission should be granted in this case. Added to that the personal circumstances and health, education and accommodation needs of the individuals and their children living on the site combine to justify the granting of the planning permission in the terms sought in the application.

PERSONAL INFORMATION BY OCCUPANTS IN SUPPORT OF APPLICATION IS ATTACHED AS CONFIDENTIAL PAPERS

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development; Policy 1 Nature Conservation (second paragraph) 36 - Sites for Gypsies and travelling people; 49 -Transport Requirements of New Developments.

Taunton Deane Local Plan policies S1 General Requirements; S7 Outside Settlements (especially part (B) accords with a specific development plan policy); H14 -Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that: (A) there is a need from those residing in or passing through the area; (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities and they are sited near a public road; (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity; (D) adequate open space is provided; (E) accommodation will enjoy adequate privacy and sunlight; (F) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; (G) in the case of transit sites, there is convenient access to a County or National route; (H) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area; and (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided. EN2 Sites of Special Scientific Interest and EN12 Landscape Character Areas.

Executive report dated 3<sup>rd</sup> May, 2006 - Providing for Gypsies and Travellers – an update:- Impact of Circular 01/2006 on the Determination of Planning Applications.

7.4 All proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan. H14 Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that: (A) there is a need from those residing in or passing through the area; (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities and they are sited near a public road; (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity; (D) adequate open space is provided; (E) accommodation will enjoy adequate privacy and sunlight; (F) areas for business, where, appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; (G) in the case of transit sites, there is convenient access to a County or National route; (H) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area; and (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

7.5 However, in light of the new Circular the criteria may need to be considered more flexibility in cases where an identified need has been established. The fact that a site may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity.

7.6 Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Existing communities should not be dominated by large scale gypsy sites. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account. (Appendix Attached)

Up to date Government advice is contained within ODPM Circular 01/2006 of particular relevance are paragraphs 12, 52, 53 and 54

Paragraph 12 The Circular comes into effect immediately. Its main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 - 5 years;

- (d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site -provision in appropriate locations through the planning system, while recognising that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorised sites without an alternative to move to?

5.2 In areas with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Registered Historic Battlefields and Registered Parks and Gardens), as with any other form of development, planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development.

5.3 However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.

5.4 Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local serviced. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the Local infrastructure.

## **ASSESSMENT**

Temporary planning permission was granted on appeal in September 1995 with 9 planning conditions:- 1. the use hereby permitted shall be discontinued and all caravans, mobile homes, vehicles, and debris removed from the land not later than 3 years from the date of this letter; 2. the site shall not be used other than as a caravan site for persons of nomadic habit of life or travelling people as specified in policy 44

of the Somerset Structure Plan Review Consultation Draft (1995) or any subsequent alteration or modification to that policy; 3. no more than 8 units of family accommodation shall be stationed on the site at any one time; 4. no more than 8 lowing vehicles and 8 cars shall be parked on the site at any one time; 5. no trade or business or storage of goods or materials in connection with any trade or business shall take place at the site; 6. within one month of the date of this permission plans for a fence along the western boundary of the caravan site between points A and B on the plan attached to this decision shall be submitted to the Local Planning Authority, such fence to be 1.25 m high and of a construction appropriate to prevent penetration by persons or dogs; the scheme shall be implemented within 2 months of approval by the Local Planning Authority or the Secretary of State and the fence thereafter retained in good repair; 7. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, buildings or other structures, including any required by the condition of a caravan site licence, shall be erected on the land without a prior grant of planning permission; 8. the existing hedges on the north and east boundaries of the site shall be retained; 9. within one month of the date of this permission the vegetation between the boundary fence and the highway in the vicinity of the site access shall be cut back to the line of the fence and maintained in that state. The permission has been regularly renewed since that date. Over the years, children of the residents on site have grown and additional caravans have been sited on pitches to accommodate their need for more living space. The planning committee have also agreed not to take enforcement to secure the removal of additional caravans needed for such accommodation.

The applicants have provided information that establishes their travelling credentials and present need to have a permanent base. Of the current applicants 5 have been on the site for 7 - 9 years, most following travelling occupations during the summer months. All of the site occupants have educational or health reasons for having a settled base at the current time whilst maintaining links with their travelling community. I therefore consider that there is a need for them to be sited at West Hatch. In addition I note that the site was authorised at the rime of the ARK report and the occupants were not included in figures of unmet need within the Borough. At the present time they would need to be considered for inclusion in those figures as the site has no current planning permission.

Government Advice contained within ODPM circular 1/2006 has altered the overall approach to the assessment of traveller applications and this can be noted in the executive report referred to above. This concludes that there should be a changed approach to the implementation of Policy H14 (to reflect Circular 1/2006): - the new flexibility to a site if it is within an area with a wildlife or conservation designation (SSSI); give greater flexibility to distances to services and that existing communities should not be dominated by large scale sites.

The site is in the open countryside in a location where Policy H14 is applicable. It is acknowledged that a small part of the site lies within and the whole site adjacent to Thurlbear Wood SSSI. When originally granted on appeal the Inspector recognised the sites location and the potential for damage to the SSSI. He considered that a temporary permission would impose a check on any negative impact that the residents might have on the SSSI with an ultimate sanction that planning permission

could be refused at the next renewal. Since his consideration of the appeal circumstances have changed: -

1. There is now a site manager who is charged with informing new residents of the existence of the SSSI and how to behave towards it.
2. Government advice and the implementation of policy H14 does not preclude the use of sites within an SSSI for such purposes.
3. I am unaware of any proven damage to the SSSI by residents of the site during the last 10 years.

The current application is for a permanent permission to occupy the site with an additional two pitches, one of which would be lived in by the sister of an existing resident and one by a new traveller to the site. Taking into account the above I do not think that it is reasonable to continue to restrict permission to temporary provided that the occupants of the site can be restricted to those aware of and respecting the adjacent SSSI. (personal permission naming existing and proposed residents with a view to a 3 year temporary permission being imposed on any new occupants to ensure that the SSSI continues to be respected when the occupants change over time).

Government advice within Circular 1/2006 recognises that sites will often be located beyond settlement limits and it advises that local Authorities are realistic about distances and alternative modes of transport to local services. In this respect the County Highway Authority raise no objection to the continuation of the use. In addition they do not consider that an additional 2 units would be a significant danger to highway safety provided the previous visibility splay condition is applied.

The application site is located within a Landscape Character Area where the impact of the proposal on the visual amenity of the area needs to be considered. Government Advice contained within Circular 1/2006 states that

“Local landscape and conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites”

In this case the Landscape Officer advises that it is possible to assimilate the site, including the additional 2 pitches, into the local landscape.

Government Advice states that existing communities should not be dominated by the size of new sites. This site has accommodated 8 traveller families since 1994. Some of the existing residents have been on the site since 1997 and have a good relationship with the settled community. This application is for two additional pitches on the site and I do not consider that the additional residents would have a significant additional effect on the settled, local community.

West Hatch Parish Council and Councillor Williams refer to constant breeches of the planning conditions attached to the site.

Whilst there are additional structures on site these are generally used as family accommodation.

The site has been occupied by travellers since 1994. Initial damage caused to the SSSI by residents ceased when they were informed of its ecological importance. The occupants for the additional two pitches are familiar with the site and likely to respect the local community and adjacent SSSI

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of caravan site for travelling people only (as specified in ODPM Circular 1/2006 paragraph 15), personal permission for Elizabeth Lirette, Vanessa Larkin, Anna Miller, Martine Croenen and Andy Borghs, Becky Davies, Harriet Doyle, James and Loll Golding, Coriander Smith, Bernard Blaydon and Haydon Thomas, and members of their direct families living together as one family, no more units of accommodation shall be stationed on the site at any one time than those identified on the site plan submitted on 19th July, 2006, no more towing vehicles and cars shall be parked on the site at any one time other than those identified on the site plan submitted on 19th July, 2006, this planning permission relates to additional plots 9B and 10B and specifically excludes plots 9a and 10a shown on the site plan received on 19th July, 2006, no trade business or storage of goods or materials in connection with any trade or business, retention of a 1.25 m high boundary fence along the western boundary of the site and shown on attached plan. retention of hedges along the north and eastern boundaries of the site, removal of permitted development rights for all ancillary buildings, structures, walls, gates and fences. Notes re adjacent SSSI, new occupants will need separate planning permission, in view of the proximity of the SSSI this would only be considered for a temporary period in the first instance, septic tank, need to comply with the Caravan Site Licence.

**REASON(S) FOR RECOMMENDATION:-** In accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies 1, 38 and 49 and Taunton Deane Local Plan Policies S1, H14 (updated policy), EN2 and EN12

**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:

**TAUNTON DEANE BOROUGH COUNCIL**

**EXECUTIVE – 3 MAY 2006**

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FORWARD PLAN MANAGER AND ACTING HOUSING STRATEGIC  
SERVICES MANAGER**

**(This matter is the responsibility of Executive Councillors Garner and  
Bishop)**

**PROVIDING FOR GYPSIES AND TRAVELLERS – AN UPDATE**

**1.0 EXECUTIVE SUMMARY**

- 1.1 The Council has responsibility for meeting the accommodation needs of gypsies and travellers as both housing and local planning authority. A recent assessment of needs has shown there to be 22 caravans on unauthorised sites. Although it is not expected that every caravan will represent a legitimate housing need that will need to be met on an authorised site, it is clear that a number will. Where the unauthorised site cannot be tolerated, such as at Oxen Lane, any households or groups with a legitimate need for accommodation represents a priority for action.
- 1.2 A new Planning Circular relating to gypsy and traveller sites has just been issued. It contains revised guidance for local planning authorities, including a requirement for sites to be allocated in LDFs for gypsies and travellers, which will need to be taken into account in due course. The Circular also amends previous guidance concerning the circumstances in which gypsy and traveller sites may be acceptable, creating a need for the Council's current policy on gypsy and traveller sites to be implemented in an amended manner.
- 1.3 This report has been considered by the Housing and Strategic Planning, Transportation and Economic Development Review Panels, which have resolved to support its contents.
- 1.4 The Executive's approval of the recommended actions arising from the needs survey and Circular are sought.

