



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 11TH OCTOBER 2006 AT 17:00.

(RESERVE DATE : THURSDAY 12TH OCTOBER 2006 AT 17:00)

AGENDA

1. Apologies.
2. Public Question Time.
3. Declaration of Interests.
4. BRADFORD ON TONE - 07/2006/017
DEMOLITION OF HUTS AND ERECTION OF NEW BUILDING FOR TAUNTON AND DISTRICT BEEKEEPERS, THE TEACHING APIARY, HEATHERTON PARK, BRADFORD ON TONE AS AMPLIFIED BY AGENTS E-MAIL DATED 12TH JULY, 2006 AND AS AMENDED BY AGENTS LETTER AND ACCOMPANYING PLANS RECEIVED 19TH JULY, 2006
5. CHIPSTABLE - 09/2006/010
ERECTION OF CATTLE SHED AND FEED STORE AT LAND AT WEST BOVEY, WATERROW, WIVELISCOMBE, AS AMPLIFIED BY DRAWINGS RECEIVED 24TH AUGUST, 2006 AND APPLICANTS LETTER RECEIVED 27TH SEPTEMBER, 2006
6. CHIPSTABLE - 09/2006/011
ERECTION OF 2 NO HOLIDAY LODGES AND FORMATION OF NEW ACCESS AT PINKHOUSE FARM, WATERROW, AS AMENDED BY LETTER DATED 17TH AUGUST 2006 TOGETHER WITH DRAWING NO. R0652/03, ADDITIONAL LETTER DATED 4TH SEPTEMBER, WILDLIFE SURVEY DATED 12TH SEPTEMBER 2006.
7. CHURCHSTANTON - 10/2006/021
ERECTION OF TWO HOLIDAY CABINS AND ONE TIMBER BUILDING FOR GARAGE AND STORAGE AT BLACKMORES Paddock, STAPLEY
8. HALSE - 18/2006/005
ERECTION OF GARAGE DOOR AND INTERNAL PARTITION TO CAR PORT AT 9 HALSE MANOR, HALSE, TAUNTON AS AMPLIFIED BY LETTER AND PLANS RECEIVED 31ST AUGUST. 2006
9. NORTH CURRY - 24/2006/023
SITING OF 2 EXTRA MOBILE HOMES AND 2 EXTRA TOURING

CARAVANS AT LONGACRE, ROCKHILL, WRANTAGE

10. OAKE - 27/2006/015
ERECTION OF A HORTICULTURAL NURSERY AT LAND SOUTH OF HARRIS'S FARM, HILLCOMMON, AS AMENDED BY AGENT'S LETTER AND DRAWINGS NOS. HLCM/03 REV B, 04 REV B, 05 REV B, 06 REV B, 07 REV B, 08 REV B, 10 REV B RECEIVED ON 12TH SEPTEMBER, 2006 AND BADGER SURVEY SUBMITTED 19TH SEPTEMBER, 2006 AND FURTHER AMENDED BY APPLICANT'S E-MAIL DATED 19TH SEPTEMBER, 2006 AND DRAWING NO. 18274/001/5K01A AND E-MAIL DATED 29TH SEPTEMBER, 2006
11. STOKE ST MARY - 37/2006/006
CHANGE OF USE OF SITE TO FORM PLANT NURSERY AND NEW ACCESS AT HIGHFIELDS, STOKE ROAD, STOKE ST MARY
12. TAUNTON - 38/2006/355
ERECTION OF DWELLING ON LAND REAR OF 103 GALMINGTON ROAD, TAUNTON
13. TRULL - 42/2006/028
ERECTION OF 2 NO. DETACHED DWELLINGS AND ALTERATION TO EXISTING ACCESS BETWEEN 5 AND 6 BARTON GREEN AT LAND ADJOINING BARTON GREEN, TRULL
14. TRULL - 42/2006/031
CONVERSION OF LOFT AT 3 NEW ROAD, TRULL
15. BURROWBRIDGE - 51/2006/008
CHANGE OF USE FROM A BARN TO FORM ANCILLARY ACCOMMODATION AT HALES FARM, BURROWBRIDGE AS AMENDED BY LETTER DATED 14TH AUGUST, 2006 WITH ATTACHED DRAWING NO. 2006/1/3A
16. E364/21/2005 - Display of Christmas Tree advertisements and directional signs for Langford Lakes Christmas Tree Farm, Langford Budville, Wellington. Enforcement item
17. E322/48/2006 - Travellers camped within the Children's Wood, Bathpool, Taunton. Enforcement item

G P DYKE
Member Services Manager
04 October 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:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

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

07/2006/017

TAUNTON AND DISTRICT BEEKEEPERS

DEMOLITION OF HUTS AND ERECTION OF NEW BUILDING FOR TAUNTON AND DISTRICT BEEKEEPERS, THE TEACHING APIARY, HEATHERTON PARK, BRADFORD ON TONE AS AMPLIFIED BY AGENTS E-MAIL DATED 12TH JULY, 2006 AND AS AMENDED BY AGENTS LETTER AND ACCOMPANYING PLANS RECEIVED 19TH JULY, 2006

317143/121905

FULL

PROPOSAL

The proposal seeks the demolition of an existing building (measuring 9.2 m x 6.1 m) the replacement of a larger building measuring approximately 20 m x 6 m. The building will be used as a meeting room and to store machinery and equipment. The ridge height measures 4.2 m rising to 6.2 m for the storage element of the proposal. Materials to be brick and artificial slate.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY as application for replacement building/hut and there will be no intensification above or beyond existing traffic generation, unreasonable to raise highway objection. Condition personal permission, permission for specific use only.

LANDSCAPE OFFICER proposals are likely to damage root systems of two oak trees that contribute to overall amenity of area. Is it possible to orientate building to reduce its tree impact? CONSERVATION OFFICER potential concerns: impact on setting of principal listed building - on approach to the latter; too many materials, simplification required; roofing material inappropriate; question need for height of storeroom; fenestration to north elevation inappropriate; clarification required re additional apiary area. DRAINAGE OFFICER no observations,

PARISH COUNCIL no objection but concern at use of brickwork. Conditions in any planning permission should include:- no reduction in amount of car parking; windows should be brown upvc; building for beekeeping only and cannot be any type of dwelling; any services underground.

EIGHT LETTERS OF OBJECTION have been received raising the following issues:- building should be wooden and size remain the same; windows should be wooden; upvc and steel roller shutter door insensitive and impacts upon rural nature of Heatherton Park; large building, appearance of a bungalow with a high garage; detrimental to area; frontage dominates area; not against a new apiary, should blend in and not stand out; would object to removal of any trees; larger number of vehicles will be encouraged; currently difficulties in passing site when meetings held due to parked cars on verge and occasionally road, compromising ability of emergency

vehicles reaching Heatherton Park House; if more vehicles more pressure on junction with A38; detrimental impact to Heatherton Park's residents; access from privately owned and maintained driveway; is there a requirement for such an industrial scale building; no objection to use, concern that uses could intensify vehicular use and impact on setting of listed building; application should be conditioned to apiary/agricultural use only; concern over size of store and impact on listed building; more screening; cast iron or dark grey guttering and down pipes more appropriate; the apiary may require listed building consent

POLICY CONTEXT

The criteria of Policy S1 of the Taunton Deane Local Plan is relevant in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area. Policy EN16 affects any harm to the setting of a listed building.

ASSESSMENT

Amended plans have been received showing how the foundations of the building will be constructed, which have alleviated any concerns the Landscape Officer had. Amended plans/details have also confirmed that the building will be constructed of brick to reflect existing agricultural buildings within the area, and that the storeroom height is needed to enable storage of equipment off the floor area, as vehicles with trailers will need to enter the building to load/offload hives which requires a clear floor area.

The site is set within Heatherton Park, set back from the access road leading to Heatherton Park House. The proposed building is larger than the existing and set back further from the road. The use of brick and artificial slate will reflect materials within the area. Existing large mature trees, making it difficult to be seen from Heatherton Park House, would screen the proposed building. Due to the siting of the building and existing screening, the proposal is considered not to have a detrimental impact on the setting of the listed building.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, no other use. Notes compliance.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm visual or residential amenity, highway safety or harm the setting of the listed building in accordance with Taunton Deane Local Plan Policies S1, S2 and EN16.

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:

09/2006/010

MR K E THORNE

ERECTION OF CATTLE SHED AND FEED STORE AT LAND AT WEST BOVEY, WATERROW, WIVELISCOMBE, AS AMPLIFIED BY ELEVATION DRAWINGS RECEIVED 24TH AUGUST, 2006 & APPLICANT'S LETTER RECEIVED 27TH SEPTEMBER, 2006

304590/125120

FULL

PROPOSAL

Permission is sought for the erection of two agricultural buildings for the purposes of cattle shelter and feed store. The holding consists of 21 acres situated to the north of the B3227 and West Bovey Farm. There is an existing access and field gateway to the site. The site has an elevated position in an area of undulating open countryside.

