



## 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 24TH JANUARY 2007 AT 17:00.

(RESERVE DATE : MONDAY 29TH JANUARY 2007 AT 17:00)

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### **AGENDA**

1. Apologies.
2. Minutes of the meeting of the Committee held on 13 December 2006 (attached).
3. Public Question Time.
4. Declaration of Interests - To receive declarations of personal or prejudicial interests in accordance with the Code of Conduct.
5. Bishops Lydeard Report items  
06/2006/021 - Erection of mixed use development comprising two units of holiday accommodation, craft village (A3 Planning Use Class), 19 open market houses, 22 affordable housing units (comprising 12 houses and 10 flats) and associated highway infrastructure at Station Farm, Station Road, Bishops Lydeard; and  
  
06/2006/022 - Erection of inn with restaurant (A4 Planning Use Class) and associated highway infrastructure, as part of proposed mixed use development comprising holiday accommodation, craft village and housing at Station Farm, Station Road, Bishops Lydeard.
6. BICKENHALL - 04/2006/003  
FORMATION OF ACCESS AND ERECTION OF 3 NO.1.5 STOREY TIMBER HOLIDAY CHALETS AT PADDOCKS, BICKENHALL, AS AMENDED BY LETTER DATED 15TH NOVEMBER 2006 WITH ATTACHED DRAWING NOS. 979/1A AND 979/2A
7. BICKENHALL - 04/2006/006  
CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE, AND ERECTION OF PONY STABLE AND ASSOCIATED STORAGE BUILDING. FORDE BARN, DAIRY HOUSE LANE, BICKENHALL
8. BISHOPS HULL - 05/2006/035T  
APPLICATION TO FELL THREE CEDAR TREES INCLUDED IN TAUNTON DEANE BOROUGH (BISHOPS HULL NO. 1) TREE PRESERVATION ORDER 1997 AT 24 DAWS MEAD, BISHOPS HULL (TD700)

9. HALSE - 18/2006/017  
ERECTION OF STABLE BLOCK AND CHANGE OF USE TO EQUESTRIAN USE AND JOINT AGRICULTURAL USE AT KILN LANE, ASH PRIORS AS AMPLIFIED BY AGENTS E-MAIL RECEIVED 11TH JANUARY, 2007.
10. HATCH BEAUCHAMP - 19/2006/020  
DEMOLITION OF GARAGE AND ERECTION OF NEW DWELLING WITH ATTACHED GARAGE, LAND ADJACENT TO IVY COTTAGE, HATCH BEAUCHAMP AS AMENDED BY AGENTS LETTER DATED 13TH OCTOBER, 2006 WITH ATTACHED PLAN NO. 0616/02B AND FLOOD RISK ASSESSMENT
11. KINGSTON ST. MARY - 20/2006/029  
CONVERSION OF BARN TO DWELLING, FORMATION OF ACCESS TRACK AND IMPROVEMENTS TO ACCESS ONTO LODES LANE, THE BARN OS FIELD NO 9138, LODES LANE, KINGSTON ST MARY
12. LANGFORD BUDVILLE - 21/2006/024  
ERECTION OF A DWELLING AND ALTERATION TO ACCESS AT LAND TO SOUTH OF WHITE OAKS, LANGFORD BUDVILLE
13. OAKE - 27/2006/023  
ERECTION OF THIRTEEN HOLIDAY CHALETS AND PROVISION FOR 50 NO. CAMPING PITCHES AND AMENITY BLOCK AT LAND SOUTH OF HARRIS'S FARM, HILLCOMMON
14. OTTERFORD - 29/2006/030  
ERECTION OF SINGLE STOREY EXTENSION TO ABBEYWOOD HOUSE, CHURCHINFORD
15. STAWLEY - 35/2006/019  
ERECTION OF EXTENSION TO OAK BARN, APPLEY AS AMENDED BY LETTER DATED 4TH DECEMBER, 2006
16. STAWLEY - 35/2006/020  
PROPOSED ALTERATIONS AND EXTENSION (REVISED DESIGN TO APPLICATION 35/2006/014) AT BELLA VISTA, CHURCH LANE, STAWLEY, WELLINGTON AS AMENDED BY LETTER DATED 12TH DECEMBER, 2006 WITH ATTACHED DRAWING NOS. 06/0002/102B AND 103B
17. TAUNTON - 38/2006/505  
ERECTION OF NEW OFFICE BUILDING AT BLACKBROOK BUSINESS PARK, TAUNTON AS AMENDED BY LETTER AND DRAWING 3881-2 G, 3881-6H AND 3881-7H RECEIVED 19TH DECEMBER, 2006 AND AS AMPLIFIED BY WILDLIFE SURVEY RECEIVED 11TH JANUARY, 2006
18. TAUNTON - 38/2006/523  
DEMOLITION OF EXISTING GARAGE BUILDINGS AND THE ERECTION OF 24 FLATS AT THE FORMER EAST REACH SALES, EAST REACH, TAUNTON AS AMENDED BY AGENTS LETTER DATED 12TH DECEMBER, 2006 AND ATTACHED PLAN NO.

744/01F

19. TAUNTON - 38/2006/535  
ERECTION OF 14 FLATS ON LAND ADJACENT TO WESSEX  
LODGE 11/13 BILLET STREET, TAUNTON
20. WEST BUCKLAND - 46/2006/031  
ERECTION OF TWO STOREY EXTENSION TO OFFICES, SILVER  
STREET BARN, SILVER STREET, WEST BUCKLAND
21. WEST MONKTON - 48/2006/046  
ERECTION OF DETACHED DWELLING AND GARAGE IN  
GARDEN OF 21 HEATHFIELD DRIVE, MONKTON HEATHFIELD
22. WIVELISCOMBE - 49/2006/069  
CONSTRUCTION OF DORMER ROOFS WITH WINDOWS ON THE  
NORTHWEST AND SOUTHEAST ELEVATIONS OF 24 SPRING  
GARDENS, WIVELISCOMBE
23. Taunton - 38/2006/400  
Change of use of building from Community Hall (D1) to office (B1) at  
Dodson Hall, Upper Holway Road, Taunton. Miscellaneous item
24. Burrowbridge - 51/2006/013  
Erection of 5 No. industrial units with B1 and B2 use at The Old  
Basket Works, Lyng Road, Burrowbridge. Miscellaneous item
25. E198/34/2006 and 34/2006/038 - Dwelling sub-divided into two at  
Calypso, Rectory Close, Staplegrove, Taunton. Enforcement item
26. E207/38/2005 and 38/2006/025 - Extension not built as approved  
plans at 31 Shoreditch Road, Taunton. Enforcement item

G P DYKE  
Member Services Manager  
16 January 2007

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

Planning Committee Members:-

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



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



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



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

## **Planning Committee – 13 December 2006**

Present:- Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)  
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Denington, Floyd,  
Guerrier, C Hill, House, Lisgo, Phillips, Mrs Smith and Stuart-Thorn

Officers:- Mr T Burton (Development Control Manager), Mr G Clifford,  
Development Control Area Manager – East), Mrs J Moore  
(Development Control Principal Officer – East), Mrs J M Jackson  
(Senior Solicitor) and Mr R Bryant (Democratic Support Manager)

Also present:- Councillor Bishop

(The meeting commenced at 5.00 pm)

### **149. Apologies**

The Chairman (Councillor Mrs Marie Hill) and Councillors Croad, Henley,  
Hindley and Wedderkopp.

### **150. Minutes**

The minutes of the meeting held on 22 November 2006 were taken as read  
and were signed.