**2.0 PURPOSE OF REPORT**

- 2.1 This report informs Members of the results and implications of a recently completed assessment of gypsy and traveller accommodation needs in Somerset. It also outlines the main elements of the new Planning Circular on gypsies and travellers. The report concludes with recommendations on actions that are required in response to these two new considerations.



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- 2.1 This report informs Members of the results and implications of a recently completed assessment of gypsy and traveller accommodation needs in Somerset. It also outlines the main elements of the new Planning Circular on gypsies and travellers. The report concludes with recommendations on actions that are required in response to these two new considerations.

**TAUNTON DEANE BOROUGH COUNCIL**

**EXECUTIVE – 3 MAY 2006**

**JOINT REPORT OF THE DEVELOPMENT CONTROL MANAGER,  
FORWARD PLAN MANAGER AND ACTING HOUSING STRATEGIC  
SERVICES MANAGER**

**(This matter is the responsibility of Executive Councillors Garner and  
Bishop)**

**PROVIDING FOR GYPSIES AND TRAVELLERS – AN UPDATE**

**1.0 EXECUTIVE SUMMARY**

- 1.1 The Council has responsibility for meeting the accommodation needs of gypsies and travellers as both housing and local planning authority. A recent assessment of needs has shown there to be 22 caravans on unauthorised sites. Although it is not expected that every caravan will represent a legitimate housing need that will need to be met on an authorised site, it is clear that a number will. Where the unauthorised site cannot be tolerated, such as at Oxen Lane, any households or groups with a legitimate need for accommodation represents a priority for action.
- 1.2 A new Planning Circular relating to gypsy and traveller sites has just been issued. It contains revised guidance for local planning authorities, including a requirement for sites to be allocated in LDFs for gypsies and travellers, which will need to be taken into account in due course. The Circular also amends previous guidance concerning the circumstances in which gypsy and traveller sites may be acceptable, creating a need for the Council's current policy on gypsy and traveller sites to be implemented in an amended manner.
- 1.3 This report has been considered by the Housing and Strategic Planning, Transportation and Economic Development Review Panels, which have resolved to support its contents.
- 1.4 The Executive's approval of the recommended actions arising from the needs survey and Circular are sought.

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25/2006/018

MR J SMALL

**DEMOLITION OF BUILDINGS AND ERECTION OF 57 RESIDENTIAL RETIREMENT APARTMENTS; RENOVATION OF TWO COTTAGES TO FORM ONE RESIDENTIAL COTTAGE AND ONE WARDENS COTTAGE AT BEAUFORD PARK AND FITZWARREN HOUSE, NORTON FITZWARREN, TAUNTON AS AMENDED BY LETTER DATED 5TH SEPTEMBER, 2006 AND FURTHER AMPLIFIED BY LETTER DATED 7TH SEPTEMBER, 2006**

319897/125791

FULL

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1.0 **RECOMMENDATION**

Subject to:-

- (i) the applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards local community facilities and provision for affordable housing and;
- (ii) the views of the County Highway Authority and any conditions they may require;

The Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine the application and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 02 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 03 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in

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

- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 06 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN8.
- 07 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 08 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 09 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be

erected/planted before any such part of the development to which it relates takes place.

09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

10 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority

10 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

11 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

11 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

12 The elderly persons dwellings hereby permitted shall only be occupied where at least one member of the household is aged 55 years or over, provided always that this restriction shall not apply to the occupation of any of the flats by a surviving spouse under the specified age who continues to occupy a flat after the death of the other spouse who was of the specified age.

12 Reason: The Local Planning Authority is concerned to ensure that the proposal does not result in an insufficient number of car parking spaces being provided on the land if the full parking standards are not met in accordance with Taunton Deane Local Plan Policy M4.

13 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

13 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

14 No buildings shall be demolished until a contract has been let for the redevelopment work.

14 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.

15 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person

shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 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. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

15 Reason: To ensure that the land contamination can be adequately dealt with prior to a new use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).

16 Prior to the demolition of the existing buildings on the site, a survey shall be carried out to ascertain the importance of the buildings for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development.

16 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policies EN4 and EN5.

- 17 None of the flats shall be occupied until provision has been made as part of the development for the associated bin storage area.
- 17 Reason: In the interests of the residential amenities of the occupiers of the proposed development in accordance with Taunton Deane Local Plan Policy S1(E).
- 18 Details of the arrangements to be made for the disposal of surface water on the adjacent B3227 shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 18 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 19 The visibility splays onto the B3227 shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 Within the site, visibility splays of 2.0 m x 33 m with no obstructions in excess of 300 mm shall be provided at each new access onto the estate road prior to the occupation of the new dwellings.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes to Applicant

- 01 Re potential ground contamination. 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, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 02 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Councils Access Surveyor, Mr E J Norton, please do so on 01823-356476.
- 03 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the buildings.

- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 You are advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3 m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. You are required to protect the integrity of Wessex Water systems and agree prior to commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Connections to Wessex Water systems need to be agreed with them.
- 09 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.
- 10 With regard to Condition 18, the details shall include the provision of a new 375 mm diameter pipe through the site and the adjoining park home site to outfall into Norton Brook. It should run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to subsequently connect highway drainage into it.

Reason for the Recommendation:- The proposal is considered to be compatible with national and local planning policies which encourage development on previously developed land. Furthermore the proposal is considered not to have a detrimental impact upon the visual or residential amenity of the area and is therefore considered acceptable and accordingly does not conflict with Taunton Deane Local Plan Policies S1 and S2

## 2.0 **APPLICANTS**

Mr J Small

## 3.0 **THE PROPOSAL**

The proposal provides for the demolition of Fitzwarren House and East End Cottage, together with various outbuildings and the erection of 57 retirement apartments. The scheme also includes the renovation of two existing

dwellings to form one residential cottage and one warden's cottage. 12 of the apartments are proposed to be affordable homes. The proposal also incorporates alterations to the existing access into the Beauford Park park home site. The materials are to be a combination of white painted render or brickwork with black weatherboard cladding. Roofs are to be a mixture of mainly red double Roman tiles with some blocks with slate roofs. The open market apartment will comprise 20 two bed and 25 one bed units. The affordable apartments will comprise 2 two bed and 10 one bed apartments and will be scattered through the development. 38 parking spaces (including 8 disabled spaces) will be provided.

A Design Statement and Access Statement were submitted with the application. The development will be in the form of three blocks. The Design Statement indicated that the design is one of contemporary architecture that is respectful of its setting and surrounding buildings. The varied use of the weatherboard cladding and the intervention of some areas of white painted render are intended to provide the appearance of a village with smaller buildings rather than a bulky institutional monolithic structure.

The position of the vehicle access into the site has been adjusted slightly to improve the visibility splay at the junction with the main road. Pedestrian access to the site will be either at the same point as the vehicle access, or via a number of footpaths along the northern edge of the site. Car parking spaces are grouped in parking courts. Disabled parking facilities have been provided as close as possible to the main entrance into the each of the apartment blocks.

In addition to the three apartment blocks, a corner of the site has been identified as a suitable site for a possible future community hall as a common room for the residents of the apartments. However, this does not form part of the current application. Communal bin stores have been included in positions that are intended to be easily accessible for the residents, but also convenient for refuse collection. These bin stores will be enclosed by the use of mobilane green screens spanning between timber pergolas. The majority of the apartments include patio doors that, on the ground floor, open into the grounds around the building, and on the upper floors open either onto a full balcony or a simple balustrade across the opening.

#### 4.0 **THE SITE**

The site lies to the south of the B3227 within the associated settlement of Norton Fitzwarren. The site comprises two existing dwellings, one vacant and boarded up, a range of disused outbuildings previously used in connection with the adjacent park home site, along with some waste ground. The site fronts onto the B3227 and behind the site is a park home site. None of the existing buildings to be demolished are of any particular merit and most are in a run-down and poor state of repair. As a result, the applicant considers that the site is unattractive and does not present a welcoming entrance to the park homes site. The ground surfaces of the site are a mixture of hard standings, chipping tracks, grass and wasteland. The site is largely level with a slight

gradient down at the northern end of the site, sloping down to the southern end. There is likely to be some remodelling of levels to suit the proposed development.

There is an existing access to the site off the B3227 which will be altered as part of the proposed development. There is a bus service along the B3227 running adjacent to the site and the site is close to the village shop, church, pub and village hall.

## 5.0 **PLANNING HISTORY**

**22/2002/034** Residential development to provide 72 No. dwellings and formation of access to B3227, Prings Caravan Site, Norton Fitzwarren. Application withdrawn December 2002.

**25/2004/029** Erection of two storey one and two bedroom warden control retirement flats for persons over 55 years, land around Eastend Cottage and Fitzwarren House, Norton Fitzwarren. Committee resolution (June 2005) that subject to the applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards community facilities and provision for affordable housing in the event that the number of dwellings proposed at the reserved matters stage exceed 25 the Development Control Manager be authorised to determine the application in consultation with the Chair/Vice Chair and permission be granted subject to conditions.