The buildings would be constructed around a steel portal frame. The end walls of the livestock building would be clad with Yorkshire boarding from 2.0 m high, with concrete blockwork below, whereas the storage building would feature grey profile sheeting. The proposed dimensions are 24.0 m in width, depth 9.0 m with a mono-pitch roof measuring 6.0 m at its highest point. The cattle building would be open fronted. To the north east of the site is a designated Wildlife Site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations. ENVIRONMENT AGENCY no objection in principle subject to a number of specific requirements.

LANDSCAPE OFFICER given the proposed excavation of ground levels and landscaping it is considered that the proposed cattle shed and feed store will be well screened within five years. There will be some impact for the first few years but with the excavating and mounding this should be kept to a minimum and only from more distant views. ENVIRONMENTAL HEALTH OFFICER no objections. AGRICULTURAL DEVELOPMENT OFFICER supports the proposal. DRAINAGE OFFICER the applicant should be advised that surface water treatment system, such as soakaways, should be installed.

PARISH COUNCIL this is not a viable acreage to accommodate animals. Our concern stands about the narrow, steep access roads, no water or electricity, and disposal of slurry. The high buildings on top of the hill will be visible over a wide distance and the slow growing screening plants (oak) will be ineffective for many years. How can the cattle be looked after when the applicants do not live locally. It would set a precedent for any landowner to site a caravan – then a house – in open countryside.

TWO LETTERS OF OBJECTION have been received raising the following issues:- what facilities are being constructed for the storage of animal and forage wastes and

their disposal; risk of surface run off due to the topography of the land; site located near an area of water extraction for human consumption which needs to be protected; having purchased Woodworthy Farm, a failed agricultural unit of 30 acres, with house, large cattle court and converted barn/milking parlour concerned that the proposal would be unviable unless intensively worked requiring on site staffing; visual impact upon amenity of Woodworthy Farm; how will the stock be cared for; how would the infrastructure cope; what will happen if the agricultural use ceases?

ONE LETTER OF SUPPORT has been received:- been in direct contact with the applicant and is satisfied that the proposed waste management plan and stocking levels are acceptable; furthermore, any investment in agriculture of whatever scale should be supported.

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages), EN3 (Wildlife Site) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), and EN12 (Landscape Character Areas).

ASSESSMENT

The primary issues in the determination of the application concern the visual impact of the proposed development on the rural character and appearance of the area, its need for an agricultural enterprise, access and services.

The site is located in open countryside and designated Landscape Character Area. As such special consideration should be given to preserving and enhancing the natural beauty of the area. Government guidance contained with PPS7 states, inter alia, that all development in rural areas should be well designed..., in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. The main issue for consideration is whether the proposed building would be so visually prominent and intrusive as to harm the rural character and appearance of the area to warrant a refusal.

The requirements of agricultural needs are changing and priority must be to ensure that any new agricultural building is a good quality functional building to satisfy modern farming practices, whilst ensuring the building is so sited as to have limited impact upon the visual appearance of the countryside.

The proposed buildings would be dug in and set against the hillside, providing a backdrop, which would help to reduce the visual impact. The proposal comprises two

buildings in an L shaped arrangement to break up the bulk of the development. Cut and fill techniques would be employed to achieve a level platform integrating the new buildings into the sloping site.

The proposed building is considered to be acceptable in its design in an agricultural setting. The main elevation of the building that would be seen will be finished in traditional Yorkshire boarding. The landscape officer considers that the proposed buildings subject to suitable landscaping can be assimilated into the landscape without being unduly prominent or intrusive in this location. This would incorporate the spoil left over from excavation to create new banks with native species around the building to help soften the buildings outline and anchor it in the landscape. A landscaping condition is recommended to be imposed.

The Parish Council express concern that the proposed cattle store will require supervision and the applicants do not currently live in the area. In essence, it is claimed that the proposed building will be used ultimately to seek an application for an agricultural workers dwelling on this site. Whilst the concerns of the Parish Council are noted, members will be aware that each application needs to be assessed on its planning merits and that any future application for a dwelling would need to meet the functional and financial requirements set out in Annex A of PPS7 (Sustainable Development in Rural Areas) and the wider planning policies of the Development Plan.

The proposed site consists of an agricultural holding of 21 acres and is currently used for the grazing of cattle. The proposed building would provide shelter for approximately 25 young cattle during the winter months and food storage. In addition the applicant also has additional cattle elsewhere on rented land. The Agricultural Development Officer states that for the stocking rate the proposal is highly desirable (particularly bearing in mind welfare and Cross Compliance Regulations) for these cattle to be housed during the winter months. The applicant currently visits the site daily whilst actively looking to re-locate to the locality.

The applicant has advised that a new soakaway will be formed to deal with all clean water. Due to the topography of the area and following discussions between the applicant and the Environment Agency manure will be removed from the holding by a local contractor to be spread on local farms. The applicant also confirms that an agreement has been reached with Western Power to connect to mains electricity with the works services underground.

The Environmental Health officer has considered the impact of the livestock building upon the amenities of the area, bearing in mind that the building would be within 400 m of other properties in West Bovey but has not objected to the scheme.

There is already an existing access which serves the field. The Highway Authority raises no objection to the proposed development.

It is recommended for the reasons outlined in this report that the proposed agricultural buildings would not harm the character or appearance of the countryside. The proposed landscaping scheme would help to assimilate the development into

the wider landscape and as such it is recommended the application be approved subject to the conditions detailed below.

RECOMMENDATION

Permission be GRANTED subject to following conditions of time limit, landscaping, buildings to be removed if agricultural use ceases, samples of materials, details of surface water run off and services to be positioned underground.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon visual amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, S7 and EN12 and Somerset & Exmoor National Park Joint Structure Plan Review Policy STR1 and Policy 5.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES

09/2006/011

MR AND MRS J H DAVEY

ERECTION OF 2 NO HOLIDAY LODGES AND FORMATION OF NEW ACCESS AT PINKHOUSE FARM, WATERROW, AS AMENDED BY LETTER DATED 17TH AUGUST, 2006 TOGETHER WITH DRAWING NO. R0652/03 AND LETTERS DATED 30TH AUGUST, AND 4TH SEPTEMBER AND WILDLIFE SURVEY DATED 12TH SEPTEMBER, 2006.

304179/125346

FULL

PROPOSAL

It is proposed to construct 2 timber chalets in a field to the north of the existing holiday lets at Pinkhouse Farm. The site is to the north of the field which is on quite steeply sloping land with pond area and woodland to the west. Plans indicate a new vehicular access in the existing hedgerow. There are two trees to the east which are within the red line area. The site is located in an area where there is apparently a high demand for holiday lets, the applicants claiming that they are often at capacity with their existing cottages, and have to turn people away. They have sited the buildings away from any trees and have shown the access where the hedge is at its lowest. They wished to avoid a track across the field.

Agent is member of staff's partner.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY would require improved visibility splays or an alternative point of access.

LANDSCAPE OFFICER concerns are the loss of existing hedgerow to meet visibility splays, and landscape impact on the wider countryside. Appropriate levelling, and additional landscaping needed; loss of hedgerow would be more difficult to overcome in the shorter term. NATURE CONSERVATION AND RESERVES OFFICER possible dormouse area; badgers dormice and nesting birds may be affected, may be great crested newts in the adjacent pond. A Wildlife survey is required. TOURISM OFFICER supports, happy that the applicants have proven the demand for new units. DRAINAGE OFFICER percolation tests needed, Environment Agency consent needed.

PARISH COUNCIL originally objected due to amount of tourist accommodation in the area, but on receipt of additional information and amended plans – does not object/supports.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1, S2, S7, EN6, EN12 and EC24.

ASSESSMENT

The chalets would be located in an area with great views, but will themselves not be visible other than from the immediate access. The Parish now do not object to the proposal; the landscape officer's comments are noted, thus the amount of hedgerow to be removed is to be minimised, but this will result in the County Highway Authority's suggestions that there are greatly increased visibility splays not being provided. It is considered that this is a very rural area, and large splays are out of character, although a note is suggested to advise users of the accommodation to take care on the country lanes. The Wildlife survey has shown there to be no protected species in the area, thus there is no need to provide any mitigation measures. In conclusion, the proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, drainage, materials for drives, trenches under trees, gates, removal of unused chalets, landscaping, archaeology, PD restrictions, time restrictions for holidays. Notes re care in the lanes, drive not to be loose materials

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: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

10/2006/021

MR & MRS P PARTRIDGE

ERECTION OF TWO HOLIDAY CABINS AND ONE TIMBER BUILDING FOR STABLES/STORE AND GAMES ROOM AT BLACKMORES PADDOCK, STAPLEY

318756/113498

FULL

PROPOSAL

The application is for the erection of two timber holiday cabins and a separate timber store/stables and workshop/games building to replace the existing stables in the paddock at Blackmores. The holiday accommodation provides up to 3 bedrooms in each building and letting agents have been contacted to help ensure the viability of the project. The building is designed to be eco-friendly with a partial green roof and solar panels incorporated to heat the bulk of hot water needs. It is intended the construction would be of natural and recycled materials from timber walls to sheeps wool insulation. A wood burner would provide additional heat if required.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the comments and recommended conditions on the previous application 10/06/003, apply equally to the present application. It must be largely a planning matter as to whether or not this site is suitable for development of this type. From a transport point of view it is an unsustainable location and as a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. However as it is for tourism development it may not be an inappropriate location in transport terms. Notwithstanding the above comments it must be a matter for the Local planning Authority to decide whether any overriding planning need outweighs the planning policies that seek to reduce reliance on the private car. In detail visibility at the access is satisfactory due to a wide highway verge. Conditions recommended re visibility, parking/turning, hardsurface access, gates set back, gradient and surface water disposal.