### **151. Applications for Planning Permission**

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

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

#### **08/2006/026**

**Change of use of section of single storey barn from residential to  
provide complimentary therapy treatment room (D1), Pyrland  
Barn, Cheddon Fitzpaine**

#### **Conditions**

- (a) C001A – time limit;
- (b) The proposed use hereby permitted shall be limited to that of a  
complimentary consulting room only and no other use within  
Class D1 of the Use Classes Order (as amended);

- (c) There shall be no obstruction to visibility greater than 300mm above adjoining road level forward of a line drawn 2m back from the carriageway edge over the whole site frontage. Such visibility shall be fully provided before the change of use commences;
- (d) The use hereby approved shall be used purely in connection with the occupation of the existing house and not sold or let separately.

**Reason for granting planning permission:-**

The proposal by reason of the use, scale and siting within settlement limits respected the character of the area and would cause no demonstrable harm to highway safety in accordance with Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

**14/2006/040**

**Conversion of dwelling to two flats and provision of access and parking at 35 Tristram Drive, Creech St Michael.**

**Conditions**

- (a) C001A – time limit;
- (b) C324 – parking;
- (c) Provision for the parking of one bicycle per unit shall be made prior to the use hereby permitted commencing and shall be permanently retained unless previously agreed in writing by the Local Planning Authority;
- (d) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
- (e) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use.

**Reason for granting planning permission:-**

The proposal complied with Taunton Deane Local Plan Policies S1, S2, H2, H4 and M4.

**21/2006/019**

**Change of use from agricultural land and buildings to storage of agricultural contracting equipment/machinery at land south of Langford Budville, Wellington (GR111.226).**

**Conditions**

- (a) C001A – time limit;

- (b) C201 – landscaping;
- (c) The use of the site hereby approved shall be strictly for the purposes of storage of agricultural equipment and machinery only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification) unless any variance is agreed in writing by the Local Planning Authority;
- (d) Prior to the use commencing, details of any external area to be used for storage purposes within the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Prior to the commencement of the use hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the amended plan received on 4 December 2006;
- (f) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of inter connected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

(Notes to applicant:- (1) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. The site should be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. Any storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or ground water in the event of spillage;

(2) Applicant was advised that bats may roost in the sheds. All bats and their roosts are included in Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation Regulations 1994. In order to enhance the site as a bat roosting site, a bat box should



be installed in Shed 3; (3) Applicant was advised that there is evidence that swallows are nesting in the buildings. This is a species that has suffered a severe decline in numbers in recent years and is now a species of conservation concern. Whilst they are building or using a nest, swallows are legally protected by the Wildlife and Countryside Act which makes it an offence to disturb the birds or the nest. Applicant was therefore encouraged to make provision for this species.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN10 and EN12 nor Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

**24/2006/029**

**Variation of condition for new owner Mrs J Richards, her family and Mrs Brazil (gypsies) to occupy the site at Little Denise, Mill Hill, Wrantage (previous permissions 24/2003/020 and 24/2005/049).**

**Condition**

The use hereby permitted shall enure for the benefit of the gypsies known as Mrs Jenny Richards, Ms Bianca Richards, Ms Jade Richards, Mrs Sally Brazil and their partners and dependant families and not for the benefit of the land. If their occupation of the site shall cease then the land shall be restored to its previous condition within a period of three months from the vacation of the site;

(Note to applicant:- Applicant was advised that all the conditions attached to planning permission 24/2000/035 are still applicable, namely:- (1) Not more than four mobile homes and two touring caravans for single family occupation shall be retained on the site at any time, and they shall not be used other than for the purpose of providing residential accommodation for gypsies as defined in the Caravan Sites Act 1968; (2) No working or storage of materials associated with the occupants work shall take place on the site; (3) Within one month of the date of this decision, a plan showing the visibility splays from the access shall be submitted to the Local Planning Authority. Once approved, it shall be provided and maintained thereafter; (4) Within three months of this letter, a scheme of planting of trees and shrubs which shall include details of the species, siting and numbers to be planted shall be submitted to the Local Planning Authority. The scheme shall be carried out within the first available planting season after its approval or as otherwise agreed in writing by the Local Planning Authority. If during the

period of occupation of the site any of the trees or shrubs are removed, uprooted, destroyed or die, another tree or shrub of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives its written consent to any variation; (5) Within three months of this letter, a scheme for a fence or wall along the whole of the site boundary with the ancient woodland and Site of Special Scientific Interest shall be submitted to the Local Planning Authority. The scheme shall be carried out within three months of its approval by the Local Planning Authority; (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected within the site without the prior written approval in writing of the Local Planning Authority; (7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no ancillary buildings or structure, whether or not required by the conditions of a Site Licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act 1960 (revised 1977) shall be erected on the site without the prior approval of the Local Planning Authority; (8) No refuse or waste materials shall be deposited or burnt on any part of the site; (9) No cats or dogs shall be kept on the site except with the prior permission of the Local Planning Authority; (10) Within three months of the date of this letter, a scheme for the drainage and disposal of surface water from the site shall be submitted to the Local Planning Authority. The scheme shall be carried out within three months of its approval by the Local Planning Authority.)

**Reason for granting planning permission:-**

The proposal was in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policy H14.

**29/2006/028**

**Change of use from redundant coach house and estate to Forest School/Outdoor Learning Centre at Otterhead Estate, Otterford**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C654A – windows;
- (d) C112 – details of guttering, downpipes and disposal of rainwater;

- (e) The approved activities and uses within the application site shall be strictly in accordance with the schedule of activities as identified within the application, unless any variance is agreed in writing by the Local Planning Authority. The approved activities shall be strictly in connection with the Forest School and for no other private or commercial use;
  - (f) Prior to the commencement of any of the activities listed in the schedule, details of the proposed siting of the activity or use together with details of any structure or equipment to be installed shall be submitted to, and approved in writing by, the Local Planning Authority. The applicant shall contact the Local Planning Authority prior to the commencement of the activity to ascertain whether a wildlife survey is required to ensure the use or activity would have no impact upon protected species or wildlife;
  - (g) The use of the converted coach house building hereby approved shall be strictly for purposes in connection with, and ancillary to, the use as a Forest School and education facility;
  - (h) C1103 – bat strategy;
  - (i) C1111 – nesting birds;
  - (j) C1113 – slow worms;
- (Notes to applicant:- (1) Applicant was advised that there are records of barn owls roosting or nesting at the site and it is possible that barn owls continue to roost or breed in the area. Applicant is therefore advised to ascertain whether barn owls are using the building and, if evidence of their current use is found, then the timing of works must be scheduled to avoid disturbing the birds during the breeding season (March to September). In order to assist the conservation of this declining species, applicant is encouraged to provide artificial nest boxes within or near the development to enable nesting and breeding to continue; (2) Applicant was advised that the site could have had uses with the potential to cause contamination. If any contamination or unknown substances/structures are found during demolition, building works or renovation the applicant should carry out an assessment to identify any potential risks and, if necessary, carry out a site investigation and risk assessment to identify whether any remedial works are required; (3) Applicant was advised to contact Somerset County Council's Rights of Way Team prior to the right of way being used by vehicles. The County Council will require in writing confirmation that the centre/organisation would make significant contribution to repairing the surface of the footpath regarding any damage caused by vehicular use.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN10 and EN12 nor Somerset

and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

(Councillor Miss Cavill declared a personal interest in the following application and left the meeting during its consideration.)

**38/2006/408**

**Construction of two all weather sports pitches, erection of flood lighting to one pitch, fencing, sports pavilion and formation of parking at land at Taunton School, north of Greenway Road, Taunton.**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C208E – protection of trees to be retained;
- (e) The floodlighting hereby approved shall be illuminated between 1600 and 2100 hours Monday to Saturday only and not at all on Sundays;
- (f) The access, parking and turning areas shown on the submitted plan shall be consolidated, surfaced and laid out in a manner to be agreed by the Local Planning Authority and the work shall be carried out prior to the use commencing unless otherwise agreed in writing by the Local Planning Authority;
- (g) C917 – services – underground;
- (h) Detailed drawings indicating the height, intensity of light and manufacturers specification of any proposed external lighting other than the floodlighting hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
- (i) C920 – no amplified music;
- (j) The floodlight design shall be carried out as per the submitted consultant's report by Ferguson Brown dated August 2006 Revision C and details of any cowls/baffles for light fittings shall be submitted to, and approved in writing by, the Local Planning Authority prior to any lighting being switched on permanently and there shall be no variation to the approved scheme once agreed unless otherwise agreed in writing by the Local Planning Authority;
- (k) Notwithstanding the submitted details, the perimeter and safety fence shall be green in colour and precise details shall be submitted for agreement by the Local Planning Authority prior to its erection;  
(Note to Applicant:- Applicant was advised to consider the provision of telescopic lighting columns to make maintenance easier and to reduce visual impact.)