**25/2006/011** Erection of 71 one and two bedroom warden controlled retirement flats for person over 55 years, and the renovation of two existing cottages to form one residential cottage and one warden's cottage on land around Eastend Cottage and Fitzwarren House, Norton Fitzwarren. Application withdrawn June 2006.

## 6.0 **RELEVANT PLANNING POLICIES**

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

The following policies are relevant:-

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 35 Affordable Housing

Policy 49 Transport Requirements of New Development

### **Taunton Deane Local Plan (Adopted November 2004)**



## Policy S1 General Requirements

### Policy S2

Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible:

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
- (E) include measures to reduce crime;
- (F) minimise adverse impact on the environment, and existing land uses likely to be affected;
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site;
- (I) subject to negotiation with developers, incorporate public art; and
- (J) include measures to promote energy efficiency.

## Policy H2 Housing Within Classified Settlements

## Policy H9 Affordable Housing Within General Market Housing

## Policy H10 Indicative Targets For Affordable Housing

### Policy M4

Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible:

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
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- (F) minimise adverse impact on the environment, and existing land uses likely to be affected;
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site;
- (I) subject to negotiation with developers, incorporate public art; and
- (J) include measures to promote energy efficiency.

## Policy C4 Standards of Provision for Recreational Open Space

Policy EN4 Wildlife in Buildings to be Converted or Demolished

Policy EN5 Protected Species

Policy T1

The extent of Taunton is defined on the Proposals Map to include the associated settlements of Bathpool, Bishops Hull, Monkton Heathfield, Norton Fitzwarren, Staplegrove, Staplehay and Trull.

Policy T4 Norton Fitzwarren Development Site – Major Site Allocation

Policy T5 Housing Allocations

## 7.0 **RELEVANT CENTRAL GOVERNMENT ADVISE**

### **Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)**

Paragraph 4 - Aims For Sustainable Development

Paragraph 5 – Re-Using Urban Land And Buildings

Paragraph 13 – Key Principles

Paragraph 19 – Plan Policies And Planning Decisions

Paragraphs 33 – 35 – Design

### **Planning Policy Guidance Note 3 – Housing (PPG3)**

Paragraph 16 – Amount And Types Of Affordable Housing

Paragraph 22 – Re-Using Urban Land and Buildings

Paragraph 38 – Consideration Of Planning Applications

Paragraphs 57/58 – Making The Best Use Of Land

### **Consultation Paper on a New Planning Policy Statement 3 – Housing PPS3**

Paragraph 1 – The Governments Objectives

Paragraph 17 – Efficient Use of Land

Paragraphs 23/28 – Affordable Housing

Paragraph 37 – Designing For Quality

### **Planning Policy Guidance 13 – Transport (PPG13)**

Paragraph 49 – Parking

Paragraph B3 – Local Roads

## 8.0 **CONSULTATIONS**

### **County Highway Authority**

Interim comments:-

“Would it be possible for you to put a comment/request in on this application?”

This is due to the on-going flooding problems at this location and would be for the developer to lay a new 375 mm diameter pipe through his site to outfall into Norton Brook. It would run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to subsequently connect highway drainage into it.

John Herrington at TDBC has been liaising with the developer’s agent over this matter.”

Comments on the current application will be reported verbally, but the following comments were made on application 26/2006/011:-

“I have no objection in principle to the proposed development of seventy-one one and two-bed flats on the above site.

It is, however, essential that an adequate means of access is provided, together with such works that are needed to mitigate against the effects of the development on the highway network.

To this end, visibility splays shown on the attached extract of 4.5 m x 90 m to the east and 4.5 m x 68 m to the west are acceptable. These splays will result in a widened footway to the east and a small setting back of the proposed boundary wall to the west. There should be no obstructions within these visibility splays in excess of 300mm above adjoining carriageway level. The splays should be dedicated as public highway.

Within the site, visibility splays of 2.0 m x 33 m with no obstructions in excess of 300mm shall be provided at each new access onto the estate road prior to the occupation of the new dwellings. All footways shall be 2.0 m in width.

I understand that the roads are to remain private. This will mean private power supplies and drainage will need providing.

I have concerns regarding the effect the proposed development will have on the existing flooding problem in this location. During times of heavy and prolonged rain, the B3227 floods in front of Beauford Park. It is essential that the new development does not exacerbate the existing situation and a

condition should be attached to any consent to ensure that a scheme for the disposal of surface water from the development is submitted to and approved by the Local Planning Authority and Somerset County Council prior to the commencement of the development. A condition requiring the implementation of the approved scheme, prior to the occupation of any of the new dwellings, is also required.

Concern has also been expressed over the speed of vehicles approaching the site from the east and how this could be mitigated. I have considered the question and I believe that the applicants should fund the provision, erection and maintenance of variable message signs to reinforce the 30 mph speed limit. The signs to be in accordance with Traffic Advisory Leaflet No. 01/03. The provision of these signs will need to be dealt with by means of a Section 278 Agreement with the Highway Authority and provided prior to the occupation of any new dwelling.

In addition, the following condition should be attached:-

The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. “

### **Environment Agency**

Standing order advice should be applied.

### **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.

The developer has proposed to dispose of surface water to 'mains.' As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). It may be possible for the developer to discharge surface water flows to the land drainage system with the consent of Taunton Deane Borough Council. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

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

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

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.”

### **Somerset Environmental Records Centre**

No statutory or non statutory sites and species at the application site. One County Wildlife Site, one County Geological Site and one or more legally protected species found within 1 km of the site.

### **Landscape Officer**

“The ash tree (TPO) to the south of the visitor car parking area is better protected by no car parking spaces being within the canopy spread of it.

Overall the landscape is poor in that details are sketchy and although there are some opportunities for tree planting there is insufficient to make a contribution to the wider street scene.”

### **Nature Conservation Officer**

“I am concerned that no survey work for protected species has been submitted and I advise that this information is a requirement before determination of this application.

There is still time this season to carry out a bat emergence survey of the buildings concerned. This work would then inform the method statement for demolition which may include the timing of works and/or the need for a Defra licence before demolition.”

### **Environmental Health Officer**

**“Contaminated Land**

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person) shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

(a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.

(b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

(c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.

(d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.

(e) Submission to the Planning Authority of 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. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.

(h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. M926B

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

#### Note to Applicant

Re potential ground contamination. 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, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.

#### Construction & Demolition Noise (Note)

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, Saturdays 0800 – 1300. All other times, including Public Holidays no noisy working.”

#### Housing Officer

“There is a need for affordable housing on this site. The local plan calls for 20% of numbers constructed. The need is perceived to be much greater than this. Therefore I would be looking for 11 flats with two bedrooms plus a commuted sum of 40% of the build cost of one two bed flat.”

#### Leisure Development Manager

“As stated in my observations of 12th June, 2006, the draft Section 106 Agreement for this application requires payment of £846.00 in respect of each dwelling unit towards the provision of community facilities within the vicinity of the development. This together with the area of communal use space proposed on the application is adequate provision.”

#### Parish Council

“(1) Surface Water Drainage. The Council understands from Kensington Taylor that drains and an attenuation pond will be constructed on the site. There were no details of this with the application, could the Council please see a copy of these plans?

(2) Sewerage. It has been reported to the Council that there are already major problems on the site regarding sewerage disposal, which need addressing. To include the sewerage of 57 flats into the existing pipe work would be disastrous and lead to a major environmental health problem. Will a new sewerage system be laid for the new development?

(3) The width of the pavement in front of the two cottages being retained will not be sufficient for wheelchairs, buggies or anyone with mobility problems.

(4) The parking is insufficient in a rural area for elderly people who are visited more often by doctors etc. and who will need transport as the facilities in the village are not sufficient to cope. The doctor's surgery is already over capacity in Norton Fitzwarren. Regarding the access onto the main road which carries very heavy traffic will a safety audit be carried out on this junction?

(5) The Social Housing aspect must also be for 'over 50 years of age, retired people with no children' as is specified for the rest of the site. Can this be included in the rental agreements of these flats?

(6) The Council are concerned as to the position of the dustbin area and feel this will cause a nuisance to the park home residents with rats and the smell. Could this be put in an enclosed building?

(7) The Council request a significant reduction in the black cladding which is presently used in the village on industrial buildings not residential, and feel that an increase in brickwork would be more appealing.

(8) 57 flats is still far too many for a rural location.

(9) The position of block 'C' is forward of the existing building line and is still too close to the existing Park Homes and Burnshill Terrace. It also has no parking facilities or bin area, residents will have to cross a road to dispose of waste."

## 9.0 **REPRESENTATIONS**

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

1. Rights of access interfered with.
2. Gross overdevelopment and overcrowding, which is socially undesirable.
3. Overlooking.
4. Poor outlook from new flats overlooking back gardens and outbuildings.
5. Drainage of storm water in the area is clearly known to be inadequate, as evidenced by the flooding which regularly occurs at this point.
6. Car parking is totally inadequate. A ratio of 1 to 1 at least is essential. Indiscriminate parking due to lack of provision may restrict access for emergency vehicles. In a rural situation where there is no adequate public transport system, so ownership and use is inevitable.