LANDSCAPE OFFICER subject to management and reinforcement of the existing northern boundary hedgerow and new planting between the hedge and new buildings it should be possible to integrate the proposals into the local landscape in line with policies EN10 and EN14. ECONOMIC DEVELOPMENT MANAGER no comment to make.

PARISH COUNCIL strongly objects and questions the viability of such a project, the impact of such structures and sequential traffic on the AONB, the ability of local infrastructure to absorb the development along the lines proposed. The Council would like to see permission refused.

1 LETTER OF OBJECTION has been received raising the following issues:- existing holiday accommodation within 100 m of 2 chalets with 10 bedrooms and shows limited lettings; no demand would lead to an application for residential occupation; a recent application for 6 holiday chalets indicates that there is an oversupply of such accommodation; letters from letting companies do not justify development in the AONB; this will exacerbate flood risk with increased run off; will add to noise and disturbance to this small community; screening will be difficult and it will not be unobtrusive; building and cars will damage ecology.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Rural Centres and Villages, POLICY 3 – Areas of Outstanding Natural Beauty, POLICY 23 – Tourism Development in the Countryside, POLICY 48 – Access and Parking, POLICY 49 – Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, S7 – Outside Settlements, EC24 – Camping, Caravans and Holiday Chalets, EN6 – Protection of Trees, Woodlands and Hedges, EN10 – Areas of Outstanding Natural Beauty, EN12 – Landscape Character Areas.

ASSESSMENT

The proposal is to provide two holiday units in this rural location within the Blackdowns Area of Outstanding Natural Beauty and replaces an untidy timber stable building. The site is set off the road and is screened by a natural boundary hedge and bank. The Landscape Officer considers the scheme can be adequately screened and integrated into the landscape with new planting inside the hedge.

The scheme has been designed as a low key eco-friendly development providing two disabled accessible units and is considered to comply with policy S2. In policy terms this development has to be considered in light of policy EC24 of the Local Plan. The buildings proposed are set into the ground and are only 4 m high. They are set back behind the boundary hedge and the visual impact of the site and surroundings is considered acceptable and not to harm the character of the area. The buildings are located on the plateau area at the top of a valley slope and are not in an area of flood risk.

Viability has been raised as an issue. However, this is not referred to in the policy and it could be argued that if not viable in the long run the business will fail. In this circumstance as long as there is ability to secure removal of the chalets when no longer required it is considered that this addresses the need to protect the area from unviable development.

The Highway Authority has identified the access as being off a classified unnumbered road where the visibility is satisfactory. While this site is in a rural location the benefit of the rural economy in this area has seen other similar developments granted, including a larger development at the nearby Paye Plantation. In the circumstances it would be inconsistent to resist this small scale

development which is considered to be more in keeping with the area. The proposal will not lead to significantly more traffic, lead to a greater flood risk or create a detrimental visual impact and it is therefore recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, holiday use, removal if no use within 24 month period, no occupation before treatment plant complete, access visibility, parking/turning, hard surface at access, gates set back. Notes re water and energy conservation, Environment Agency licence and manure heap.

REASON(S) FOR RECOMMENDATION:- The scheme is considered a small scale development not harming the character of the AONB and to comply with Taunton Deane Local Plan Policies S1, S2, EC24, EN6 and EN10 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:

18/2006/005

ERECTION OF GARAGE DOOR & INTERNAL PARTITION TO CAR PORT AT 9 HALSE MANOR, HALSE, TAUNTON AS AMPLIFIED BY LETTER AND PLANS RECEIVED 31ST AUGUST, 2006

313873/127896

FULL

PROPOSAL

Planning permission is sought for the insertion of a garage door to the middle of a three bay car port within the curtilage of Halse Manor, a grade II listed building. The external door would be of a 'ribbed' design constructed of steel, finished in black. In addition the applicant proposes to install internal partitions to form an enclosed garage space to provide secure provision for the parking of his vehicle. The exterior flank walls would be faced with 'superflex' boards to be stained to match those of the existing door to the rear of the car port.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER no objections, proposed materials are acceptable.

PARISH COUNCIL do not object to the proposal given that TDBC have to approve the proposed style and colour of the doors, the Parish Council would wish to ensure that any future garages are converted in a consistent manner.

SIX LETTERS OF OBJECTION have been received raising the following issues:- set a precedent giving rise to different designs of door and colours; visual impact; building may be used for storage; detract from open nature of the car port; out of character; detract from the setting of a grade II listed building; the whole block should be converted at the same stage in matching materials.

ONE LETTER OF REPRESENTATION has been received from Halse Management Limited and on behalf of three other leaseholders stating that whilst they do not object in principle to the conversion it would be preferable that planning permission had been requested for all three car ports to be modified so that the resulting change would be uniform and in keeping with the general character and style of Halse Manor. Converting only one of the car ports would not meet this.

POLICY CONTEXT

Planning Policy Guidance Note (PPG15): Planning and the historic environment.

Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy EN16 & EN17 of the Taunton Deane Local Plan.

ASSESSMENT

The building is located within the grounds of Halse Manor, a grade II listed building. The Manor House has been sub-divided to form a number of residential units. The application relates to the middle of a three bay car port, sited to the rear (west) of the Manor house. The existing car port is constructed of timber with a slate roof. There are an additional two car port blocks within the grounds of the Manor House.

The main issue in the determination of the application is the effect of the proposed works on the special architectural or historic interest of the listed building. The overriding concern of residents would appear to be that the proposed works would appear out of character and detract from the visual appearance and setting of the listed building and if conversion were to take place that development should be managed to ensure that a consistent approach is taken to ensure the works would appear sympathetic to the listed building.

Whilst the concerns of the local residents and management board are noted, it is considered that the car port, which is sited to the rear of the listed building and not readily visible from the entrance to the property, would have no material impact upon the overall character of the listed building. Moreover, the Conservation Officer has raised no objection to the proposed works.

With regards to the second issue, whilst the concern of residents is well intentioned, the Planning Authority must determine the application before it on the basis of the information submitted. The Conservation Officer has expressed no objection to the proposed works and is satisfied that the proposed materials are acceptable. However, the need to ensure consistency with regards to future development of the same kind will be a material consideration for future conversion applications, should they be submitted, to ensure that the proposed materials are acceptable in the interests of the visual appearance of the area and its impact upon the setting of the listed building.

One letter of representation has sought clarification that the correct certificate has been signed and that the applicant is the sole freehold owner of the car port. The applicant has responded and confirmed in writing that this is the case.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposed works would not harm the character or appearance of the listed building and as such conforms with the provisions of Taunton Deane Local Plan Policies EN16 & EN17 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9 and guidance within PPG15 – Planning and the historic environment in respect of works within the curtilage of a listed building.

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

NOTES

24/2006/023

MR P ORCHARD

SITING OF 2 EXTRA MOBILE HOMES AND 2 EXTRA TOURING CARAVANS AT LONGACRE, ROCKHILL, WRANTAGE

332233/123069

FULL

PROPOSAL

The application site is rectangular piece of land measuring approximately 30 m long x 25 m wide situated at the rear of a long and narrow piece of land (just under 1 acre in size) that runs approximately north- south. Its access lies at the northern end of the site off the A378, Wrantage to Langport road. There are hedgerows around the site, except at the point of access, and it is set within a large agricultural field that is in separate ownership. The site is in the foothills of the North Curry Ridge Special Landscape feature.

Planning permission was granted on appeal in July 2002 for the siting of 2 mobile homes and two touring caravans for the personal use of gypsies, Mr and Mrs Peter Orchard and Mr and Mrs Joe Orchard and their families.

This application is for the siting of an additional 2 mobile homes and two touring caravans for use by their son, Mr Michael Orchard, and daughter, Sophie Smith, and their families. Both applicants have submitted personal details that establish their gypsy credentials and links to Mr and Mrs Peter Orchard. The additional caravans and tourers would be sited at the rear of the site in the former "paddock" where the stables had been.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is remote from services and derives access direct from the A378, a county route with substantially sub - standard visibility. It is within a 50 mile per hour restricted area where visibility splays of 160 m would normally be required. On site inspection on 18th July, 2006 it was only 50 m (appropriate for speeds less than 30 mph). The planning Inspector, when allowing the appeal noted that the site was not in a sustainable location and caused significant harm to highway safety. On allowing the appeal he accepted that the harm that would arise would be outweighed by the substantial need for a gypsy site for the family. In conclusion the highway objections remain and I recommend the refusal of the application as it derives direct access from a county route, does not provide adequate visibility and is in a non-sustainable location. COUNTY EDUCATION OFFICER no comment received. COUNTY GYPSY LIAISON OFFICER attended a site meeting with the applicant and is happy to confirm that he regards the new occupants to be bonafide gypsies who would form an extended family unit on the site. He has also confirmed that he considers there is adequate space on the land to site an additional two caravans and touring caravans.