**Reason for granting planning permission:-**

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EN34 and material considerations did not indicate otherwise.

**38/2006/442**

**Conversion and extension to form 2 No flats at 82 St Augustine Street, Taunton.**

**Conditions**

- (a) C001A – time limit;
- (b) Notwithstanding the submitted details, full details of the proposed cycle parking and refuse facilities, including their siting shall be submitted to, and approved in writing by, the Local Planning Authority and the details approved shall be provided before the development is occupied and shall thereafter be kept free of obstruction;
- (c) C910A – archaeological access;

**Reason for granting planning permission:-**

The proposed development would not adversely affect residential or visual amenity and there was safe and convenient access by foot to facilities and employment. The proposal did not therefore conflict with Taunton Deane Local Plan Policies S1, H2, H4 and H17.

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

**38/2006/400**

**Change of use of building from community hall (D1) to office (B1) at Dodson Hall, Upper Holway Road, Taunton**

**Reason**

To allow consultation to take place with the Police as to the possible consequences, in terms of anti-social behaviour, of this community facility being removed.

- (3) That the following applications be withdrawn.

**27/2006/018**

**Erection of a single storey extension for kitchen and disabled toilet facilities at Church of the Holy Cross, Hillfarrance**

**29/2006/027LB**

**Erection of lean to conservatory at Lower Fyfett Barn, Otterford**

**38/2006/361**

**Demolition of house and erection of 12 No one bedroom flats at 74 South Street, Taunton**

- 152. **Erection of 5 No industrial units with B1 and B2 use, The Old Basket Works, Lyng Road, Burrowbridge (51/2006/013)**

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Environment Agency as to potential flooding issues, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) Noise emissions arising from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than five decibels expressed in terms of an A-Weighted, 15 minutes Leq when measured at any point on the façade of any residential or other noise sensitive boundary;
- (d) Noise emissions having tonal characteristics, for example hum, drone or whine, shall not exceed background levels at any time, when measured as above.

(Notes to applicant:- (1) Applicant was advised that for the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates expressed in terms of an A-Weighted, 90<sup>th</sup> percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes; (2) Applicant was advised to ensure that the capacity of the plant is satisfactory to provide drainage for the maximum likely number of occupants and that any discharges do not exceed the existing Environment Agency Consent to Discharge limits; (3) Applicant was advised to agree a point of connection onto the Wessex Water system prior to the commencement of any works on site.)

**Reason for planning permission, if granted:-**

The proposed development would not adversely affect road safety or visual amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and EC7.

**Reason for granting planning permission contrary to the recommendation of the Development Control Manager:-**

Although the possibility of flooding from the nearby river was acknowledged, the Committee felt that the overall benefit of new local employment opportunities in an area where such employment sites were scarce, outweighed the flood risk.

153. **Redevelopment comprising the erection of 21 houses, conversion of listed building to two dwellings and conversion of main building to offices at former SCAT Annexe, Staplegrove Road, Taunton (38/2006/362)**

Reference Minute No 135/2006, reported that the Committee had previously resolved to grant planning permission for this development subject to the

completion of a Section 106 Agreement and the receipt of no representations from the Conservation Officer or the public on the amended plans submitted which included:-

- (i) Changes to boundary treatments introducing more walling;
- (ii) Plans of the wall and capping detail fronting Lindenn Grove;
- (iii) A street scene including the proposed gate detail along Linden Grove;
- (iv) Perspective drawings along Staplegrove Road;
- (v) The insertion of dummy window detail to the end wall of Plot 23;
- (vi) Cross sections through Linden Grove;
- (vii) Additional planting; and
- (viii) Revised roof details along the Linden Grove terrace to reflect the existing pattern of roof divisions opposite.

Submitted details of 14 letters of objection that had been received to the amended plans together with the Development Control Manager's comments thereon.

Reported that further amended plans had been submitted which reduced the height difference between the pavement and the door heights of the proposed dwellings along Linden Grove. Noted that although this further change would have an increased impact on Swiss Cottage, it was felt that the distance between it and Plot 7, combined with the proposed hip roof, would result in an acceptable relationship.

The revised plans and details along Linden Grove had been considered by the Conservation Officer and had been found to be acceptable. However, a number of issues of concern still existed over highway proposals outside of the site.

RESOLVED that subject to:-

- (1) The receipt of acceptable highway plans;
- (2) The receipt of no further representations from the public raising new issues by the 21 December 2006; and
- (3) The applicants completing a Section 106 Agreement as previously agreed, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, it be subject to all conditions as previously agreed with the addition of the following two additional conditions:-
  - (i) Prior to the occupation of any of the dwellings hereby approved, details of all boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority and erected on site;
  - (ii) No development shall take place until a traffic signal junction on Staplegrove Road, generally in accordance with drawing No 1051.05.09.24802 REV J has been completed to the satisfaction of the Local Planning Authority.

**154. Variation of Section 52 Agreement – Castle House, Bishops Lydeard**

Reported that in 1980 planning permission was granted, subject to a Section 52 Agreement, for the extension to and conversion of the ground floor of stables at Castle House, Bishops Lydeard to form a one bedroomed flat for use by an elderly relative. The Section 52 Agreement prevented the use of the flat as a separate unit of accommodation.

Noted that the elderly relative had died some years ago and the flat had since been occupied in breach of the Section 52 Agreement for a period in excess of ten years.

Further reported that planning policy had evolved since 1980 such that the flat would now comply with policy as a separate unit of accommodation.

The owner had therefore requested that the Section 52 Agreement be varied to remove the current restriction on the use of the unit as part of the main house.

RESOLVED that the Section 52 Agreement of the 24 September 1980 relating to Castle House, Bishops Lydeard be varied to remove the restriction preventing the stable accommodation being used as a separate unit of accommodation.

**155. Enforcement Item – 15 Eastbourne Gate, Taunton**

Reference Minute No 136/2006, reported that as a direct result of the recent court judgement, the owner of 15 Eastbourne Gate, Taunton had requested the Committee to consider withdrawing the enforcement notice relating to his property.

Noted that the effect of the Court's decision was that in practice no further action could be taken against the current owner.

However, whilst the notice remained in force it would be binding on any subsequent purchaser. If the property was sold, the price would need to reflect the cost of removing the dormer and reinstating the roof. Even if a purchaser was found in such circumstances, the Court had found the level of loss to the current owner to be disproportionate.

In such circumstances, it therefore did not appear to be expedient to continue to pursue enforcement action.

RESOLVED that the enforcement notice served in respect of the unauthorised dormer at 15 Eastbourne Gate, Taunton be withdrawn.

**156. Possible car repair business being carried out from 8 Mountfields Avenue, Taunton**

Reported that following the receipt of a complaint earlier in the year, an investigation had been undertaken as to whether a car repair business was being operated from 8 Mountfields Avenue, Taunton.



From the evidence collected it was considered that a business was being run from this residential address.

Noted that the occupants of the dwelling had recently notified the Council that their landlord had given them notice to quit the premises by 11 February 2007.

RESOLVED that:-

- (1) Enforcement action be taken to stop the unauthorised car repair business taking place at 8 Mountfields Avenue, Taunton subject to such action being deferred until 11 February 2007; and
- (2) If an enforcement notice was subsequently served and, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the notice not be complied with.