7. Additional traffic onto the main road, which is very busy and causes hold-ups at times.
8. Beauford Park looks very attractive at the moment, so development should not be allowed.
9. Will lose nice aspect of the old village.
10. New modern homes will not be in keeping with the village.
11. Peace and quiet of village life should be maintained.
12. Should be no building until adequate off-site flood prevention is provided.
13. Should be used as part of the mobile home park.
14. Inadequate facilities for this type of development.
15. Too prominent.
16. Future community hall would be likely to be overbearing and out of scale with regard to the height, massing and form together with loss of sun light, privacy and possible disturbance. Unlikely to be respectful of the immediate setting and surrounding buildings. Any proposal for a community hall should be considered along with the current application. No consideration as to whether this would be the best location for any community hall.
17. Provision is shown for lifts, but roof lines do not show any external provision for the lift winding gear.
18. If ground levels were raised, this would result in flooding of adjacent dwellings.
19. Not enough garages.
20. Little attempt to address previous objections.
21. Planning Committee grossly misled in granting original outline application on the flimsy details and biased photography.
22. Within the Design Statement there are still half-truths and economies of fact relevant to the facilities available in the village and the access. The application appears to be driven by political expediency and commerce.
23. Reference to 'social separation' is discrimination of the worst kind.

24. No demographic evidence to support the Housing Officer's statement that there is a perceived need for more affordable housing on the site. Norton Fitzwarren already has a higher than average of this type of housing. Facilities are not in place to cater for this level of population imbalance.
25. Query desirability of placing large numbers of elderly persons in close proximity and will local health care facilities have capacity both now and in the say 10 years when the residents are much older.
26. Weatherboarding in the village is on industrial buildings, not residential.
27. There is no easily accessible bus stop suitable for elderly or disabled persons on either side of the B3227, neither is there a pedestrian crossing point to give access.
28. Moving the main access point and the demolition of East End Cottage will not improve visibility. Applications for drive access to properties adjoining have already been refused on the grounds of danger and poor visibility.
29. East End Cottage is one of the oldest in the village and may be subject to listing as well as being a possible bat roost.
30. There has been no survey of protected species on the site.
31. Inadequate footpath widths through the village, which would prevent any wheelchair users from accessing the few facilities.
32. Provision of a community hall is a red herring – there is already a more than adequate village hall.
33. A mixed community is preferable.
34. Design makes inadequate provision for access and ease of management of the disabled.
35. In some cases windows look out to blank walls.
36. Internal layout poor, with access to toilet facilities through bedrooms.
37. Communal disabled toilet facilities are a relic of the Victorian era.
38. Thought should be given to incorporating energy conservation measures such as solar heating.
39. Until such time as the infrastructure relating to the whole development at Norton Fitzwarren on the Taunton Cider site and adjacent land have been defined and put in place, particularly relating to flooding, drainage, traffic management and transport, shopping, medical

facilities and other items, there should be no consideration of the proposals. The piecemeal approach which is being adopted will only result in poor planning which will be a problem in future years both socially and financially.

40. It is feasible for a lady of 55 to have teenage children.
41. Will swamp existing properties.
42. Tree Preservation Order tree likely to be felled.
43. Most of residents will still be working and more than likely have 2 cars per household.
44. Applicant has plans to put up security gates at entrance to all roads to stop people parking.
45. If buildings are not maintained, will look like slums.
46. No fire hydrants.
47. Bin store will attract rats, foxes, flies and smells.
48. Access to flats will attract youngsters to congregate, causing nuisance and damage.
49. Buildings may cause shading to the public footpath.
50. A pedestrian light controlled crossing is required to get across to and from the bus stop.
51. Should be kept purely as a park home site.
52. Noise and dust from construction.
53. Query whether will be provided with water meters.
54. Problems with sewage disposal.
55. Materials proposed will make it look like holiday flats.
56. Building line of block C is too close to main road.
57. Block C should be smaller with adjacent parking and bin stores to avoid residents having to cross new access road to load/unload etc.
58. Bin storage should take account of recycling.
59. An overall flood prevention and drainage scheme for Norton is needed.

60. Question whether traffic lights or roundabout required at access point.
61. Development should take account of covenant on the land.
62. Fitzwarren House should be renovated and used as a warden's house.
63. Would be a shame to see the lovely big trees in the garden of Fitzwarren House go.
64. Loss of light.
65. Told part of the site was to be for a landscaped area for the park home site.
66. Site not appropriate for flats –which should go on the Trading Estate or the cider factory site.
67. East End Cottage should not be demolished.
68. Traffic calming measures should be introduced on the B3227.

Letter from Chair of Norton Fitzwarren Parish Plan Steering Group making the following observations:-

1. Use of black weather boarding should only be considered for commercial/industrial buildings. Do not consider its use to be appropriate on domestic buildings, except possibly as a small detail.
2. Block B3 should be redesigned to resemble the cottage to be demolished.
3. Render should be coloured in cream, magnolia or similar rather than white, which in juxtaposition to the black weatherboard gives a 'Tudorbehan' feel, totally out of keeping with the village. Use of pink render should be proportionate and confined to the building which most closely corresponds with the rendered cottage to be demolished.
4. The present elevation treatments are not convincing in relation to the cottages to be renovated.
5. Question the use of balconies overlooking the main road, as this gives the impression of a waterside development as well as being a dubious amenity in view of the proximity of passing traffic.
6. Might be more in keeping with a village setting to design block B1 frontage to resemble terraced cottages, whilst avoiding pastiche.
7. Block C stands alone and could therefore be treated as one large house as long as it is in harmony with the rest of the development and existing buildings nearby.

8. Block A could benefit from elements of the design and materials of Fitzwarren House, which is to be demolished.
9. Welcomes the provision of sheltered housing for the elderly in the Parish and hopes that local people will have priority in the allocation of the affordable units.
10. Concern that the number of units may be too great for the site and for the facilities available in the village currently.
11. The number of parking spaces is totally inadequate for a rural development.
12. Concerned that there are no parking or bin storage facilities adjacent to block C.
13. Bins should be kept in a building.
14. Secure storage for mobility scooters should be included in a development aimed at people in need of the services of a warden.

Letter of objection from Ward Councillor making the following observations:- Welcomes and positively supports the principle of such accommodation as it provides for a need within the village. Delighted that the applicants have resubmitted plans that are more in line with the outline planning application. There are, however, several quite serious issues that remain and need addressing in relation to policies in the Taunton Deane Local Plan:-

1. Policy S1(A). Additional road traffic arising will lead to overloading of access roads and road safety problems. Previous concerns raised by the County Highway Authority in relation to visibility at the site access have been addressed with the proposed demolition of East End Cottage. The entrance should be built to a general estate road condition.
2. Policy S1(B). Should be accessible by public transport, cycling and pedestrian networks.
3. Policy H2(A). There is no provision for a west bound bus stop lay-by. The existing bus stop further to the west has no lay-by and is in a dangerous position close to a bend. Consideration should also be given to the provision of a pedestrian crossing across the B3227 to enable residents to safely cross the busy road to the bus stop for Taunton.
4. Policy H2(C). Disappointed not to find any proposal for traffic calming measures on the approaches to the village from Taunton. As a minimum an illuminated 'reduce speed now' sign should be provided.

5. Policy S1(H). The section of the B3227 immediately adjacent to the site regularly floods. Storm drainage on the site is totally inadequate for the proposed development. None of the existing park homes are connected to a storm drainage system. Measures must be taken to improve storm drainage across the whole of the site that is under the ownership of the applicant (i.e. The whole of Beauford Park) to ensure adequate storm drainage from the proposed development. The system could also be so designed to also take flood water off the B3227 and more particularly prevent further flooding of Swiss Cottage and the Old Forge, which form part of the planning application. This development should not be allowed to go ahead without appropriate flood prevention measures being put into place.
6. Questions whether the sewage system has the capacity for the development. The existing sewage system running through the park homes site is causing problems now. It is imperative that these flats are connected to a fully functional sewage system that is in good repair, and not to anything that is sub-standard.
7. Questions whether the terminal pumping station has sufficient capacity to accept the extra foul flows, not only from this proposal, but also from the additional houses that have been built within the village in the last 12 months and the houses that are due to be built on Taunton Trading Estate and the old cider factory site. If it is not, must seek from Wessex Water a strategy for overcoming the shortcomings so that we do not get into the catastrophic situation whereby the pumping station cannot cope with the sewage from the village.
8. Questions whether there is still spare capacity in the water supply distribution system, as in 7 above.
9. Policy S1(G). Should ensure that there is adequate provision for recycling.
10. Policy S2 (Design). Pleased that the applicant has obviously looked at the Village Design Statement – bulk has been reduced and roof lines have been improved. However, disappointed at such heavy use of black timber cladding. This is a feature of some industrial buildings within the village, but does not appear on any domestic buildings. To meet the requirement for the design to reinforce the local character, the new buildings should be finished using a mixture of brick and rendered finishes.
11. Policy H2(G). Block C will cause a loss of privacy to No. 1 Burnshill Terrace and No. 1A Beauford Park. Block C is also proposed to be built in front of the existing building line of Burnshill Terrace. The block is also too close to existing properties and will compromise protected rights under the Mobile Homes Act 1983.

12. The siting of an enclosure for large wheelie bins at the end of one of the main access roads through the park homes site is inappropriate. The bin should be re-sited to a more discrete location.
13. Concern over parking space allocation being inadequate, encouraging parking on the main road which will be a safety hazard and also reduce visibility for those egressing from the site. The already narrow site roads will be clogged up with cars which again will have a detrimental effect on the visual amenity of the site. The site is within a rural, not an urban, location. More parking should therefore be provided. In addition, yellow lines should be installed on the main B3227 fronting the site to prevent parking along this stretch of road.
14. The age limitation on the flats throws an in-balance onto the local demographics. The site is some distance from the existing local shop, along a busy main road with narrow pavements. Invalid access along these pavements is severely limited, with kerbs, etc. presenting insurmountable obstacles. The applicant should contribute towards the cost of installing appropriate drop kerbs for ease of access. With the development on the old cider factory including a welcome proposal to include a small shopping centre in the vicinity of the existing village hall it has been accepted that market forces will probably force the closure of the existing village shop. This will entail an even further walk from this proposed development, which for elderly people will be a problem. This could be addressed by encouraging the provision of a suitable shop within the St Modwen's development.
15. The age condition should be applied to the affordable section of the development as well.
16. People who bought park homes on Beauford Park were not informed by the owner of the site about his plans to develop the front of the site.
17. In conclusion and taking a balanced view of all the objections, consider the application is still a long way from being acceptable and urge that it be recommended for refusal.