LANDSCAPE OFFICER views awaited. POLICY OFFICER no observations to make. ENVIRONMENTAL HEALTH OFFICER views awaited. HOUSING OFFICER need to investigate situation if likely to become homeless if not approved.

PARISH COUNCIL do not support this application as it was granted subject to strict conditions of two caravans and touring vans only, and no wavering of the conditions should be allowed.

WARD COUNCILLOR STONE the site is located in open countryside with no services in walking distance and no pavements along the busy A road; North Curry Parish has made more than a reasonable contribution to provision for gypsy families, including the nearby hamlet of Wrantage with considerable provision in the area; recent land ownership changes at Lords Wood mean that the condition set on this site are also in danger of being violated so compounding the problem; this represents an attempt to totally overrule two inspectors decisions and bring the system into disrepute.

8 LETTERS OF OBJECTION from 9 local residents have been received raising the following issues: - the caravans should have been painted green, the only one that was, being removed a short time after; the adjacent landowners hedge was cut without permission; 4 extra caravans moved onto the site 3 months ago and were only recently removed for this application; the mobile homes have been vacant for months; an additional two pitches will reduce house prices; planning permission was refused for a new bungalow in the area; planning rules should be applied equally regardless of class, race or religion; the planning appeal recognised that it was detrimental to the landscape, environment, highway and safety of the area and an increase in the development and traffic associated with it will be increasingly detrimental; neighbouring kennels refused planning permission for a mobile home as it was on the base of the North Curry Ridge; placement of the mobile homes on the site is likely to intrude onto neighbouring land against the owners wishes; additional caravans have been put on the site contrary to the planning permission the caravans and mobile homes have not been painted a sympathetic colour; this site has become an overflow for families from Oxen Lane with problems shifted from one site to another; council housing should be provided if there is a need; it is an extremely small piece of land and more vehicles will make it more unsightly and unable to sustain the number of people resident upon it; the applicant has given a false name; the additional occupation will cause unacceptable harm to the environment and highway safety; the eastern hedge was to be retained but has been replaced by a timber fence due to fire damage; the mobile home has been placed in a more prominent position; the and was to revert back to agricultural when vacated by the Orchards.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, Policy 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 - Gypsy and Traveller sites, EN11 - Special landscape Features.

Executive report dated 3rd 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

Planning permission was granted in 2001 against the accepted view that the development “ causes unacceptable harm to the character and appearance of the area and significant harm to highway safety” The inspector weighed this harm against the education and health needs of the family and considered that the applicants needs were paramount. I see very little difference in that argument for this application except that Government Circular 1/2006 has downgraded the considerations of sustainable location, and impact on locally designated sites in importance. The circular states that local landscape designations should not be used in themselves to refuse planning permission. The site is situated on the foothills of the Five Head ridge. Generally there are good hedgerow boundaries around the site that help to assimilate the site into the surrounding area. The Inspector conditioned that caravans were coloured to reduce the visual impact of the caravans on site but did not condition that they should remain as such thereafter. One of the site caravans was painted green to the approval of the planning authority but was subsequently replaced with a newer unit that was not green. There is now no ability to control the colour of those caravans on the site. In my opinion the additional impact of the extra mobile homes and touring vans will not be significantly worse than at present and the retention of the boundary hedges at the current height will continue to help screen the impact from wider view.

The County Highway Authority maintains their original objection to occupation of the site. Visibility splays are inadequate for the speed of traffic along the adjacent A378 and it is considered that the additional traffic movements associated with the new units will create an unacceptable highway danger. Advice in Circular 1/2006 does not suggest that highway safety should be compromised to allow gypsy sites however Para 66 states that “modest additional daily vehicle movements.... would not be significant.” Taking into account the previous inspector’s conclusion that the personal need of the gypsies outweighed the highway danger of the site and balancing this with the current need for a permanent site for the two new families and the acceptance that gypsies often live and travel in extended family groups and that this should be accommodated where possible, within provision of sites for gypsy families (Para19 of Circular 1/2006) I consider that the proposal is acceptable in this case.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, occupation restricted to Mr Michael Orchard, son of Mr Peter Orchard, Mrs Sophie Smith, Daughter of Mr P Orchard, their partners and dependant family, hedge reinstatement, parking and turning area for 2 vehicles, details of external lighting, existing hedges on the west east and south boundaries to be retained, removal of permitted development rights for fences gates and ancillary structures. Notes re the entrance and access conditions applied on the earlier planning permission 24/2001/022 continue to apply to the remainder of the site.

REASON(S) FOR RECOMMENDATION:- In accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan policy H14(as amended).

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:

27/2006/015

MR HABIB FARBAHI

ERECTION OF A HORTICULTURAL NURSERY AT LAND SOUTH OF HARRIS'S FARM, HILLCOMMON, TAUNTON AS AMENDED BY AGENT'S LETTER AND DRAWING NOS. HLCM/03 REV B, 04 REV B, 05 REV B, 06 REV B, 07 REV B, 08 REV B, 10 REV B RECEIVED ON 12TH SEPTEMBER, 2006 AND BADGER SURVEY SUBMITTED 19TH SEPTEMBER, 2006 AND FURTHER AMENDED BY APPLICANT'S E-MAIL DATED 19TH SEPTEMBER, 2006 AND DRAWING NO. 18274/001/5K01A AND E-MAIL DATED 29TH SEPTEMBER, 2006

315691/126072

FULL

PROPOSAL

This amended proposal relates to the erection of a horticultural building measuring 25 m x 20 m x 8.5 m to the ridge. A new access is also proposed from the B3227 incorporating visibility splays of 168 m in an easterly direction and 131 m in a westerly direction.

This proposal follows previous application 27/2006/009 for a garden centre building measuring 42.8 m x 25 m, which was withdrawn dated 14th July, 2006. The current application was submitted with the same size building as previous but stating that it was for horticultural purposes instead of a garden centre. However the building has subsequently reduced in size and first floor accommodation removed. The access has also been amended to provide greater visibility in a easterly direction.

The application is accompanied by a Traffic Impact Assessment which concludes that the proposal will not be prejudicial to highway safety and a wildlife survey that shows no protected species occupying the site. In light of the Highway Authority's initial comments the proposed access was amended following a speed survey to calculate the required visibility in an easterly direction. The applicants Transport Consultants survey consisted of "100 readings in free flow conditions, as is standard practice and we have found that the wet conditions 85th percentile speed (i.e. Highway Design Speed) at a location at the end of the extents of Mr Fabahi's land (i.e. within Mr Fabahi's ownership, and therefore within the potential visibility splay) is 49 mph. This is not a surprise, given that road users familiar with the road layout know that they are approaching the 40 mph limit and are already slowing down. If we move the proposed site access junction to the west we can achieve visibility of 165 m to the east towards Taunton, (which is in excess of the 160 m required for a 50 mph limit), whilst still maintaining the required visibility to the west."

In response to the Planning Policy units comments in respect of the revised scheme the applicant has confirmed that retail sales are not proposed, other than the ancillary items to complement products grown on site. The applicant has also confirmed that the building size is required for secure protection for machinery and products alike.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY (in response to the original submission) The proposed development site is located outside of any development limit and therefore remote from any urban area and is considered in transport terms, an unsuitable location. As a consequence, staff and customers of the new development are likely to be dependant on private vehicles and such fostering of growth in the need to travel would be contrary to Government advice. In addition to the sustainability issues, the proposal would be contrary to Policy 49 as it would derive access from the B3227 which is defined as a County route in the Somerset and Exmoor Park Joint Structure Plan Review. This stretch of highway is not only well utilised but also a fast stretch of highway, and the proposed point of access is to be sited at the point where the speed limit changes from national speed limit to that of 40 mph. At present, the speed limit is 40 mph eastbound, and unrestricted 60 mph westbound. This means that visibility splays of 4.5 m x 215 m are required in this direction. The plan accompanying the application, 18274/001/SK1, shows a 9 m x 120 m visibility splay. This is acceptable for the 40 mph speed limit but not acceptable for the 60 mph. The developer proposes the lower visibility splay on the basis that he is prepared to pay for a reduction in the speed limit. In March 2004 the Somerset County Council speed policy was revised and buffer zones are no longer used as a standard format on the entrance to a 30 mph speed limit. Department of Transport guidelines for setting local speed limits places the emphasis on speed limits being evidence-led and self-explaining. A key factor when setting a speed limit is what the road looks like to the road user. Where motorists do not understand the reasoning behind a speed limit or it is unrealistically low, it is likely to be ineffective and lead to disrespect for the speed limit. The 40 mph buffer zones for the 30 mph limit at Hillcommon are an example of where the speed limit is not being adhered to and simply to increase its length, because you do not have the required visibility distances, is not appropriate. The Highway Authority has great concern over the proposal in terms of its location and the fact that access proposals are inadequate bearing in mind the speed of traffic on the B3227. I would recommend the refusal of this application for the following reasons:- 1. The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor car and comprises unsustainable development which is contrary to the advice contained in PPG 13 and the provisions of STR1 of the Somerset Structure Plan. 2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a county route and no overriding special need or benefit has been substantiated for the proposed development on this specific site. 3. The proposed access to the development does not incorporate the necessary visibility splays which are essential in the interests of highway safety. 4. The site has insufficient frontage to the B3227 to enable an access to be satisfactorily laid out incorporating the necessary visibility plays which are essential in the interests of highway safety. (In response to the amended plans) With regard to drawing 18274/001/SK01 rev A showing an amended access this is now acceptable based on the 85th percentile speeds shown in the Transport Consultants latest report. This will enable me to withdraw reasons 3 & 4 set out in my letter to TDBC on 14th September, 2006. This now only leaves the two Policy Reasons 1 & 2. Should the Local Planning Authority recommend approval, conditions will need to be applied. COUNTY ARCHAEOLOGIST no

objections. RIGHTS OF WAY any alteration to the footpath, route or surface, must be authorised by the County Council. The path must remain open and unobstructed at all times. ENGLISH NATURE the initial wildlife survey showed that badgers may be present within the site however the additional badger survey shows no species present. No objection.