**157. Unauthorised erection of funeral director's sign at 6 The Mount, Taunton**

Reported that following the receipt of a complaint, the owner of the property at 6 The Mount, Taunton had submitted an application for advertisement consent to retain two signs advertising his funeral director's business.

A split decision had been made in November 2006 granting consent for one of the signs but refusing the large sign mounted on the gable wall. To date, no action to remove the unauthorised sign had been taken.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised advertisement sign on the gable wall of 6 The Mount, Taunton, unless it was removed within one month.

**158. Erection of additional extension and increase in height of boundary wall at Pippins, 31 Wellington Road, Taunton**

Reported that a complaint had been received concerning a possible unauthorised extension, in the form of a conservatory, being added to extensions already constructed at 31 Wellington Road, Taunton.

In addition, the boundary wall had been increased in height to over 2m high by the addition of a number of wicker panels.

The owners of the property had been advised that the additional structures required planning permission but, to date, no such application had been received.

In the view of the Development Control Manager, if a planning application was submitted, both the conservatory and the wicker panels would be likely to be approved. In the circumstances, it was not considered expedient to progress further action to secure the submission of an application.

The Committee however disagreed with this viewpoint. After a lengthy discussion it was felt that:-

- (i) The conservatory had a detrimental impact on the visual amenities of the neighbouring property and was also overbearing; and
- (ii) The fence was considered to be too high and it too had a detrimental impact on the visual amenities of the neighbouring property.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised conservatory and wicker fence panels at 31 Wellington Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 8.26 pm)

06/2006/021

GADD HOMES LTD

**ERECTION OF MIXED USE DEVELOPMENT COMPRISING 2 UNITS OF HOLIDAY ACCOMMODATION, CRAFT VILLAGE (A3 PLANNING USE CLASS), 19 OPEN MARKET HOUSES, 22 AFFORDABLE HOUSING UNITS (COMPRISING 12 HOUSES AND 10 FLATS) AND ASSOCIATED HIGHWAY INFRASTRUCTURE AT STATION FARM, STATION ROAD, BISHOPS LYDEARD, AS AMENDED BY LETTER DATED 16TH JUNE, 2006 WITH ACCOMPANYING FINANCIAL APPRAISAL, BY LETTER DATED 20TH SEPTEMBER, 2006 WITH ACCOMPANYING REVISED FINANCIAL APPRAISAL LETTER FROM PETER EVANS PARTNERSHIP TO COUNTY HIGHWAY AUTHORITY DATED 15TH NOVEMBER, 2006 WITH ACCOMPANYING DRAWING NOS. 0837.05B AND 08A, AND AS AMPLIFIED BY LETTERS DATED 10TH NOVEMBER, 2006 WITH ACCOMPANYING INFORMATION AND 14TH DECEMBER, 2006**

316251/128973

FULL

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## 1.0 **RECOMMENDATION**

I recommend that in the event that the Local Planning Authority was in a position to determine the application, the application would have been REFUSED for the following reasons:-

1. The site is beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to strictly control new development. Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policy S7 state that such development should be restricted to that which benefits the rural economy, maintains or enhances the environment or is for the purposes of agriculture. In the opinion of the Local Planning Authority, insufficient justification has been put forward for the proposed development sufficient to warrant an exception being made to these policies.
2. In the opinion of the Local Planning Authority, it is considered that the proposed tourist development elements of the proposal are unlikely to be viable in the long term, leading to future pressure for other uses for the buildings which would not be in compliance with Taunton Deane Local Plan Policy EC22. Furthermore, the policy does not make provision for enabling development or retail development as proposed or provide for a site of the size indicated on the planning application.
3. The proposed development by reason of its siting and appearance would be detrimental to the setting and character of Slimbridge, which is a listed building, and the rural character and aspect of the railway station and its general surroundings, contrary to Taunton Deane Local Plan Policies EC22 and EN16.

06/2006/022

GADD HOMES LTD

**ERECTION OF INN WITH RESTAURANT (A4 PLANNING USE CLASS) AND ASSOCIATED HIGHWAY INFRASTRUCTURE, AS PART OF PROPOSED MIXED USE DEVELOPMENT COMPRISING HOLIDAY ACCOMMODATION, CRAFT VILLAGE AND HOUSING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTER DATED 16TH JUNE, 2006 WITH ACCOMPANYING FINANCIAL APPRAISAL, LETTER DATED 20TH SEPTEMBER, 2006 WITH ACCOMPANYING REVISED FINANCIAL APPRAISAL, LETTER FROM PETER EVANS PARTNERSHIP TO COUNTY HIGHWAY AUTHORITY DATED 15TH NOVEMBER, 2006 WITH ACCOMPANYING DRAWING NOS. 0837.05B AND 08A, AND AS AMPLIFIED BY LETTERS DATED 10TH NOVEMBER, 2006 WITH ACCOMPANYING INFORMATION AND 14TH DECEMBER, 2006**

316251/128973

FULL

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## 1.0 **RECOMMENDATION**

Permission be REFUSED for the following reason:-

- 01 The current application for the proposed development has been submitted in conjunction with a mixed use development the subject of planning application 06/2006/021. In the opinion of the Local Planning Authority, the development of this site should not be considered in isolation but only in conjunction with the potential development of the adjoining land, in order to ensure that potential development proceeds in a comprehensive manner in compliance with Taunton Deane Local Plan Policy EC22.

## 2.0 **APPLICANT**

Gadd Homes Ltd.

## 3.0 **THE SITE**

The site is located to the west of Bishops Lydeard railway station and comprises redundant farm buildings, a bungalow and agricultural pasture land. There are also extensive concrete hardstandings, a silage clamp and a slurry pit. The Bishops Lydeard terminus of the West Somerset Railway and the railway line form the eastern boundary of the overall development. The railway buildings and line are generally raised above the level of the site on an embankment particularly at its southern end. The access road to the railway and embankment to the Station Road railway bridge forms part of the northern boundary, the remainder being formed by Station Road fronted by a hedgerow. To the north of Station Road is the Greenway Estate. To the south and west is further farmland in the same ownership (the applicants are prospective purchasers of the site). This land is intended to accommodate the proposed future golf club and golf course (not part of the applications the subject of this Report).

## 4.0 **PROPOSALS**

Two applications are the subject of this Report.

One 06/2006/021 is a full application for mixed use development comprising holiday accommodation, a craft village (A3 use) housing and associated highway infrastructure. The application was initially submitted with 6 units of holiday accommodation, 15 open market houses and 22 restricted affordable properties, comprising flats and houses. This was subsequently amended to 2 units of holiday accommodation and 19 open market houses. The affordable housing element comprises 12 two bed houses, 4 two bed flats and 6 one bed flats. The proposal also incorporates a new access onto Station Road. The new road through the site would also serve the western entrance to the railway station in lieu of the current unsurfaced lane, served by an oblique access off Station Road. To improve the amenity of the railway, and pedestrian safety on Station Road, in particular over the railway bridge, two options were originally proposed. Option A was to provide viewing platforms to the side of the bridge on its southern side and Option B was to restrict traffic flow over the bridge to single carriageway controlled by priority traffic lights, and create a wide footpath to both sides, providing safe viewing areas. The amended proposals opt for Option B. The proposed holiday accommodation is designed specifically for use by the disabled and is intended as short-term holiday lets.

The materials proposed are a mixture of facing brickwork and render for the walls and natural slate and concrete double roman tiles for the roofs. The two

holiday let units are to be single storey and built on the footprint of existing traditional farm buildings, using the existing clay double roman roof tiles.