## **10.0 PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. Does the proposal provide for an adequate amount of affordable housing? AFFORDABLE HOUSING
- C. Does the proposal provide for an adequate amount of recreation provision? RECREATION PROVISION
- D. Is the proposed access to the site suitable? ACCESS

- E. Is the proposed development likely to be affected by flooding? FLOOD RISK.
- F. Will the impact on the visual amenity of the area be acceptable? VISUAL AMENITY
- G. Will the impact on the amenity of the occupiers of the adjacent dwellings be acceptable? IMPACT ON ADJACENT DWELLINGS
- H. Is the parking provision adequate? PARKING
- I. Has adequate provision been made for the protection of any wildlife on the site? WILDLIFE
- J. Is the proposed development sustainable? SUSTAINABILITY
- K. OTHER ISSUES

### **A. Policy**

The site is within the settlement limits of Norton Fitzwarren as defined in the Taunton Deane Local Plan. Norton Fitzwarren is identified as an associated settlement of Taunton in the Local Plan. The site forms the northern end of a mobile home park and also includes 4 dwelling houses, two of which are proposed for demolition as part of the development and various redundant outbuildings. The site comprises brown field land and the principle of development is therefore in line with national planning policy guidance. In particular PPG1 sets out the principles of national planning policies and focuses development in a sustainable pattern. PPG3 promotes the development of housing in sustainable locations and the criteria of sustainable residential environments. It introduces the requirement of a sequential approach to the location of housing developments prioritising previously developed land and development within or adjacent to existing urban areas. PPG13 promotes plan policies that encourage a reduction in the number and length of journeys by private car and encourages use of public transport and alternative means of travel.

The site is proposed for residential development in the Taunton Deane Local Plan, forming part of a larger mixed use site comprising the current site and the remainder of the mobile home park, Taunton Trading Estate to the east and the former cider factory premises to the west.

It is considered that the proposals are generally compatible with planning policy at both the national and local level. The main thrust of current planning policy is to achieve well designed, sustainable development, which make the most efficient use of land, in locations which meet sequential requirements. The current proposal on a brown-field site, underused and within the settlement limits, fits the criteria for development being promoted by both central and local government.



## **B. Affordable Housing**

The Taunton Deane Local Plan defines affordable housing as housing that is provided, with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The need for affordable housing is a planning consideration and central government policy encourages local planning authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Policy H9 of the Taunton Deane Local Plan sets out the requirements for affordable housing within general market housing sites. Policy H10 sets out indicative targets to be sought for affordable housing, as a percentage of the dwellings on each allocated site. The indicative target for the Norton Fitzwarren site set out in policy T5 is 20%.

The Housing officer is looking for 11 of the flats to be affordable plus a committed sum of 40% of the build cost of one further flat. The scheme provides for 12 flats to be affordable and it is recommended that this be secured through a Section 106 agreement.

## **C. Recreation Provision**

Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. The Leisure Development Manager requires a payment of £846 in respect of each unit towards the provision of community facilities within the vicinity of the development. This, together with the area of communal use space proposed on the application site is considered to be adequate provision.

## **D. Access**

Access to the site is proposed by way of an alteration to the existing access from the B3227 through Norton Fitzwarren. At the time of writing this report, the views of the County Highway Authority had not been received. In discussions with the County Highway Authority it has been indicated to the applicants that the visibility splay at the access as it is at present is unsuitable for the proposed development. Through consultation with the County Highway Authority, the applicants agreed that to achieve the appropriate visibility splays at the site entrance, some, if not all of the East End Cottage would have to be demolished. The proposal provides for the total demolition of East End Cottage in order to improve visibility in a westerly direction. Interim views of the County Highway Authority have been received and further views will be reported verbally.

## **E. Flood risk**

A small part of the site at its southern end is within the flood plain of the Halse Water. However none of the proposed flats are within this area, it comprising access to the remainder of the park home site and car parking for the current development. The Environment Agency indicates that the flood risk standing advice provided by them should be used.

A number of letters of objection raise the question of occasional flooding of the B3227 at the entrance to the site. The applicants have agreed to provide a 375 mm diameter drain through the site. This will enable any floodwater from the B3227 to discharge into Norton Brook at the south of the site. Attenuation tanks will be provided as part of the development to handle surface water from the current development.

### **F. Visual amenity**

The site is a brownfield site within an existing settlement. The site comprises a mixture of uses – part of a park home site and two existing dwellings of no great merit, together with various outbuildings and waste ground. The proposal will generally, therefore result in an improvement to the visual amenity of the area.

The previous planning application included some 3 storey development, which was considered inappropriate for the site. The current application provides for all two-storey buildings.

A number of the letters of objection and the Parish council raise concerns with regard to the proposed materials, in particular the use of black timber cladding. Black weatherboard cladding is a feature of the old industrial buildings in the village at the old cider factory. The use of this form of cladding on parts of the development is used to seek to reflect this vernacular elevational treatment. The Village Design Statement notes the use of the boarding on some of the old industrial buildings and considers that this feature could be incorporated into the new 'village centre'. The objections to the use of this material have been put to the applicants and their response is awaited.

### **G. Impact on adjacent dwellings**

The previously submitted scheme was considered to be unacceptable partly because of its adverse impact on the amenity of the occupiers of adjacent dwellings. The current application in my view overcomes these previous objections by moving the proposed buildings further away from the boundaries with adjacent properties. The proposed buildings are now considered to be within normal planning standards. The proposal is therefore considered to be acceptable in this regard.

### **H. Parking**

The proposal provides for a total of 38 parking spaces (including 8 spaces for disabled drivers). The Authority's parking standards for general residential development is for there to be no more than an average of 1.5 car parking

spaces per dwelling. However, Policy M4 states that a significant reduction in this average will be expected for elderly persons and single persons accommodation. Sheltered housing schemes such as this cater for elderly residents, many of whom do not own a car. Visits by family members, carers and medical staff tend to be at different times of the day reducing any possibility that there may be underprovision of parking. The applicants have been requested to cater for motorised buggies. The site is also close to the village shop and other facilities and there is a regular bus service along the B3227 which runs alongside the site. The proposed car parking provision is therefore considered to be acceptable for this site.

### **I. Wildlife**

The proposal involves the demolition of 2 dwellings and outbuildings and consequently the Nature Conservation Officer has requested a protected species survey. This is covered by way of a condition.

### **J. Sustainability**

The strategy contained within the Somerset Structure Plan Review encourages development to be focused upon the major towns in the County. Norton Fitzwarren is defined as an associated settlement of Taunton in the Taunton Deane Local Plan. The site is within the settlement limits of Norton Fitzwarren. In accordance with Taunton Deane Local Plan S1, the site is well located in terms of local facilities and public transport. The site is brownfield in nature. The redevelopment of this site removes the need to identify comparable amounts of housing land at greenfield locations. A condition is recommended requiring a wildlife survey.

### **K. Other Issues**

Private rights of access and covenants and the internal layout of the proposed flats are not planning issues. The 'site of possible future community hall' is not part of the current application and should not have any bearing on the decision. Any future application for this facility should be treated on its merits at the time. There is no planning requirement for garaging to serve the development. No trees the subject of a Tree Preservation Order are proposed to be felled.

## 11.0 **CONCLUSION**

The site comprises brownfield land within the settlement limits. The principle of redevelopment is therefore considered to be acceptable. The site forms part of the Major Development Site at Norton Fitzwarren. I consider that the current scheme is a vast improvement on the previous application which was withdrawn. The proposal provides a high density form of development of a type for which the Parish Council has previously noted a need for. I consider that the proposal is acceptable and my recommendation is a favourable one.

**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**

09/2006/012

MR N HAWKINS

**CONVERSION OF BARN TO DWELLING AT VENN FARM, WATERROW, WIVELISCOMBE**

303576/124725

FULL

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**PROPOSAL**

It is proposed to convert the existing out buildings to the north of Venn Farm into a 5 bedroom dwelling. It is also proposed to provide a new turning area and amend the existing garages to provide separate garages for the existing Venn Farm and the new conversion. The site is accessed from a narrow lane to the north of the B3227. The buildings are in a very poor state of repair with much ivy covered areas and 'tin' sheeting with mainly tin roof, although there are some areas of tiles. The application was accompanied by a structural survey, a bat and owl survey but no marketing information. The works proposed include new windows in the east and west elevations, the insertion of new screens in the courtyard openings, roof lights and new dormer window, new slate roof, existing stone walls to be repointed, existing cob repaired and rendered.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAYS AUTHORITY the site is outside any development limit, distant from facilities, the new occupiers would be dependant on private cars and the growth in travel would be contrary to Government advice; visibility is substandard. ENGLISH NATURE nothing to add to Nature Conservation Officer's views; there are bats in the nearby Venn Cross Tunnel.

NATURE CONSERVATION AND RESERVES OFFICER the barn with its open tin roof; the survey indicates no bats are roosting in the barn but they do roost in the house; condition required to provide roosting in the converted building, and condition on Swallow nesting opportunities. ENVIRONMENTAL HEALTH OFFICER suggests conditions.