LANDSCAPE OFFICER (in response to the original submission) the proposed building is large for a nursery building and will need considerable planting to provide proper mitigation. The proposed planting is acceptable in principle but needs amending to meet planning policy EN12. (In response to the amended plans) I would prefer to see a simpler more agricultural form of building to fit in with the rural character of the area but subject to revisions to the detail of the landscape it should be possible to reduce the impact of the building to meet EN12. NATURE CONSERVATION AND RESERVES OFFICER agree with English Natures comments. FORWARD PLANNING UNIT (in response to the original submission) This application mirrors application 27/2006/009, which was recently recommended for refusal prior to being withdrawn. The only obvious 'difference' is that the application description is now given as a 'Horticultural Nursery' rather than 'Nursery and Garden Centre'. Consequently the applicant states that policies EC7, EC20, PPG/S6 and PPG13 which were the reasons for recommending refusal, are no longer relevant. However, the details on the application form specifies 1642 sq. m. retail trading floorspace (as was the previous application) and the accompanying letter refers to "all production (being) sold on site to the public" . It is therefore considered that the applicant still proposes a 'garden centre' type operation by any other name. Whilst there is no objection to the principle of horticultural use of this land it is clear that the proposed use remains essentially retail. The proposed use by virtue of the scale of buildings proposed (1642 sq. m. being similar in size to BHS in North Street Taunton) and location in open countryside beyond any defined settlement limit and distant from any town or rural service centre remain contrary to policies EC7, EC20, S7, PPG6/S6, PPS7 and PPG13 and should continue to be resisted. Finally as also stated in the previous application, it is not considered that a successful argument could be advanced to over-ride policies due to 'need', even if more sequentially accessible and environmentally acceptable sites were not available. Within the west Taunton area there are already a number of operations selling plants (and other garden supplies) at Silk Mills, Wellington Road and Norton Fitzwarren. It is recommended that this response is read in conjunction with the comments on application 27/2006/009 which provide greater detail on the policy references made above. (In response to the amended plans) Further to the revised proposals for the 'Horticultural Nursery and Polytunnel' proposal, I would make the following additional comments: Firstly, Regarding the applicants letter of 11 September 2006 stating the building proposal was a result of joint consultation with the Planning Department, I would respond that the Forward Plan Team have not been contacted by the applicant, so from a policy perspective our advice has been consistent with regard to the use for which the building. The letter of 11 September 2006 requires the decision on the application to be based "on planning grounds, facts and reasoning...". The Forward Plan unit fully concurs with this, since the 2004 Planning Act re-establishes the need for decisions to be based on a Plan led system. The proposal has clearly been for a primarily retail facility (even though the description was changed in part, but not all of the application) which is contrary to the policies contained in Forward Plan comments made on this application (27 June

and 23 August). Whilst the revised proposal shows a much reduced building (c500 sq m as opposed to c1600 sq m previously), the issue still remains as to what the site and buildings will be used for. The application refers to retail sales in the description of the buildings use in the application form. Previous policy objections would still apply to the reduced buildings. However, this could perhaps be overcome if the use of the building was specifically conditioned to exclude any retailing. If the use is in reality a "horticultural nursery" this should not be an issue as the building would be used for storage of equipment and materials etc. Any incidental retailing could take place in the polytunnels, as happens in other 'nurseries'. My concern stems in part from previous approvals where nursery buildings have gradually evolved into garden centres, such as Blackdown on Wellington Road. Finally, this should really also require a change in appearance of the building frontage. Storage of machinery etc does not usually require a "Feature Entrance" which is more akin to a retail use. This is not a feature of agricultural buildings and would be incongruous in a rural/outside settlement limit area. DRAINAGE OFFICER no objections. Notes regarding surface water.

PARISH COUNCIL (in response to the original submission) - objects on the grounds that it is not in keeping. We also object on grounds of excess traffic impact and on impact to wildlife. The building is far too large for what is required for a nursery and we believe this to be against local Council policy. No response has been received from the Parish Council in response to the revised plans however the item is due to be discussed at their meeting on 10th October, 2006, the comments of which will be produced on the update sheet for Planning Committee.

8 LETTERS OF OBJECTION have been received in response to the original submission raising the following issues:- detrimental visual impact in a field with no other buildings; the proposed large two storey building is inappropriate to the area in what has always been agricultural land; this construction would spoil the outlook from all sides and intrude on the pastoral scene; a horticultural nursery surely requires glasshouses, not a big "shed"; if the applicants is in fact intending to expand from a nursery into a garden centre, (as has been done at Blackdown Nursery & Garden Centre on the A38 near Chelston) then surely the application should be refused for this?; it would be inappropriate for a retail centre on agricultural land, the large area of land would become covered in the ancillary items attached to Garden Centre, the B3227 would become busier and further speed restrictions would have to be implemented and inevitably there would be more light pollution, unsightly signs, adverts, all liable to distract drivers as they approach the Oake cross-roads; the building is outside any settlement limit; major road where cars and motor cycles travel very fast where there have been many accidents and a few deaths; the speed restrictions are seldom observed; the road is used by youngsters walking to and from school and there are no pathways along this stretch; another large nursery is not needed, we already have Wyevale, Monkton Elm, Littlebrook, Blackdown View and a nursery at Preston Boyer and the Oak to Bradford On Tone road near Hillfarrance; it is an exact repeat of application 27/2006/009 except called a nursery not a garden centre and this is how the applicants obtained planning permission for a Garden Centre by first applying for a nursery – re policy EC20; PPG6 and PPG13 require retail to be within settlement limits; prejudicial to highway safety; the thin end of the wedge towards a garden centre; the building is inconsistent and beyond the needs of a nursery; the first floor windows directly overlook our adjacent land; the building is

not predominantly glazed and clearly unsuitable for the propagation of plants; it is the applicants stated ultimate intent to have holiday/camping accommodation so where will the room be for growing plants so is this about horticulture at all?; if 250 tents are allowed on the site these temporary structures will become established and this is a short step to permanent structures on the site; detrimental to landscape and amenity due to security lighting and noise; the screening trees would be so high as to block our views of the Blackdowns which are enjoyed by residents and walkers; care should be taken to ensure that the public footpath is not impeded.

7 LETTERS OF OBJECTION have been received in response to the to the amended plans raising the following issues:- it is appreciated that the building is smaller however it is still the same height and the space is still there to form a first floor at a future date; the building is still of a size and style inconsistent with a nursery; the amended access will no doubt be commented upon by the Highway Authority who have already objected; the building has rather simplistically been cut in half allowing for future extension; the size of the polytunnel bears no relation to the size of the building; the building is an eyesore and detrimental to visual amenity; as the highways notes the traffic generated by this proposed retail business would contravene council policy in this location and on this road; even as amended the proposal would cause light pollution and would generate considerable noise during everyday use.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant:- Policy STR1 on sustainable development is relevant. Policy 49 states that proposals for development should be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard whilst not deriving access from a County Route.

Taunton Deane Local Plan the following policies are considered especially relevant: - Policy S1 requires that proposals for development should ensure that: - (A) additional road traffic would not lead to overloading of access roads or road safety problems; (B) the accessibility of the site for public transport, walking, cycling, and pedestrians would minimise the need to use the car; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; Policy S2 requires development to be of a good design; Policy S7 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they are for the purposes of agriculture, accord with a specific Development Plan Policy and supports the viability and viability of the rural economy; Policy EN5 requires that protected wildlife are safeguarded.