It was originally anticipated that the craft centre, formed around a public courtyard with a central covered market stall would provide the following accommodation types – craft workshops, museum or art gallery, convenience store, cafe, farm shop and a crèche. The workshops and shops are envisaged as accommodating rural crafts and local produce. The amendments to the mixed use proposal (06/2006/021) reduce the floor area for the craft village, delete the proposed museum/art gallery and revise the car parking, delivery and bin storage. It is the appellants intention to actively encourage the production/workshop aspect of the craft elements. They anticipate that the majority of the visitors to the craft village and other tourism elements of the development will arrive and depart via the West Somerset Railway.

The second application (06/2006/022) is an outline application for the erection of an inn with restaurant and approximately 10 hotel rooms (A4 planning use), with associated parking. The materials indicated are for render and facing brick for the walls and natural slate for the roof. The floorspace is estimated at 892 sq m.

The applicants have indicated that these two applications form Phase 1 of their development proposals. Phase 2 would comprise a golf club and golf course, located to the south and west of Phase 1.

The applicants have submitted the two applications in the form they have because they consider that it is preferable to submit a reserved matters detailed scheme for the inn when a preferred client has been secured, rather than subsequently amending an approved scheme to suit individual operational requirements.

The proposals are based on seeking to provide a leisure facility to complement the adjacent West Somerset Railway. The scheme provides a craft centre, inn with restaurant and holiday accommodation. The associated housing has two objectives:- to contribute to the significant highways and service infrastructure costs; and to provide over 50% of properties to be sold to the local needs starter house market at below market rate in perpetuity in conjunction with Taunton Deane Borough Council.

The applications were accompanied by a Bat Survey, Design Statement, Ecology Report, Flood Risk Assessment, Transport Assessment and Planning Report. A Financial Appraisal was also submitted with the application. The aim of this was to establish the economic viability of the proposed commercial/tourism and leisure facilities both with and without enabling development in the form of the open market dwellings.

The applicants for the two planning applications have appealed against non-determination of the applications. The Authority is therefore now unable to determine the applications and they will be dealt with by a Planning Inspector

at a Public Inquiry. However a resolution from the Committee will establish the Local Planning Authority's position on the proposals.

## 5.0 **RELEVANT PLANNING POLICIES**

### **Regional Planning Guidance for the South West (RPG10)**

#### Policy SS 19: Rural Areas

Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs; set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

#### Policy EN3 – The Historic Environment

#### Policy EC1 – Economic Development

#### Policy TCS1: Tourism

Local authorities, tourism bodies and other agencies should seek to promote and encourage sustainable tourism in the South West by:

- improving the quality and range of attractions and accommodation in the region, especially those which:
- promote the special cultural, heritage and countryside features of the region;

- complement or enhance the local environment and are of a scale appropriate to the location and setting of the area;
- support regeneration initiatives in coastal resorts, market towns and larger urban areas;
- providing for major new flagship attractions in sustainable locations which:
  - will substantially expand the tourism market away from areas already under greatest pressure;
  - are readily accessible by public transport and can be integrated into cycle and pedestrian routes;
  - can provide opportunities for secondary attractions to locate nearby rather than compete with existing attractions;
  - promote the use of environmentally sound and sustainable construction, design and operational practices; (identifying and implementing management measures and action to deal with the pressures of tourism in 'honeypot' areas (i.e. traditional, well known sites that attract large numbers of tourists) and ensuring that additional development does not exacerbate the problems facing such areas;
- encouraging small scale tourism, including farm and activity tourism initiatives, in areas where it will assist the diversification of the rural economy and primarily at the most locally accessible locations (recognising that the potential for using public transport and other non-car modes is more limited than in urban areas).

Policy H03 - Affordable Housing

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

STR1 Sustainable Development

STR3 Rural Centres and Villages

STR5 Development in Rural Centres and Villages

STR6

DEVELOPMENT OUTSIDE TOWNS, RURAL CENTRES AND VILLAGES  
 DEVELOPMENT OUTSIDE TOWNS, RURAL CENTRES AND VILLAGES  
 SHOULD BE STRICTLY CONTROLLED AND RESTRICTED TO THAT  
 WHICH BENEFITS ECONOMIC ACTIVITY, MAINTAINS OR ENHANCES



THE ENVIRONMENT AND DOES NOT FOSTER GROWTH IN THE NEED TO TRAVEL.

Policy 5 Landscape Character

POLICY 9

THE BUILT HISTORIC ENVIRONMENT

THE SETTING, LOCAL DISTINCTIVENESS AND VARIETY OF BUILDINGS AND STRUCTURES OF ARCHITECTURAL OR HISTORIC INTEREST SHOULD BE MAINTAINED AND WHERE POSSIBLE BE ENHANCED. THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS SHOULD BE PRESERVED OR ENHANCED.

POLICY 22

TOURISM DEVELOPMENT IN SETTLEMENTS

PROVISION SHOULD BE MADE FOR THE DEVELOPMENT OF TOURIST ATTRACTIONS AND ACCOMMODATION IN SETTLEMENTS OR DEFINED TOURISM DEVELOPMENT AREAS. NEW DEVELOPMENTS WHICH WOULD GENERATE SUBSTANTIAL TRANSPORT MOVEMENTS SHOULD BE ACCESSIBLE BY PUBLIC TRANSPORT.

POLICY 23

TOURISM DEVELOPMENT IN THE COUNTRYSIDE

OUTSIDE OF SETTLEMENTS OR DEFINED TOURISM DEVELOPMENT AREAS, THE PRIORITY IS TO IMPROVE EXISTING ATTRACTIONS AND ACCOMMODATION AND TO MITIGATE THE ENVIRONMENTAL IMPACT OF EXISTING DEVELOPMENT. THIS SHOULD BE SET IN THE CONTEXT OF THE FOLLOWING CONSIDERATIONS:

- PROVISION FOR THE EXTENSION OF EXISTING TOURISM DEVELOPMENT SHOULD BE MADE WHERE NET ENVIRONMENTAL IMPROVEMENT WOULD RESULT BY WAY OF THE RELOCATION OF SITES AWAY FROM SENSITIVE AREAS OR BY THE PROVISION OF BETTER LAYOUTS OR LANDSCAPING;
- PROVISION FOR TOURISM DEVELOPMENT THAT FACILITATES FARM DIVERSIFICATION SHOULD BE MADE WHERE IT IS COMPATIBLE WITH THE RURAL LOCATION
- NEW DEVELOPMENT WHICH WOULD GENERATE SUBSTANTIAL TRANSPORT MOVEMENTS SHOULD NORMALLY BE ACCESSIBLE BY PUBLIC TRANSPORT.

POLICY 35

AFFORDABLE HOUSING

PROVISION WILL BE MADE FOR SECURING HOUSING TO MEET THE NEEDS OF THOSE WITHOUT THE MEANS TO BUY OR RENT ON THE OPEN MARKET. THIS PROVISION SHALL MEET AN IDENTIFIED LOCAL NEED AND SHOULD BE AVAILABLE AND AFFORDABLE TO SUCCESSIVE OCCUPIERS.

Policy 39 Transport and Development

Policy 48 Access and Parking

**POLICY 49**

TRANSPORT REQUIREMENTS OF NEW DEVELOPMENT PROPOSALS FOR DEVELOPMENT SHOULD BE COMPATIBLE WITH THE EXISTING TRANSPORT INFRASTRUCTURE, OR, IF NOT, PROVISION SHOULD BE MADE FOR IMPROVEMENTS TO INFRASTRUCTURE TO ENABLE DEVELOPMENT TO PROCEED. IN PARTICULAR DEVELOPMENT SHOULD:

- PROVIDE ACCESS FOR PEDESTRIANS, PEOPLE WITH DISABILITIES, CYCLISTS AND PUBLIC TRANSPORT;
- PROVIDE SAFE ACCESS TO ROADS OF ADEQUATE STANDARD WITHIN THE ROUTE HIERARCHY AND, UNLESS THE SPECIAL NEED FOR AND BENEFIT OF A PARTICULAR DEVELOPMENT WOULD WARRANT AN EXCEPTION, NOT DERIVE ACCESS DIRECTLY FROM A NATIONAL PRIMARY OR COUNTY ROUTE; AND,
- IN THE CASE OF DEVELOPMENT WHICH WILL GENERATE SIGNIFICANT FREIGHT TRAFFIC, BE LOCATED CLOSE TO RAIL FACILITIES AND/OR NATIONAL PRIMARY ROUTES OR SUITABLE COUNTY ROUTES SUBJECT TO SATISFYING OTHER STRUCTURE PLAN POLICY REQUIREMENTS.