PARISH COUNCIL does not object/supports

ONE LETTER OF OBJECTION has been received raising the following issues:- there are problems with surface water in the area; access is close to a blind bend; and there are various drains in the area.

**POLICY CONTEXT**

S1 General Requirements, H7 Conversion of Rural Buildings

**ASSESSMENT**

The structural report on the building points out various elements for concern and areas which would require significant repair/alteration including the first floor, the roof timbers, rebuilding of a pillar, replacement of timber lintels and all other timberwork, foundations/underpinning required, and cob to be repaired; in addition there were large parts of the building which could not be accessed due to vegetation. The report concludes that the building can satisfactorily converted to a domestic dwelling. The works required appear to be significant and involve significant amount of alteration. The proposed access to the converted garage building to Venn Farm would involve a significant amount of engineering works to provide the vehicular access, which would include the loss of the front and large areas of the side gardens of Venn Farm to the extent that the character is seriously eroded. Whilst the building is not listed, it is of a rural character which would be detrimentally altered by these proposed works.

## **RECOMMENDATION**

Permission be REFUSED for the reason that the site lies within open countryside, outside defined limits of settlements, where it is the policy of the Local Planning Authority only to allow the conversion of existing buildings to residential use where such 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. In the opinion of the Local Planning Authority the building, the subject of the application is not of a structure which is of permanent and substantial construction having regard to the details submitted in the structural report; and needs major rebuilding and significant alteration to form living accommodation and in addition there has been no marketing to assess whether business use may be suitable. The proposal is therefore contrary to Taunton Deane Local Plan Policies H7(A)(2) and (3) and furthermore the proposed creation of the access drive would result in harm to the rural character of Venn Farm contrary to Taunton Deane Local Plan Policy H7(B)(2).

**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:

21/2006/007

MR AND MRS A VELLICOTT

**DEMOLITION OF BARN AND ERECTION OF HOLIDAY CHALET AT WELLISFORD FARM, LOWER WELLISFORD, LANGFORD BUDVILLE, WELLINGTON (RESUBMISSION OF 21/2005/010)**

309280/122550

FULL

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**PROPOSAL**

The proposal seeks the erection of a log cabin to be used for holiday accommodation, and associated car parking. Additional tree planting is proposed. The cabin measures 16.2 m x 12.5 m.

A previous application (21/2005/010) was submitted in 2005 and later withdrawn.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY proposed site is remote from any urban area and therefore distant from adequate services, occupiers of new development are likely to be dependant of private vehicles fostering growth in the need to travel; traffic generation for one log cabin is unlikely to generate a significant increase in traffic, however the highway authority would not like to see a multiplicity of applications, and there should be a limit to ensure no significant increase in traffic to detriment of highway network; as there is a specific policy for holiday accommodation it is a matter for the Local Planning Authority to decide if this proposal meets with the policy and outweighs transport policies seeking to reduce reliance on the private car. ENGLISH NATURE protection of swallows during nesting and further details of bats

LANDSCAPE OFFICER subject to details of proposed landscaping and planting to be retained it should be possible to integrate the proposal into the local landscape. WILDLIFE OFFICER further survey work for bats recommended and concerns for swallows. ENVIRONMENTAL HEALTH standard contaminated land condition and note to be added to certificate. DRAINAGE OFFICER surface water should be discharged to soakaways constructed in accordance with Building Research Digest 365; note for existing septic tank. TOURISM OFFICER research from data from local tourism industry suggests that there is an oversupply of holiday let accommodation in Somerset; without significant added value (i.e. indoor swimming pool) the business will fail; consider seeking business plan to assess degree to which proposal will significantly improve quality and competitiveness of holiday let sector.

PARISH COUNCIL objects to the application.

**POLICY CONTEXT**

Policy EC24 (camping, caravans and holiday chalets) of the Taunton Deane Local Plan is relevant to this application. The policy allows holiday chalet development

provided the proposal: would not harm the landscape and is adequately screened; has good access to the main road network; and is not situated in a floodplain. The proposal is considered to meet the requirements of this policy. Policies S1 (general requirements) and S2 (design) are also relevant to this application.

## **ASSESSMENT**

The site lies outside of the floodplain and is screened by existing hedgerows and an earth bank with tree planting; further planting is proposed within the site. The proposed holiday let is approximately 1 mile from Langford Budville and 2.5 miles from Wellington. Previous permission has been granted to erect a holiday chalet in the adjoining field, and to convert barns at Wellisford Manor to holiday accommodation (21/1997/015). Existing holiday accommodation indicates that the applicants have an established holiday let business.

Notwithstanding the Tourism Officer's concerns given the existing holiday accommodation, and that the site is screened from public vantage points and that the proposal is considered not to harm the visual amenity of the area it is considered acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to time limit, materials, landscaping, retention of planting, holiday occupancy condition, chalet to be demolished if un-occupied for 24 months, wildlife conditions, contaminated land. Notes re compliance, soakaways, contaminated land, wildlife, septic tank.

**REASON(S) FOR RECOMMENDATION:-** The site is adequately screened and the proposal is not considered to be harmful to the landscape and therefore is compliant with Taunton Deane Local Plan Policy EC24.

**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:



22/2006/008

MR & MRS KAVANAGH

**EXTENSION OF DWELLING AND WORKS TO EXISTING BOUNDARY BANKS TO PROVIDE NEW RETAINING WALLS AND DRIVE WITH SUBTERRANEAN GARAGE, COURSLEY COTTAGE, LYDEARD ST LAWRENCE AS AMENDED BY AGENTS LETTER DATED 21ST JULY, 2006 AND DRAWING NOS. 1045/26, 1045/27, 1045/28 AND 1045/29.**

314144/133099

FULL

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## **PROPOSAL**

The proposal relates to the internal refurbishment, a two storey extension to the side and single storey subterranean garage/extension to this Grade II Listed Building. The two storey element of the extension project some 6m to the side of the property and is 8 m in width. The front of the extension is of single storey construction and is stepped back some 3.6 m from the front wall of the existing dwelling. The subterranean element provides three garages with separate oak doors accessed via a new drive entering the garden at its northern most point and following the east boundary of the site.

This application for planning permission is accompanied by listed building consent 22/2006/009LB. Previously applications 22/2005/015 and 22/2005/016LB were withdrawn on 6<sup>th</sup> January, 2006, following concerns over the size of the extension.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection subject to conditions. RIGHTS OF WAY the works must not affect the footpath e.g. to the retaining walls. The footpath must be clear at all times.

LANDSCAPE OFFICER no objection subject to the reinstatement of the orchard, re-planting of existing boundary hedges, planting to the east of the parking area it should be possible to integrate the proposals into the local landscape.  
CONSERVATION OFFICER As amended I can now support the proposal.

PARISH COUNCIL objected to the original submission on the grounds that despite the reduction of subterranean elements, the extension still appears very large to the original, and inappropriate to its listed status. The planning statement appears to show that the architect and TDBC have reached agreement on obtaining approval, although the extension would still be slate which is considered unsympathetic to the appearance of the listed building. Concerned re safety re the unprotected drop from the garage roof. Is the re-instatement of the orchard part of the application, if so conditions should be applied. Elements of the scheme are commendable such as the reinstatement of thatching and underground garaging. Object to the revised design as the extension is still too large and the mixture of slate and thatch would not be

sympathetic. Although the revised design is now smaller in size, all previous comments made still stand.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- an access to the south of the application site is not owned by the applicants.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), H17 (extensions to dwellings) and EN16 (Listed Buildings) are relevant to this proposal.

## **ASSESSMENT**

Following the withdrawal of previous applications 22/2005/015 and 22/2005/016LB the subterranean element of the proposal was reduced in size and resubmitted with this application and accompanying application for listed building consent 22/2006/009LB. Upon request of the Conservation Officer the two storey element of this proposal was also reduced by 2.5 m in depth. The Conservation Officer is satisfied that the revised proposal would not detrimentally harm the character of the listed building.

The objections from the Parish Council appear to be mainly concerned with the size of the extension and use of slate instead of the current double roman tiles. The size of the extension has been reduced to a level in proportion and subservient to the existing building. Furthermore the submitted justification statement shows that the only one third of the original dwelling remains today and therefore the proposal is not at odds with its historical context in terms of the additional volume of accommodation proposed. The mixture of slate and thatch is a common approach found on many listed buildings and the double roman tiles currently found on the dwelling form part of a non-original modern roof, the loss of which is not considered to harm the character of the dwelling. In terms of design therefore the proposal satisfactorily reflects the character of the listed building and visual amenity of the area.

The Landscape Officer has requested that the orchard is reinstated, re-planting of existing boundary hedges, planting to the east of the parking area. In this instance it would appear unreasonable to request the latter for what amounts to a two storey extension. The development will be seen within the context of the existing dwelling and does not require screening, however it may be beneficial to increase the east boundary hedges to screen the new track and turning area. The applicants are proposing an extensive amount of tree planting anyway and it is considered reasonable therefore to only impose a standard landscaping condition.

The Highway Authority has raised no objections to the proposal subject to a number of conditions including visibility 30 m in each direction at the new access point. The visibility splay however would result in the loss of a mature hedgerow and trees. Given that the lane is a no through road leading to one other property in an isolated rural location, the visibility splay as recommended by the Highway Authority is not considered necessary. The visibility splay as shown on the submitted plan is therefore considered acceptable in this instance.