ASSESSMENT

In terms of the principle of the proposal the site is located outside any defined settlement limit. However the development is considered acceptable against open countryside policy (S7) as nursery/horticultural use is inevitably located in these locations. Concern has been raised that this proposal will lead to a retail use due to the previous application for a garden centre on the site. This previous application

27/2006/009 proposed an identical building and only the proposal description was amended, when originally submitted, from garden centre to horticultural nursery. The Planning Policy unit have pointed out that the application forms state that the building will be used entirely for retail sales. The latter has now been rescinded by the applicant. This application has also been amended to reduce the size of the building by 50%, to a footprint only 35 sq m over that allowed under agricultural permitted development rights. In other words a building of 465 sq m could be applied for under the agricultural notification procedure where only issues relating to siting and design could be assessed. This nursery use is therefore considered acceptable in principle and it is only the buildings and access that require planning permission. In order to prevent retail sales an appropriate condition is proposed to restrict sales to products grown on site and ancillary sales only. Furthermore planning permission will be required to extend the building and insert a first floor and is therefore sufficiently within the control of the Local Planning Authority. Future speculation should not form part of the determination of the proposal. Although it is considered that any unwanted transition to garden centre use can be prevented through the imposition of appropriate conditions.

Objection has also been raised regarding visual impact and the form of the building, i.e. whether its appearance reflects a nursery use. The building measures 20 m x 25 m x 8.5 m to the ridge and in pure terms is of a size akin to many agricultural buildings in the area. The building is also set back some 56 m from the B3227, is approximately 2 m below road level and significantly screened by existing and proposed landscaping. The Landscape Officer has also confirmed that subject to the detail of the landscape plan it should be possible to reduce the impact of the building to meet Policy EN12, i.e. the character and appearance of the Landscape Area would be maintained. Any proposed lighting will require the benefit of a further planning application as would the display of advertisements.

The building would be constructed using natural stone and timber clad walling with profiled aluminium roof sheeting and apart from the porch would resemble the form of many agricultural buildings in the area. Considering the distance from the highway and abundance of proposed screening, the porch will not be visually prominent. Furthermore the public will be purchasing goods from the site and therefore a slight move away from the normal agricultural vernacular would be expected. However, the overall appearance of an agricultural building would remain. The size of the building as mentioned above is also considered commensurate with the proposed use. The proposal is therefore not considered to detrimentally affect the visual amenity of the area.

In terms of highway related issues, the amended access offers sufficient visibility to conform to Highway Authority standards. On this basis it would seem unreasonable to object to the proposal on highway safety grounds especially given that the Highway Authority have withdrawn their technical objections. The principle objections of the Highway Authority still however remain, namely that the site is in an unsustainable location, remote from services and will encourage reliance on the motor car for staff and customers and that the new access to a County Route is contrary to Policy 49 of the Structure Plan. However, as mentioned above this form of use is expected to be located in the open countryside and therefore an unsustainable argument would appear unreasonable. In terms of the Policy 49

objection, the access replaces an existing agricultural field access. The applicant could use the existing access in conjunction with a horticultural use (without any buildings) without the need for permission. This application however proposes a much safer access and a condition is proposed to block up the exiting access. There is therefore no net gain in the number of accesses on this stretch of the B3227. It would therefore appear unreasonable to object to the principle of the location or access.

The buildings are located some 200 m from the nearest dwelling with the majority of residences much further away. Even if the rooflights were still proposed they would not overlook any adjoining property. The latter distance, existing and proposed screening also means that the buildings will not have any overbearing affect upon properties in the area. No undue noise would be expected from such a use and again considering the distance from properties it would that no nuisance would be caused. Any lighting will be controlled by condition. The proposal would therefore not appear to affect the residential amenity of the area.

No protected species have been found on the site and the footpath would remain unaffected.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, hard landscaping, prevention of surface water to highway, entrance gates, stopping up of existing access, visibility splays on the submitted plan, levels and details of access construction, hard surfacing of access, recommendations of the wildlife survey, boundary treatments, lighting; nursery/horticultural use only and no additional floors including mezzanine floors. Notes re soakaways and footpaths to remains unobstructed.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be an appropriate development and does not conflict with Somerset & Exmoor Joint Structure Plan Review Policies STR1 and 49 and Taunton Deane Local Plan Policies S1, S2, S7, EN5 and EN12.

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:

37/2006/006

TAUNTON DEANE BOROUGH COUNCIL

**CHANGE OF USE OF SITE TO FORM PLANT NURSERY AND NEW ACCESS AT
HIGHFIELDS, STOKE ROAD, STOKE ST MARY**

324580/122847

FULL

PROPOSAL

The application seeks to change the use of land adjacent to Highfields, Stoke Road into a plant nursery and thus allow relocation from the existing site in Mount Street. As part of the proposal a new site access to serve the development is proposed. At this stage none of the proposed greenhouses or site office are shown. Any built development will require further applications in the future.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY drawing No OB/1472:06/01, forming part of the application details the proposed access and visibility splays. This has previously agreed with the Highway Authority and I confirm that the proposed access is acceptable. The note on the drawing states that "Layout and position of roads within the site, site office and ancillary accommodation, parking areas greenhouses and polytunnels, etc all to be determined." It would therefore be advisable to make these items reserved matters. Therefore in the event of permission being granted I recommend conditions.

PARISH COUNCIL concerns raised that neighbours interests will be considered on detailed application, TDBC should not dispose of land adjoining Inglenook for building purposes, landscape screening of greenhouses and polytunnels, has visibility splay been approved by highways, horticultural use and concern over excessive light of noise disturbance.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Rural Centres and Villages, Policy 19 – Employment and Community Provision in Rural Areas, Policy 49 – Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, EC2 – Expansion of Existing Business, EC7 – Rural Employment.

ASSESSMENT

The proposal is for the principle of a relocated Council Plant Nursery on this site and the provision of a new access to serve this site.

The site is located just beyond the settlement limit of Taunton and is considered a suitable location in sustainability terms for the relocation of this horticultural business. The site is well related to the road and there is not considered to be any harm to residential amenity or the landscape. The site is fairly well screened from the west and east and additional landscaping to the south-eastern boundary would help screen the site from long distance views.

The Highway Authority raise no objection and recommend conditions. Further details would need to be subject to a separate application.

RECOMMENDATION

Subject to no further representations raising new issues by 12th October, 2006 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, access visibility, closure of existing access, landscaping, entrance gates, hardsurfacing, details of access within the site, details of any waste storage and external lighting. Note re permission for future buildings.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be an acceptable use in this location and not to harm the amenities of the area and complies with Taunton Deane Local Plan Policies S1, S2, EC2 and EC7.

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:

38/2006/355

MR AND MRS J LAW

**ERECTION OF DWELLING ON LAND REAR OF 103 GALMINGTON ROAD,
TAUNTON**

321194/123877

OUTLINE APPLICATION

PROPOSAL

The application seeks outline planning consent for the erection of a single dwelling. All matters are reserved for subsequent approval (Siting, Design, External Appearance, Means of Access, Landscaping). An indicative block plan is provided with the application which illustrates a detached dwelling and detached single garage.

It is proposed that the occupiers of 103 Galmington Road gain vehicular access from Galmington Road and create a turning space under the provisions of permitted development.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections subject to conditions. WESSEX WATER no objections.

SEVEN LETTERS OF OBJECTION have been received raising the following issues:- the dwelling will be dominant in the local environment; the proposed dwelling will overlook adjacent dwellings and gardens causing loss of privacy; the proposed access from Galmington Lane is a secondary access which is not designed for additional traffic; the proposed access is steep and is not in accordance with current standards; installation of hard standing will exacerbate surface water running off the drive; there is insufficient information to assess the application further (lack of elevations, floor levels etc); the proposal will result in over development of the site; the proposal will cast our garden into shade; the proposed dwelling will obstruct our view; the use of the access track from Galmington Road will generate additional noise.

POLICY CONTEXT:

Taunton Deane Local Plan Policies S1- General Principles, S2 – Design, H2 – Housing within classified settlements, M4 – Residential parking provision.

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H2 of the Taunton Deane Local Plan, including that small scale scheme will not erode the character or residential amenity of the area. The criteria of Policy S1 of the Taunton Deane Local Plan also apply in respect of traffic, accessibility, wildlife

protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area.

ASSESSMENT

The principal consideration is considered to be the impact of the proposal on visual and residential amenity.

The area is characterised by a mixture of detached and semi detached dwellings to the south, east and west. The illustrative siting and orientation of the plot in relation to surrounding dwellings is such that I am satisfied that a dwelling can be accommodated without causing harm to residential amenity or the character of the area.

There is sufficient separation on the indicative plan between the rear elevation and the proposed boundary with 103 Galmington Road (7 m) and the gable end of 103 Galmington Road (14.5 m). There is also sufficient separation between the indicative gable ends and the boundary with 5 Galmington Lane and the boundary with the curtilage of 101 Galmington Road to the north west.

A 'chalet style' dwelling with rooflights to the rear elevation would limit potential overlooking to the rear of 103 Galmington Road and 101 Galmington Road to an acceptable level. The openings to the front on the indicative plan are offset from the rear of 7 Galmington Lane to a degree that will result in an acceptable relationship with regards to overlooking.

There are further concerns from neighbours over the use of the vehicular access from Galmington Road by occupiers of 103 Galmington Road. In planning terms the use of this existing access is considered acceptable. The existing occupiers of 103 Galmington Road can already use the access for vehicles to access an existing garage within the curtilage of 103 Galmington Road. In addition planning permission would not be required for the formation of hard standing and the erection of a detached garage (within the limitations of the GPDO, 1995) within the curtilage of 103 Galmington Road. It is therefore not considered reasonable to object to the proposal on these grounds.