**West Deane Local Plan**

Although this Plan has now been superseded by the Taunton Deane Local Plan, the appellant's case is largely based on the change in policy stances between the West Deane Local Plan and the Taunton Deane Local Plan.

Policy WD/RT/3 allocated land west of Bishops Lydeard station for recreation and tourist development.

WD/RT/3 LAND WEST OF BISHOPS LYDEARD STATION IS ALLOCATED FOR RECREATION AND TOURIST DEVELOPMENT. A RANGE OF COMPLEMENTARY RECREATION AND TOURIST DEVELOPMENTS WILL BE PERMITTED WHICH:-

- (A) CONFORM GENERALLY WITH DEVELOPMENT PLAN POLICIES FOR THE COUNTRYSIDE;
- (B) RESPECT THE LANDSCAPE, HISTORICAL ENVIRONMENT AND NATURAL HISTORY OF THE AREA;

- (C) ENSURE ADEQUATE HIGHWAYS AND UTILITY SERVICING ARRANGEMENTS;
- (D) PROMOTE SOCIAL AND ECONOMIC BENEFITS TO THE LOCAL POPULATION;
- (E) SUPPORT THE TOURIST POTENTIAL OF THE WEST SOMERSET RAILWAY; AND
- (F) RESPECT THE CHARACTER AND SETTING OF THE STATION BUILDINGS, INCLUDING SLIMBRIDGE.

THE BOROUGH COUNCIL WILL NOT PERMIT DEVELOPMENT WHICH WOULD DETRACT FROM OR NOT CONTRIBUTE TO THESE AIMS. WHERE IT CAN BE DEMONSTRATED THAT AN APPROPRIATE RECREATIONAL OR TOURIST DEVELOPMENT COULD NOT OTHERWISE BE ACHIEVED, THE LOCAL PLANNING AUTHORITY WILL PERMIT A MODEST AMOUNT OF OTHER USES WHERE THIS CAN GUARANTEE THE PROVISION OF SUITABLE SIGNIFICANT RECREATION AND TOURISM DEVELOPMENT.

### **Taunton Deane Local Plan**

The following policies are relevant:-

- S1 General Requirements
- S2 Design
- S3 PROPOSALS INCORPORATING A MIX OF USES WILL BE PERMITTED, PROVIDED THAT:
  - (A) ONLY USES WHICH ACCORD WITH THE DEVELOPMENT PLAN POLICIES APPLYING TO THE SITE OR AREA ARE INCORPORATED, INCLUDING THE ACCESSIBILITY OF THE SITE FOR NON-CAR TRANSPORT MODES;
  - (B) ONLY USES WHICH WOULD BE COMPATIBLE WITH EACH OTHER AND THE SURROUNDING AREA ARE INCORPORATED, TAKING ACCOUNT OF ANY MITIGATION MEASURES PROPOSED; AND
  - (C) THE SCHEME IS DESIGNED AS A UNIFIED WHOLE.

PROPOSALS FORMING PART OF A LARGER MIXED-USE ALLOCATION (POLICIES T2, T3, T4 & T8) WILL BE PERMITTED PROVIDED THAT THEY DO NOT PREJUDICE THE COMPREHENSIVE AND CO-ORDINATED DEVELOPMENT OF THE WHOLE ALLOCATION AND THE DELIVERY OF NECESSARY INFRASTRUCTURE.

- S4 BISHOPS LYDEARD AND WIVELISCOMBE ARE DEFINED AS RURAL CENTRES, APPROPRIATE FOR SELECTIVE DEVELOPMENT WHICH ENHANCES OR MAINTAINS THEIR LOCAL SOCIAL AND ECONOMIC ROLE AND ENVIRONMENTAL QUALITY AND IS UNLIKELY TO LEAD TO A SIGNIFICANT INCREASE IN CAR TRAVEL.
- S7 OUTSIDE DEFINED SETTLEMENT LIMITS, NEW BUILDING WILL NOT BE PERMITTED UNLESS IT MAINTAINS OR ENHANCES THE ENVIRONMENTAL QUALITY AND LANDSCAPE CHARACTER OF THE AREA AND:
- (A) IS FOR THE PURPOSES OF AGRICULTURE OR FORESTRY;
  - (B) ACCORDS WITH A SPECIFIC DEVELOPMENT PLAN POLICY OR PROPOSAL;
  - (C) IS NECESSARY TO MEET A REQUIREMENT OF ENVIRONMENTAL OR OTHER LEGISLATION; OR
  - (D) SUPPORTS THE VITALITY AND VIABILITY OF THE RURAL ECONOMY IN A WAY WHICH CANNOT BE SITED WITHIN THE DEFINED LIMITS OF A SETTLEMENT.

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

- (E) AVOID BREAKING THE SKYLINE;
  - (F) MAKE MAXIMUM USE OF EXISTING SCREENING;
  - (G) RELATE WELL TO EXISTING BUILDINGS; AND
  - (H) USE COLOURS AND MATERIALS WHICH HARMONISE WITH THE LANDSCAPE.
- H2 Housing Within Classified Settlements
- H11 AS EXCEPTIONS TO H2, SMALL AFFORDABLE HOUSING SCHEMES WHICH MEET THE LOCAL COMMUNITY'S NEEDS FOR AFFORDABLE HOUSING WILL BE PERMITTED ON SITES WHERE HOUSING WOULD NOT OTHERWISE BE PERMITTED, EITHER WITHIN OR ADJOINING THE IDENTIFIED LIMITS OF VILLAGES AND RURAL CENTRES, PROVIDED THAT:
- (A) THERE IS A LOCAL NEED FOR AFFORDABLE HOUSING, DEFINED AS THE PRESENCE OF HOUSEHOLDS IN NEED OF AFFORDABLE HOUSING IN THE FOLLOWING CATEGORIES:
    - (1) HOUSEHOLDS LIVING OR INCLUDING SOMEONE WORKING IN THE PARISH OR ADJOINING PARISHES

- CURRENTLY IN OVERCROWDED OR OTHERWISE UNACCEPTABLE ACCOMMODATION;
- (2) NEWLY FORMED HOUSEHOLDS LIVING OR INCLUDING SOMEONE EMPLOYED IN THE PARISH OR ADJOINING PARISHES;
  - (3) HOUSEHOLDS INCLUDING DEPENDANTS OF THE HOUSEHOLDS LIVING IN THE PARISH OR ADJOINING PARISHES; OR
  - (4) HOUSEHOLDS INCLUDING A RETIRED OR DISABLED MEMBER WHO HAS LIVED OR WORKED IN THE PARISH OR ADJOINING PARISHES FOR A TOTAL OF FIVE OR MORE YEARS;
- (B) THE SITE PROPOSED IS THE BEST AVAILABLE IN PLANNING TERMS AND WOULD NOT HARM THE CHARACTER AND LANDSCAPE SETTING OF THE SETTLEMENT MORE THAN IS JUSTIFIED BY THE HOUSING NEED TO BE MET;
- (C) SATISFACTORY ARRANGEMENTS ARE MADE TO SECURE THE AVAILABILITY OF THE DWELLINGS IN PERPETUITY FOR OCCUPIERS WHO ARE IN A CATEGORY OF NEED AS DEFINED IN CRITERION (A), OR OTHER GENUINE HOUSING NEED ONLY WHERE THIS IS NECESSARY TO SECURE FULL OCCUPATION OF THE SCHEME;
- (D) THE PROPOSAL DOES NOT INCORPORATE HIGH VALUE HOUSING TO OFFSET A LOWER RETURN ON THE AFFORDABLE HOUSING; AND
- (E) THE LAYOUT AND DESIGN OF THE SCHEME CONFORMS WITH POLICY H2.