There are no neighbouring properties that would be detrimentally affected in terms of residential amenity. The unprotected drop will be railed off as a requirement of the Building Regulations to a minimum of 1100 mm and a condition is imposed requiring details to be submitted. With regard to the representation received the field access to the south of the site would not be interfered with as a result of this proposal. It is understood from the agents that this issue has been resolved with the originator of the representation however as a civil issue it would not form a material consideration anyway.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, garage – domestic use only, consolidated access, gradient of access, access gates, prevention of surface water to the highway, sample panel of render, wheat reed thatching, sample of slate and details of roof venting, details of rooflights, doors, railings, windows, glazed screens and finished treatment of joinery. Note re footpaths

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to harm visual or residential amenity and does not adversely affect the character of the Listed Building and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, H17 and EN16.

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

**CONTACT OFFICER: 356469 MR R UPTON**

NOTES:

22/2006/009LB

MR & MRS KAVANAGH

**REFURBISHMENT AND EXTENSION, COURSLEY COTTAGE, LYDEARD ST LAWRENCE**

314144/133099

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

The proposal relates to the internal refurbishment, a two storey extension to the side and single storey subterranean garage/extension to this Grade II listed building.

This application for listed building consent is accompanied by planning application 22/2006/008. Previously applications 22/2005/015 and 22/2005/016LB were withdrawn on 6<sup>th</sup> January, 2006, following concerns over the size of the extension.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER as amended I can now support the proposal subject to conditions.

PARISH COUNCIL objected to the original submission on the grounds that despite the reduction of subterranean elements, the extension still appears very large to the original, and inappropriate to its listed status. The planning statement appears to show that the architect and TDBC have reached agreement on obtaining approval, although the extension would still be slate which is considered unsympathetic to the appearance of the listed building. Concerned re safety re the unprotected drop from the garage roof. Is the re-instatement part of the application, if so conditions should be applied. Elements of the scheme are commendable such as the reinstatement of thatching and underground garaging. Object to the revised design as the extension is still too large and the mixture of slate and thatch would not be sympathetic. Although the revised design is now smaller in size, all previous comments made still stand.

**POLICY CONTEXT**

It is considered that the proposal is in line with Taunton Deane Local Plan Policies EN16 and EN17 in respect of proposals relating to listed buildings.

**ASSESSMENT**

Following the withdrawal of previous applications 22/2005/015 and 22/2005/016LB the subterranean element of the proposal was reduced in size and resubmitted with this application and accompanying planning application 22/2006/008. Upon request of the Conservation Officer the two storey element of this proposal was also reduced by 2.5 m in depth. The Conservation Officer is satisfied that the revised proposal would not detrimentally harm the character of the listed building.

The objections from the Parish Council appear to be mainly concerned with the size of the extension and use of slate instead of the current double roman tiles. The size of the extension has been reduced to a level in proportion and subservient to the existing building. Furthermore the submitted justification statement shows that the only one third of the original dwelling remains today and therefore the proposal is not at odds with its historical context in terms of the additional volume of accommodation proposed. The mixture of slate and thatch is a common approach found on many listed buildings and the double roman tiles currently found on the dwelling form part of a non-original modern roof, the loss of which is not considered to harm the character of the dwelling. The unprotected drop will be railed off as a requirement of the Building Regulations to a minimum of 1100 mm.

### **RECOMMENDATION**

Consent be GRANTED subject to conditions of time limit, materials, structural report, sample panel of render, wheat reed thatching, sample of slate and details of roof venting, details of rooflights, doors (external and internal), railings, architraves, skirtings, staircase, windows (including adapted, glazed screens) and finished treatment for joinery and making good of works to fireplace.

**REASON(S) FOR RECOMMENDATION:-** It is considered that the proposal is in line with Taunton Deane Local Plan Policies EN16 and EN17 in respect of proposals relating to listed buildings.

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

**CONTACT OFFICER: 356469 MR R UPTON**

NOTES:

44/2006/021

MR J ISAACS

**CHANGE OF USE OF LAND FOR RESIDENTIAL GYPSY SITE FOR 2 NO. MOBILE HOMES AND 2 NO. TOURING CARAVANS AT TWO ACRES, FORD STREET, WELLINGTON**

315351/118191

FULL

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**PROPOSAL**

The proposal provides for the siting of two mobile homes and two touring caravans for a single gypsy family. The applicant and his family moved onto the site in August 2003. A previous similar application with the same circumstances was refused in September 2003 with a subsequent enforcement notice being served. An appeal against the refusal of planning permission and the enforcement notice was dismissed in March 2005, although the Inspector extended the time for compliance until September 2006. There is some tree and hedge cover around the site, although it is relatively open to view from the entrance from the road and there is relatively little screening to the south, although views towards the site from the Blackdown Hills are limited. The site is just within the Blackdown Hills Area of Outstanding Beauty (AONB). The applicant's agent states that the applicant is a bona fide gypsy within the definition of ODPM Circular 01/06. The two mobile homes are for the applicant and his wife and 2 school age children and the applicant's sister with one child. The applicant's agent states that the applicant now not only has need for a settled base from which to travel but also to provide education for his daughter and his own health needs. The children currently attend Rockwell Green primary and Court Fields secondary schools in Wellington.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY a previous submission on this site was refused by TDBC and appealed by the family. The Appeal Inspector determined that highway safety was a serious consideration. The situation with regard to the highway network has not changed since this last application and as such all previous comments made with regard to the last application apply equally at this time. The application is recommended for refusal on the basis of highway safety and sustainability grounds as per the previous application. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory or non-statutory sites and species at the application site. One or more legally protected species found within 1 km of the site. Nine County Wildlife Sites found within 1 km of the site. One or more badger data found. RIGHTS OF WAY OFFICER no observations to make.

LANDSCAPE OFFICER at this time of year the proposals appear to have limited visual impact but my concern is that unless the hedgerows are reinforced and managed to maintain their integrity, the site will become more visible and impact on the visual amenity of the AONB. The timber fencing, gateway and roadside planting are visually intrusive and out of character with surrounding landscape features of the

area. If the application is granted, more appropriate conditions should be sought. ENVIRONMENTAL HEALTH OFFICER it is unclear as to whether the applicant proposes to use a septic tank/cesspit or connect to the main public sewer for foul drainage. If the applicant wishes to install a septic tank, an appropriate condition should be imposed. Would recommend against installing a closed cesspit system. HOUSING OFFICER no observations to make.

BLACKDOWN AONB PARTNERSHIP note that TDBC has recently reviewed its approach to planning for Gypsy and Traveller Sites in the light of Circular 01/06. If the planning authority is minded to approve this application, the Partnership would wish to see that conditions are attached to ensure that the site layout, siting and any landscaping and planting is sympathetic to the site's location on the sloping boundary of the AONB.

PARISH COUNCIL no objections to the application and support the plans subject to the following proviso's - that the proposed screening to the east of the site is completed, the proposed number of Vans be strictly adhered to and that the proposed lowering of the profile of the vans be completed as detailed.

FOUR LETTERS OF OBJECTION have been received raising the following issues:-  
romany means travelling, not a permanent site – if they need a permanent site they should abide by the same rules as everyone else especially in an AONB; previous appeal dismissed – by establishing a home in breach of planning law and by ignoring the decisions of the planning authority, the applicant is making a mockery of planning legislation; nothing has changed in the last 3 years to invalidate the previous reasons for refusal; a serious precedent could be set if approved – there is already a gypsy site in Ford Street which is enough for such a small hamlet; there is no shop within half a mile; the development is not suitable for this AONB, which should be protected; access is from a narrow lane unsuitable for further traffic; may in the future lead to a full development of homes.

ONE LETTER OF REPRESENTATION raising no objection.

## **POLICY CONTEXT**

Policy H14 of the Taunton Deane Local Plan states that sites for gypsies or non-traditional travellers will be permitted outside the defined limits of settlements provided certain criteria are met. One of these criteria is that the site is not within an AONB. However these criteria need to be considered more flexibly in the light of the new Government Circular.

ODPM Circular 01/06 'Planning for Gypsy and Traveller Sites'. The circular has the following stated aims:-

- (i) To create communities where there is respect between the travelling and settled communities;
- (ii) To reduce the number of unauthorised encampments and developments;
- (iii) To significantly increase the number of gypsy and traveller sites in appropriate locations;

- (iv) To protect traditional ways of life whilst respecting the interests of the settled community;
- (v) To stress the need for regional assessments of need and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (vi) To make provision for sites where need is identified;
- (vii) To ensure that Development Plan Documents include fair, realistic and inclusive policies;
- (viii) To promote more private gypsy and traveller site provision through the planning system;
- (ix) To help avoid gypsies and travellers becoming homeless through eviction from unauthorised sites.

The Circular advocates a rural exceptions site policy for gypsies similar to that for housing. In designated areas such as AONBs, planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development. However, local designations should not be used in themselves as a reason for refusal. Rural sites are acceptable in principle and local authorities are encouraged to be realistic about the availability or likely availability of alternatives to the car in accessing local services.