The use of the vehicular access from Galmington Lane is considered acceptable. The access falls within the application site and is owned by the applicants and there will be no net increase the number of residential units that the access will serve. The highway authority does not object to the use of this access for the development.

RECOMMENDATION

Permission be GRANTED subject to conditions of outline, reserved, time limit, site levels, materials, landscaping, walls and fences, GPDO garages, parking space, turning space.

REASON(S) FOR RECOMMENDATION:- The application site is located within the settlement limits of Taunton and it is considered that the plot is of sufficient size to accommodate a dwelling in a manner which will not erode the character of the area,

harm the appearance of the street scene, or impact on neighbouring amenity. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H2, and M4.

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

CONTACT OFFICER: 356468 MR M HICKS

42/2006/028

WEST OF ENGLAND DEVELOPMENTS

ERECTION OF 2 NO. DETACHED DWELLINGS AND ALTERATION TO EXISTING ACCESS BETWEEN 5 AND 6 BARTON GREEN AT LAND ADJOINING BARTON GREEN, TRULL

321333/122503

FULL

PROPOSAL

The application site lies within the settlement boundaries delineated in the Local Plan. To the north and west of the site lies public open space, protected from development by the Taunton Deane Local Plan policies and to the north and east lies the boundary of the Trull Conservation Area. The site comprises a grassed area, approximately 0.3 ha, with hedges around the boundaries of the site.

This proposal is for the erection of two large detached dwellings and garages with access through the drive and parking courtyard currently used by residents of the Barton Green development. To the south west and south east of the site are the rears of existing residential properties. The proposed houses have been designed to compliment the existing houses in Barton Green and amended plans have been requested to remove the rendered gables in keeping with the existing estate.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal is located within the development limit for Trull and I have no objection in principle. The following highway related comments have been made as a result of looking at submitted drawing number 3649/05. It has been noted that the surface water from the application site is to be disposed of via soakaways. The use of soakaways is dependent upon the proven existence of highly permeable strata below the surface and they should be located at least 5.0 m away from any building. Soakaways must not be located in a position where the ground below foundations is likely to be adversely affected. The layout of the modified access does not meet Somerset County Council design standards and will therefore not be adopted. Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the Advance Payments Code, the road/modified access should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. The modified access should be surfaced in a bound material. The proposal to resurface the modified access using gravel could result in loose material being trafficked out onto the highway, which would not be acceptable to the Highway Authority. Dependent upon finished levels, any surface water from the shared private drive/modified access shall be intercepted by a private drainage system prior to any discharge onto the adjacent publicly maintained highway. As the proposed turning head will be sub-standard in comparison to Somerset County Council

requirements, the applicant should seek the written consent of the refuse authority. The refuse authority must be satisfied that their collection vehicles can manoeuvre within the turning space provided; otherwise excessive reversing will be required. A condition survey of the existing public highway will need to be carried out and agreed with the Area Highway Manager prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. The applicant is advised to contact the Highway Service Manager at Burton Place, Taunton 0845 3459155. In the event of permission being granted I would recommend the following conditions are imposed:-

1. A condition survey of the existing public highway Will need to be carried out before and agreed with the Highway Authority prior to works commencing on site, and any damage to the existing highway made as a result of this development is to be remedied by the developer before occupation of the development.
2. Notwithstanding the provisions of the Town and 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 for the parking of domestic vehicles and not further ancillary residential accommodation.
3. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than the parking or turning of vehicles in connection with the development hereby permitted.
4. The driveway between the edge of carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.
5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.

Note to Applicant:- Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Taunton, TA14HE. Application for such a Permit should be made at least three weeks before access works are intended to commence. WESSEX WATER there are mains water supplies, sewer and surface water sewers in the vicinity of the proposal. There is Wessex water systems in the vicinity of the site and the developer need to contact WW to discuss the arrangements for new infrastructure.

LANDSCAPE OFFICER my main concern is that the northern and western boundary hedges are in a poor state of management. They are predominately elm species which are already dying off. The proposals will be clearly visible through the hedgerow from the public footpath to the north of the site and will therefore detrimentally impact on the character of the open countryside. – EN12. If the proposals are allowed the hedgerows would not longer be protected by the Hedgerow Regulations and could over a period of time become neglected or replaced with timber fencing – EN12. It would be difficult to control garden furniture, etc. extending into the gardens which given the openness of the hedgerow now and even more during the winter time is also likely to lend to a loss of rural character.

CONSERVATION OFFICER Trull's Conservation Area boundary is not well drawn, perhaps being over stretched and patchy. Given this impracticality it is hard to argue that the proposed development will impact strongly upon it, though the scheme certainly sees an intensification and spread of development around it. The scheme will undoubtedly have an impact upon the setting of the listed building just inside the

northern tip of the area. As a building standing on the edge of 'open' country this can't necessarily be considered positive. On another point, it is a shame to see such dismal pastiche designs being proposed. The hotch potch of elements combined here give the buildings an identity crisis distinctly modern.

TRULL PARISH COUNCIL support the application subject to the provision of an environmental survey .

8 LETTERS OF OBJECTION have been received raising the following issues:- development of this piece of land will threaten the future retention of the open space to the north eventually leading to the joining of Comeytrowe Lane and Trull and the loss of the open space between; the garage for plot 2 is too close to Harcombe House; as it is such a large dwelling there is no need to have a two storey garage adjacent to Harcombe House, single storey would be appropriate and it should be relocated closer to the new house; the existing boundary hedge between the site and Thatched Cottage should be protected during and after development; the proposal would lead to a loss of outlook from existing properties to the detriment of their amenity and the value of the house; building traffic to the site will cause unacceptable level of interruption to existing estate residents; wet mud on the roads during construction may create a highway danger, especially to children walking to school; the site was an orchard before being used as an informal play area and not a grassed field; the size and bulk of the dwellings should be reduced to have less impact on the amenity of Goosemoor; the established hedgerow must be retained; there should be no windows in the first floor of plot 2 overlooking Goosemoor; the properties should be set down in the site to reduce the impact outside of the site; proposed parking seems inadequate for the size of dwelling proposed; the increased use of the existing parking courtyard and Barton Green is excessive; the site should remain undeveloped and its wildlife protected for the future; the site is urban open space and should not be developed; the plots seem too small for the size of dwelling; I understand this is to be considered at the end of August but this is too soon for local residents to comment; more neighbours should have had letters from the council; Barton Green is single width and unsuitable for additional traffic associated with two new dwellings let alone the construction traffic that will need to get to the site; there is no where for construction workers to park; users of the existing parking courtyard will be unable to access their parking spaces and garages; the existing garage courtyard is used by 6 properties to park up to 13 cars either in the garages or parking areas; cars driving out of garages 6 & 7 have limited visibility and exit straight onto the access as there is no layback area; turning into Barton Green is tight, bounded by walls appropriate for larger vehicles but not larger vehicles required for construction and deliveries and this will inevitably lead to disruption and obstruction; the parish meeting to discuss the proposal was at very short notice giving local people inadequate time to attend; the application does not include an environmental assessment and should, referring to the impact on the historic hedgerows, flora and fauna on the site; Contrary to Trull Parish Plan dated 2005 where 85% of villages wanted the green wedges to remain undeveloped; the footprint of the houses should be reduced to retain as much space to local ecology as possible; none of the materials are listed as re-cycled or of sustainable materials as detailed in the Kyoto agreement (10% within any project); no landscape management plan or waste plan; 1.2 m high boundary walls and security gates do not reflect the open character of the other houses in Trull; the security gates and

walls are not needed as this is not a high crime area and they are unsightly and will interrupt views of the open space from existing properties; Existing views of fields and Lie Hill, Castleman's Hill will be destroyed; current quiet amenity will be eroded by fumes and car noises; Plot 1 states a four bed-roomed house but the plans show 5, the games room could provide a bedroom and be let out as a separate unit; the average family size is between 3 and 5 so 5 bedrooms is not required; plot 2 shows 6 bedrooms but there is the possibility of 8 and the separate garage and studio accommodation could become a separate unit; both plots represent over-development of the site; there is a current policy of providing affordable housing; the proposal fails both the Greenfield and brownfield tests for development and should be refused;

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan review policies Str4, Development in Towns; 49 Transport Requirements.

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, H2 Housing, M4 Residential parking requirements and EN5 Protected Species.