H19 Designing Out Crime

EC7 Rural Employment Proposals

EC13 WHERE MAJOR EDGE-OF-CENTRE OR OUT-OF-CENTRE SHOPPING FACILITIES ARE PROPOSED, SUCH AS RETAIL WAREHOUSING, FOOD SUPERSTORES OR FACTORY OUTLET CENTRES, IT WILL BE NECESSARY TO ASSESS THE IMPACT OF THE PROPOSED DEVELOPMENT ON THE VITALITY AND VIABILITY OF EXISTING TOWN CENTRES AND/OR NEARBY LOCAL CENTRES. SUBJECT TO THE RESULTS OF A RETAIL IMPACT ASSESSMENT, CONDITIONS MAY BE IMPOSED WHICH COULD INCLUDE:

- (A) PREVENTING THE SUBDIVISION OF RETAIL UNITS INTO SMALLER UNITS; AND,

- (B) RESTRICTING THE SALE OF APPROPRIATE BROAD CATEGORIES OF GOODS.

EC15 THE RANGE OF SHOPPING AND SERVICE FACILITIES SERVING THE ASSOCIATED SETTLEMENTS, RURAL CENTRES AND VILLAGES WILL BE MAINTAINED AND ENHANCED, AS FOLLOWS:

- (A) PROPOSALS TO PROVIDE NEW RURAL SERVICES, INCLUDING SHOPS, PUBLIC HOUSES AND SURGERIES WILL BE PERMITTED WITHIN THE DEFINED SETTLEMENT LIMITS;
- (B) APPLICATIONS WHICH SEEK TO IMPROVE THE VIABILITY OF EXISTING SERVICES THROUGH REFURBISHMENT, CONVERSION OR EXTENSION WILL BE PERMITTED; AND
- (C) PROPOSALS WHICH WOULD RESULT IN THE LOSS OF SHOPS OR OTHER COMMUNITY SERVICES WILL NOT BE PERMITTED WHERE THIS WOULD DAMAGE THE VIABILITY OF A SETTLEMENT OR INCREASE CAR TRAVEL BY LOCAL RESIDENTS AS A RESULT OF A SIGNIFICANT OR TOTAL LOSS OF SUCH SERVICES TO THE COMMUNITY.

EC19 PROPOSALS FOR NEW FARM SHOPS WILL BE PERMITTED PROVIDED THAT:

- (A) THE SHOP SELLS PREDOMINANTLY LOCAL FARM PRODUCE;
- (B) THE OPERATION DOES NOT AFFECT THE AVAILABILITY OF ACCESSIBLE LOCAL SHOPPING FACILITIES;
- (C) THE ON-SITE SALE OF PRODUCE DIRECT TO THE PUBLIC REMAINS AN ANCILLARY OPERATION TO THE MAIN FUNCTION OF THE FARM;
- (D) EXISTING FARM BUILDINGS ARE USED WHERE APPROPRIATE; AND
- (E) THE SHOP BUILDINGS ARE SITUATED WITHIN OR ADJACENT TO THE EXISTING FARM COMPLEX.

EC21 TOURIST AND RECREATION ATTRACTIONS

WITHIN SETTLEMENTS, PROPOSALS FOR TOURIST AND RECREATION FACILITIES COMPATIBLE WITH THE SIZE AND FUNCTION OF THE SETTLEMENT WILL BE PERMITTED. OUTSIDE SETTLEMENTS, PROPOSALS FOR TOURIST AND RECREATION FACILITIES WILL BE PERMITTED PROVIDED THAT:

- (A) INCREASED VISITOR PRESSURE WOULD NOT HARM THE NATURAL OR MAN-MADE HERITAGE; AND
- (B) ANY NEW BUILDINGS WOULD BE OF A SCALE APPROPRIATE TO THE LOCATION AND USE.

EC22 – see below

EC23 Tourist Accommodation

M1/M2/M3 Transport, Access and Circulation Requirements of New Developments

M4 Residential Parking Requirements

C4 Sport and Recreation Provision

EN4 Wildlife in Buildings to be Converted or Demolished

EN5 Protected Species

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

EN9 Tree Planting

EN12 Landscape Character Areas

EN16 DEVELOPMENT PROPOSALS WHICH WOULD HARM A LISTED BUILDING, ITS SETTING OR ANY FEATURES OF SPECIAL OR HISTORIC INTEREST WHICH IT POSSESSES, WILL NOT BE PERMITTED.

BL2 NEW HOUSING DEVELOPMENT WILL BE RESTRICTED TO SMALL-SCALE DEVELOPMENTS, INCLUDING INFILLING, WITHIN THE DEFINED SETTLEMENT LIMITS.

Policy EC22 is specific to the site. For completeness, the background and development of this policy are set out below.

Deposit Revision Policy EC17

EC17 LAND WEST OF BISHOPS LYDEARD STATION IS ALLOCATED FOR RECREATION AND TOURIST DEVELOPMENT. A RANGE OF COMPLEMENTARY RECREATION AND TOURIST DEVELOPMENTS WILL BE PERMITTED WHICH:

- (A) SUPPORT THE TOURIST POTENTIAL OF THE WEST SOMERSET RAILWAY;

- (B) RESPECT THE CHARACTER AND SETTING OF THE STATION BUILDINGS, INCLUDING SLIMBRIDGE; AND
- (C) WIDEN STATION ROAD AND PROVIDE A FOOTWAY FROM THE SITE TO THE A358 JUNCTION.

WHERE IT CAN BE DEMONSTRATED THAT AN APPROPRIATE RECREATIONAL OR TOURIST DEVELOPMENT COULD NOT OTHERWISE BE ACHIEVED, THE LOCAL PLANNING AUTHORITY MAY BE PREPARED TO ACCEPT A MODEST AMOUNT OF OTHER USES WHERE THIS CAN GUARANTEE THE PROVISION OF SUITABLE AND SIGNIFICANT RECREATION AND TOURISM DEVELOPMENT.

Revised Deposit Revision Policy EC17

LAND WEST OF BISHOPS LYDEARD STATION IS ALLOCATED FOR RECREATION AND TOURIST DEVELOPMENT. A RANGE OF COMPLEMENTARY RECREATION AND TOURIST DEVELOPMENTS WILL BE PERMITTED WHICH:

- (A) SUPPORT THE TOURIST POTENTIAL OF THE WEST SOMERSET RAILWAY; AND
- (B) RESPECT THE CHARACTER AND SETTING OF THE STATION BUILDINGS, INCLUDING SLIMBRIDGE. AND
- ~~(C) WIDEN STATION ROAD AND PROVIDE A FOOTWAY FROM THE SITE TO THE A358 JUNCTION.~~

~~WHERE IT CAN BE DEMONSTRATED THAT AN APPROPRIATE RECREATIONAL OR TOURIST DEVELOPMENT COULD NOT OTHERWISE BE ACHIEVED, THE LOCAL PLANNING AUTHORITY MAY BE PREPARED TO ACCEPT A MODEST AMOUNT OF OTHER USES WHERE THIS CAN GUARANTEE THE PROVISION OF SUITABLE AND SIGNIFICANT RECREATION AND TOURISM DEVELOPMENT.~~

Adopted Policy EC22

LAND WEST OF BISHOPS LYDEARD STATION IS ALLOCATED FOR RECREATION AND TOURIST DEVELOPMENT. COMPLEMENTARY RECREATION AND TOURIST DEVELOPMENTS WILL BE PERMITTED WHICH:

- (A) SUPPORT THE TOURIST POTENTIAL OF THE WEST SOMERSET RAILWAY; AND
- (B) RESPECT THE CHARACTER AND SETTING OF THE STATION BUILDINGS, INCLUDING SLIMBRIDGE.