## **ASSESSMENT**

The previous application was refused and the subsequent appeal dismissed on the basis of the site being an inappropriate location for the proposed development within an AONB and highway safety grounds on the basis of the local highway network being unsuitable for the proposed development. An 18 month period was allowed to enable the applicant to obtain a more suitable site within the locality. The applicant has indicated that he and his family have searched for land for many years before moving onto their land and while they have been living on the land, but have been unsuccessful in their attempts. Since the previous appeal, Central Government Guidance has changed significantly and there is now a much greater obligation on Local Planning Authorities to assist gypsies to find land and for Local Authorities to find sites. The new Circular, ODPM Circular 01/06 came into effect in February 2006 and replaces Circular 1/94. The new Circular contains revised guidance for Local Planning Authorities, including a requirement for sites to be allocated in Local Development Frameworks for gypsies and travellers, which will need to be taken into account in due course. The Circular also amends previous guidance concerning the circumstances in which gypsy and traveller sites may be acceptable and emphasises that private sites are to be encouraged. The Human Rights Act refers to the question of proportionality and the weighing up of the harm which could be caused by permitting the applicants to occupy the land as against the harm which could be caused to them and their families by refusing permission. The County Highway Authority recommend refusal of the application. However Circular 01/06 states that applications should not be rejected if they would only give rise to modest additional daily vehicle movements and / or the impact on minor roads would not be significant.

## **RECOMMENDATION**



Permission be GRANTED subject to conditions of accommodation for gypsies only, no more than two mobile homes and two touring caravans, no business activities unless agreed, no open storage in connection with any business activities, personal to applicant, his spouse and children, applicant's sister and her daughter, landscaping, surface water drainage, specific details of second mobile home, retention of hedges and removal of GPDO rights for means of enclosure

**REASON(S) FOR RECOMMENDATION:-** It is considered that the proposal will have limited impact on the visual amenity of the Area of Outstanding Natural Beauty and furthermore the proposal is in line with Central Government advice contained in ODPM Circular 01/06.

**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:

## **PLANNING COMMITTEE – 27 SEPTEMBER, 2006**

### **Report of the Development Control Manager**

#### **MISCELLANEOUS ITEM**

#### **35/2006/014 ERECTION OF TWO STOREY EXTENSION AT BELLA VISTA, STAWLEY**

This application was received by the Council on the 26 July, 2006. The approval certificate was issued as a Chair approval on the 15 September, 2006. However, due to the number of representations received and the contrary recommendation of the Parish Council the application should have been referred to Planning Committee for a decision to be made. Due to an administrative error the application was cleared as a Chair decision. A copy of the Report to the Chair is attached to this Report.

Seven letters of objection were received, of which six were not noted within the officer report. However, the relevant planning issues of the case were fully explored and addressed in the determination of the application. In addition reference is made to the impact of the proposal on the setting of Stanley Church. However, it is considered that by reason of the separation distances between the application site and the church the proposed works would not harm the setting of the Church.

PARISH COUNCIL object to the proposal as quite inappropriate for this location, much too tall and overstretched, would become 'mansion-like' compared with the adjoining bungalow, and entirely out of keeping with the area of Stawley Church.

In addition two letters of support were received:- the proposal would enhance the character of the property; young family moving into the area would help local amenities; no adverse impact upon the church; proposal would be in keeping.

The agent also submitted a letter in response to the objections received as follows:-

- (i) The proposal is an extension of an existing property and not a replacement dwelling.
- (ii) The proposed scheme has been designed where possible to replicate the features of the existing building that includes external finishes that enable the proposed extension to integrate with its surroundings.
- (iii) The scale and height of the proposed extension have been reduced by including a split level at the western end of the site.
- (iv) The scheme has been designed in accordance with the pre-application advice.
- (v) The Scheme should be considered under its own merit rather than compared to any other applications that have been previously refused.
- (vi) It is believed that there was a two storey dwelling on the site prior to the current bungalow that is proposed to be extended.
- (vii) Concern has been raised over the proposed use of the garage. It has been confirmed by our client that the garage will be used as a garage and nothing else.

- (viii) Where possible all existing trees are to remain with only minor changes to the existing landscaping as required to enable construction of the proposed extension.
- (x) Our client has concerns that although a response has been received from the Stawley Parish Council the next scheduled meeting is 18 September, 2006, therefore questions if the response has come from an individual rather than the Council as a whole.

### **RECOMMENDATION**

Members are recommended to endorse the decision made in consultation with the Chair.

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

**CONTACT OFFICER: Mr A Pick Tel. 356586**

## **APPENDIX**

35/2006/014

MR M PROSSER

### **ERECTION OF TWO STOREY EXTENSION AT BELLA VISTA, STAWLEY, WELLINGTON**

306101/122667

FULL

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## **PROPOSAL**

The application site consists of a modest bungalow set within its own large curtilage. The dwelling is accessed from an unclassified road which provides access to St Michaels Church. The site is rural in character and setting.

Permission is sought for the erection of a two storey side extension and alterations to the existing dwelling. The submission includes infilling between the existing property and the detached garage. The existing side elevation of the garage, forming an integral garage, would be extended 0.3 m towards the boundary. The existing ridge line of the dwelling would be increased from 5.4 m to 7.2 m. The proposed alterations would also incorporate dormer windows to the front and rear.

In addition it is proposed to erect a two storey extension, which would be partially dug in. The two storey element would continue the ridge line of the proposed alterations to the main section of the property. The extension would feature a full gable to the front and rear and would project 0.5 m beyond the front and rear building line. A balcony is proposed on the rear elevation furthest away from the boundary with the adjoining property.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall not be used other than the parking of domestic vehicles and not further ancillary residential accommodation. COUNTY ARCHAEOLOGIST no objections.

LANDSCAPE OFFICER subject to additional tree planting to the north it should be possible to integrate the proposals into the local landscape.

ONE LETTER OF OBJECTION has been received raising the following issues:- extension is too large, increasing the property three fold; impact on trees; drainage system could not cope; originally designed as retirement homes; out of character and too modern.

## **POLICY CONTEXT**

RPG10 (Regional Planning Guidance for the South West), 2001

PPS1 (Delivering Sustainable Development).

PPS7 (Sustainable Development in Rural Areas) states inter alia that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Somerset & Exmoor Joint Structure Plan Review 1991-2011 - STR1 (Sustainable Development).

Taunton Deane Local Plan Policies - S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN12 (Landscape Character Area).

## **ASSESSMENT**

It is considered there are two pertinent issues for consideration in the determination of this application. The first is the effect of the proposed development on the character and appearance of the existing property and the wider area. The second is the implications of the proposal on the residential amenity of adjoining occupiers.

The site occupies a remote rural location dominated by open fields and woodland with sporadic residential dwelling and farm buildings.

Policy H17 of the Local Plan permits residential extensions provided inter alia they do not harm the form and character of the dwelling and are subservient to it in scale and design. The proposal involves considerable alterations and extension to the property. Its size notwithstanding, it is considered that the proposed scheme represents a positive design. The proposed dormer windows would appear to be of a sympathetic scale and design and fit acceptably within the proposed roof slope. The proposed two storey gable extension would pick up on some of the architectural design of surrounding properties. The proposal would also appear proportionate to the size of the plot and the proposal is not considered the conflict with the development plan.

The existing bungalow is of little architectural merit and of non-traditional form in such a rural setting and the proposed overall design is considered to be a positive design solution. The surrounding properties include two storey dwellings and traditional farm houses. The adjacent property is a bungalow slightly elevated to the application site and as such the existing ridge is higher than the application dwelling. However, the proposed development would see the existing ridge of the host dwelling raised 1.9 m.

It is considered that the proposed scale and design of the extension and alterations to the property would not harm the character or appearance of the dwelling or wider area or conflict with the provisions of development plan policy. The use of matching materials will help to assimilate the development within the locality and secure a harmonious development.

It is considered that the proposed increase in ridge height (1.9 m) and the separation distances would have no unreasonable impact upon adjoining residents. The main

bulk of the extension is the two storey element which is situated on the far side of the dwelling in relation to the occupiers of the property known as 'Newlands'. The proposed balcony again is situated on the far side when viewed from the adjacent property and as such would not result in any direct overlooking as to harm the privacy of adjoining occupiers as to warrant a refusal on these grounds.

To conclude, it is considered the proposed extension would not harm the character or appearance of the dwelling and surrounding area or the residential amenity of adjoining occupiers and as such it is recommended the application be approved.

### **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, GDPO garages, landscaping. Note re contact Landscape Officer.

**REASON(S) FOR RECOMMENDATION:** - The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, EN12 and H17 and Somerset & Exmoor National Park Joint Structure Plan Review Policy STR1.

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

## **PLANNING COMMITTEE – 27 SEPTEMBER, 2006**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

##### **Parish: Taunton**

1. **File/Complaint Number** E382/38/2005
2. **Location of Site** Pippins, 31 Wellington Road, Taunton
3. **Names of Owners** Mr & Mrs Knapp
4. **Names of Occupiers** Mr & Mrs Knapp

5. **Nature of Contravention**  
Erection of additional extension

6. **Planning History**

The extension/conservatory was first brought to the Council's attention in January 2006. A letter was written to Mrs Knapp explaining that a number of extensions had been previously carried out at this address. Therefore, the new extension/conservatory now being erected required planning permission as the permitted development rights of 70 cubic meters had already been used. It was also explained that a newly erected fence to the boundary was over 2 m in height in places and therefore required planning permission. In April 2006 a further letter was written to Mrs Knapp raising concerns that further works to the roof of the garage had been carried out. Mrs Knapp was advised that one application could be submitted to cover all the unauthorised works. In August 2006, Mrs Knapp was again contacted by letter informing her of the need to submit a planning application but to date no application has been received.

7. **Reasons for taking Action**

It is considered that the fence due to its height and visual impact on the neighbouring property, is considered to detract from the visual amenity of the area. The extension/conservatory and other alterations to the property is already considered to constitute an over development of the site. The works are therefore contrary to Taunton Deane Local Plan Policy H17

8. **Recommendation**

The Solicitor to the Council be authorised to take enforcement action and prosecution proceedings subject to satisfactory evidence being obtained 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**