ASSESSMENT

The proposed site is within the settlement limits and considered suitable for residential development in principle. The Highway Authority consider that the proposed access would be acceptable although not suitable for adoption. The site is large enough for a higher density of development but the restricted access restricts the number of dwellings to two. Taking full advantage of this, the dwellings would provide larger accommodation improving the range of property available within Taunton Deane. Window to window distances between the proposed dwellings and the existing dwellings are in excess of the minimum standards. Both of the properties propose in excess of the 1.5 parking space required by Policy M4. Plot 1 proposes two garages with an adjacent parking space and plot two proposes 3 garages and a parking space. In this situation, with two large properties and their access through an existing parking courtyard with no spare capacity for additional cars, I consider the additional provision can be justified. The garage block for plot two, incorporating ancillary accommodation over, is located adjacent to the south east boundary 2 m from the boundary with Harcombe House garden. The applicant has declined to reduce the size of or re-site this garage block. It is argued that the 3 garages will allow one garage to be used as a garden shed, leaving two garages to park cars with a parking space adjacent; that the first floor use is not unreasonable in a house of this nature and the future use of the first floor accommodation can be fully controlled by planning conditions. As the rear wall of the garage is approximately 17 m from the rear wall of Harcombe House and no windows from the first floor accommodation will directly overlook the existing property I consider that the location and details of the garage would be acceptable. The applicant has agreed to remove the rendered gables in the proposed houses and I therefore consider that their design would be in keeping with the character of Barton Green. Proposal considered acceptable

RECOMMENDATION

Subject to the acceptable views of the Nature Conservation & Reserves Officer by 17th October, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time, materials, landscape management plan and reinforcement planting, retention of boundary hedges, protection of hedges during construction, removal of permitted development rights for fences, public highway condition survey and any damage made good, parking for ancillary domestic cars only, parking and turning areas free from obstruction, disposal of surface water, no new windows in eastern gable end of garage for plot 2, accommodation ancillary to plot two, no new windows in south elevation of garage/fitness games room as shown on the submitted plans of plot 1. Notes re percolation tests and soakaways, secure by design, energy conservation, and water conservation.

REASON(S) FOR RECOMMENDATION:- The proposed residential development is within the settlement limits of Trull and is considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1, S2 and H2.

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:

42/2006/031

L HEATH

CONVERSION OF LOFT AT 3 NEW ROAD, TRULL

321151/122641

FULL

PROPOSAL

The proposal comprises the conversion of the loft to provide an additional bedroom and bathroom, with the provision of a rear dormer window.

The building is a red brick semi-detached Edwardian dwelling.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL does not object subject to dormer being at the front of the property to minimise noise levels and harmonise the street scene.

1 LETTER OF OBJECTION has been received raising the following issues:- noise levels will be increased; and that loss of privacy will result.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1, S2 and H17 seek to safeguard, inter alia, visual and residential amenity.

ASSESSMENT

The proposed dormer window is considered much too large and out of keeping with the character of the building.

RECOMMENDATION

Permission be REFUSED on the grounds that the design and size of the dormer window is out of keeping with the character of the building. Notes re traditional dormer may be acceptable.

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:

51/2006/008

MR M BRYANT

**CHANGE OF USE FROM A BARN TO FORM ANCILLARY ACCOMMODATION
AT HALES FARM, BURROWBRIDGE AS AMENDED BY LETTER DATED 14TH
AUGUST, 2006 WITH ATTACHED DRAWING NO. 2006/1/3A**

334658/131555

FULL

PROPOSAL

The barn is a substantial two storey building finished in brick and clay pan tiles. It is located at the northern edge of the curtilage of the main dwelling. The existing area of curtilage is also bound by another barn on its western edge forming a semi court yard effect. The barn on the western end of the curtilage has had planning consent for conversion into a two bedroom annexe (51/2003/003).

The application seeks consent for the change of use of the barn to provide ancillary accommodation in association with Hales Farm. The supporting statement states that the accommodation is to provide accommodation for the applicants daughter to enable her to continue working on the farm.

Amended plans were received which delete the provision of a separate kitchen within the proposed conversion. The amended plans consist of an entrance hall, lounge, WC on the ground floor and 2 bedrooms, a store and a bathroom on the first floor.

The proposed lounge on the ground floor opens into the curtilage of Hales Farm. The accommodation will also be accessed from a separate existing access from the north.

The application is before Members as the applicants wife is an employee of the Council.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections to the proposal provided that the accommodation provided within the conversion is ancillary to the main dwelling.
ENVIRONMENTAL HEALTH OFFICER no objections subject to standard planning condition on identification and mitigation of contaminated land and standard note.
WESSEX WATER no objections.

PARISH COUNCIL no objections.

ONE LETTER OF SUPPORT has been received from an adjacent neighbour as the barn would fall into disrepair is unused.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.

Taunton Deane Local Plan Policies S1, S2, H7, H18 and EN28.

ASSESSMENT

The main issues under consideration are the principal of conversion and the impact of the conversion on the character and appearance of the barn.

The submitted structural survey concludes that the barn is of substantial construction and capable of conversion without major reconstruction. The bat survey concludes that there is no evidence of any bat species using the barn.

Planning consent has been granted for the conversion of another barn to form ancillary accommodation within the curtilage of the dwelling. This consent provided two bedrooms and all facilities required for independent living.

However, on balance the addition of additional ancillary accommodation is acceptable following the deletion of an additional kitchen from the proposal. Such facilities are to be shared with the main dwelling. In addition the relationship between the proposed accommodation and the main dwelling is considered sufficiently close to the main dwelling for the proposed accommodation to function as an annexe.

The second consideration relates to the impact of the proposal on the character and appearance of the barn. Planning policies seek to protect the simple utilitarian appearance of rural barns and therefore overtly domestic features are considered detrimental to this character.

The original plans illustrate dormer windows to the east elevation. Amended plans have been requested illustrating the removal of the dormer windows and the replacement with two roof lights.

RECOMMENDATION

Subject to the receipt of satisfactory amending plans removing two of the dormer windows on the east elevation 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, ancillary accommodation, contamination, flood mitigation floor level and conservation rooflight. Notes re Wessex Water, flooding, septic tank, contamination.

REASON(S) FOR THE RECOMMENDATION:- The proposal by reason of its use, siting and materials respects the character of the area and the character and appearance of the barn. The proposal will cause no demonstrable harm to residential amenity in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and H18.

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

CONTACT OFFICER: TEL: 356468 MR MICHAEL HICKS

NOTES:

PLANNING COMMITTEE - 11 OCTOBER, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Langford Budville

1. **File/Complaint Number** E364/21/2005
2. **Location of Site** Various locations
3. **Names of Owners** Mr R Hendy, Middle Hill Farm, Langford Budville.
4. **Nature of Contravention**

Display of Christmas Tree Advertisements and directional signs for Langford Lakes Christmas Tree Farm, Langford Budville, Wellington.

5. **Planning History**

Members will recall that a report was prepared for the meeting on 14 December, 2005 in relation to a number of unauthorized advertisements and directional signs for the Langford Lakes Christmas Tree Farm. Consideration was deferred in order that an appropriate level of signage could be agreed. Discussions have subsequently taken place and Mr Hendy has now indicated that he only intends to display four of his trailer based advertisements within the Taunton Deane Area for the forthcoming season.

These would be in the following locations:-

- North side of A38 at Whiteball
- North side of A38 at Rumwell
- North side of A358 east of Cross Keys roundabout
- North side of A358 immediately to east of junction 25 of M5.

He has used all of these locations in previous years.

6. **Assessment**

Whilst the Council generally resists this type of roadside advertisement, it is accepted that the nature of the business is very unusual having such a short season and that the product therefore needs to be advertised intensively during this period if the business is to remain successful. Whilst it is strongly felt that the level of advertising in recent years has been excessive and a number of the sites inappropriate, it is felt that advertisements could be tolerated in these four locations provided that they are restricted to the period 25 November to 1 January only. Mr Hendy is currently discussing directional signage with Somerset County Council as Highway Authority.

7. **Recommendation**

That no enforcement action be taken in relation to trailer based advertisements in the four locations identified in this report provided that they are displayed between 25 November and 1 January only.

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

CONTACT OFFICER: Mr T Burton Tel: 356464

PLANNING COMMITTEE – 11 OCTOBER, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: West Monkton

1. **File/Complaint Number** E322/48/2006
2. **Location of Site** Children's Wood, Bathpool, Taunton
3. **Names of Owners** Environment Agency
4. **Names of Occupiers** Unknown

5. **Nature of Contravention**

Travellers camped within the Children's Wood

6. **Planning History**

A complaint was received in September 2006 that some travellers had entered the Children's Wood. The complainant said that there was a caravan and a number of tents on the land at the Creech Castle end of the site. They were hidden from view but people using the riverside walk felt intimidated by their presence. The Angling Association has also contacted us about the intimidation shown to the fishermen who use the banks of the river to fish and have concerns about sanitation and effects that may have on the river and wildlife. The site is managed by Taunton Deane Borough Council but is owned by the Environment Agency. They have been contacted by letter but as yet no reply has been received but the Nature Conservation and Reserves Officer has spoken with a representative who indicated that they did not consider that it was an Environment Agency problem. However as legal owners of the land any action taken by this Authority must be against the landowner.

7. **Reasons for taking Action**

It is considered that the occupation of the Children's Wood by travellers for residential accommodation has a detrimental visual and environmental impact on the area. The Local Planning Authority must ensure that this open space is available for the enjoyment of the public without fear of intimidation from unauthorised occupation of the area.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and to take prosecution action, subject to satisfactory evidence being obtained that the notice has not been 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