## 6.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

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

Paragraph 13 – Key Principles

Paragraph 23 – Sustainable Economic Development

Paragraph 27 – Delivering Sustainable Development – General Approach

Paragraphs 33 - 39 – Design

### **Planning Policy Statement 3 'Housing' (PPS3)**

Paragraphs 25/26 – Market Housing

Paragraphs 27 - 30 – Affordable Housing

### **Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7)**

Paragraph 9 In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should: (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

Paragraph 34 Regional planning bodies and local planning authorities should recognise through RSS and LDDs that tourism and leisure activities are vital to many rural economies. As well as sustaining many rural businesses, these industries are a significant source of employment and help to support the prosperity of country towns and villages, and sustain historic country houses, local heritage and culture. RSS and LDDs should:

- (i) support, through planning policies, sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do not harm, the character of the countryside, its towns, villages, buildings and other features;
- (ii) recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments,

subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved; and

- (iii) ensure that any plan proposals for large-scale tourism and leisure developments in rural areas have been subject to close assessment to weigh-up their advantages and disadvantages to the locality in terms of sustainable development objectives. In particular, the policy in PPG13 should be followed in such cases where high volumes of traffic may be generated.

Paragraph 35 The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:

- (i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;
- (ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.

Paragraph 36 Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.

### **Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9)**

Paragraphs 15/16 - Species Protection

### **Planning Policy Guidance Note 13 'Transport' (PPG13)**

The introduction of this document give the underlying objectives as integrating planning and transport at the nation, required, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;

- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport.

**Planning Policy Guidance Note 15 'Planning and Historic Environment' (PPG15)**

Paragraph 2.14      The design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community. This can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. This does not mean that new buildings have to copy their older neighbours in detail: some of the most interesting streets in our towns and villages include a variety of building styles, materials, and forms of construction, of many different periods, but together forming a harmonious group.

Paragraph 2.16      Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

Paragraph 2.26 - The wider historic landscape

7.0      **CONSULTATIONS**

**County Highway Authority (Amended Plans)**

"The site is situated on the south-west edge of Bishops Lydeard adjacent to Station Road, Bishops Lydeard Station and the Greenway housing estate.

The majority of the site is allocated in the Taunton Deane Local Plan for recreation and tourist development. However, some of the site is outside the Local Plan area and there is no provision in the plan for residential development. It is a matter for the Planning Authority to decide whether or not the proposal is compliant with Taunton Deane Local Plan. From a transportation viewpoint, it is on the edge of the village and generally not best placed to encourage travel by modes of transport other than the private car.

From a highway and transportation viewpoint there are several issues to be considered in terms of highway infrastructure. In particular, the level of traffic that will use Station Road and its junction with the A358 and the necessary alterations to the railway bridge and the junction of Station Road with the A358.

1. The site access onto Station Road is appropriately sited and has adequate visibility splays. Subject to minor alterations in its geometry and the extension of the southern footway to form a suitable crossover point to the existing northern footway, the access is acceptable. Conditions will need to be attached to any consent requiring its provision prior to the occupation of any of the development on site. I have yet to receive amended plans showing the necessary alterations which were discussed at a meeting with the developers and their consultants some time ago. The following condition will also be required to secure the appropriate internal estate road details:-

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

2. Station Road, and in particular the bridge over the West Somerset Railway, is hump-backed and inter-visibility between the oncoming traffic is poor. There is no footway on the south side of the bridge from which access to the station platforms is provided via steps. The absence of a footway raises safety concerns for pedestrians using the steps and the bridge to cross over the railway.

In order to overcome this, it is recommended that traffic signals should be provided on the railway bridge to restrict the traffic flow to single-way working, generally as shown on Drawing 0837.02A. This would allow sufficient width for a new footway and prevent parking of vehicles

on the bridge. It also overcomes the inter-visibility issues on the approaches to the bridge.

3. The junction of Station Road and the A358 has also been considered both in terms of capacity and highway safety. It is clear from the analysis provided that there are no significant capacity issues at the junction, and therefore any improvements required are based on the existing accident problem at the junction and the potential for further accidents should the development proceed.

Discussions have taken place with the applicant and his consultant, where alternatives for junction improvements such as right-turn lanes and roundabouts have been considered. Taking into account all of the issues, a proposal for a roundabout junction has been received and evaluated and it is considered that this is the only solution which will both reduce speeds on the A358 and overcome the existing accident problem at the junction. This roundabout is being amended at present and I await amended plans.

In conclusion, therefore, I do not propose to object to the proposal subject to the applicants entering into a Section 106 Agreement to secure the design, construction and funding of the following:-

1. The provision of a roundabout at the junction of the A358 and Station Road generally in accordance with the submitted drawing. This drawing needs minor alterations, and discussions are ongoing with the developers' highway consultants to facilitate this.
2. The provision of shuttle traffic signal installation on the West Somerset Railway Bridge.”

### **County Archaeologist**

There are limited or no archaeological implications to this proposal, so I therefore have no objections on archaeological grounds.

### **Environment Agency**

Because of the location of the proposal and the associated level of flood risk, the flood risk standing advice should be provided.

### **Wessex Water**

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

The developer has proposed to dispose of surface water to existing watercourse via attenuation pond. It is advised that your Council should be

satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

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

### **Chief Fire Officer**

#### **“Means of Escape**

Means of escape in case of fire should comply with Approved Document B11 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

#### **Access for Appliances**

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

#### **Water Supplies**

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

### **Natural England**

“The survey information provided by the applicants indicates that bats and dormice will not be affected by these proposals. Although the hedgerows have potential for dormice the connectivity to nearby Ash Common, where dormice are present, is broken and the likelihood of dormice being affected by this stage of the development is reduced.

There is potential for slow worms and we recommend further surveys are done. All surveys should be carried out at an appropriate time of year and employ methods that are suited to the local circumstances. It is important that this work is undertaken by a reputable, qualified and, where appropriate, a suitably licensed consultant.

Although not a consideration for these planning proposals. Natural England can confirm that if the phase 2 proposal for a golf club and golf course proceeds we will expect thorough surveys for European Protected species such as dormice and great crested-newts to be undertaken.”

### **Landscape Officer**

06/2006/021 "My main concern is the impact on the open countryside to the south and west of the proposed development. The proposed boundary landscape buffer should help to soften that impact but details of how the landscape strips are to be planted and maintained need to be carefully considered.

Other concerns are that the roadside treatment needs to be reinforced to retain as much as possible the rural character of the existing site.

Landscape details for the internal layout are only sketchy and need further details before a full assessment can be made."

06/2006/022 "This is a substantially formed landscape with limited screening. The main landscape features of note are the road frontage hedgerow, western boundary hedgerow, small stream to the east and some existing trees.

My main concerns are:-

- i. it is not clear as to the extent of the western and southern boundary proposed tree planting but the planting needs to be substantial to soften the impact of the development on the formed landscape. The longer term management and maintenance of these trees should be carefully considered.
- ii. the proposed planting is illustrative only but leaves very little opportunity for tree planting on the main access road from Station Road."

### **Conservation Officer**

06/2006/021 "I would consider that this development will be detrimental to the setting of the listed building affected (Slimbridge) and also to the general amenity of the site. This currently has a very rural character and aspect in spite of the commercial units across the railway.

With the exception of Slimbridge most of the railway buildings are not listed, these collectively have strong historic character thanks to their preservation, presentation and setting. There is still the sense that this is a small rural halt. With this in mind I believe the construction of something resembling a supermarket with mini housing estate adjacent could only be harmful. The cumulative effect of this development and the commercial units across the line would be to entirely swamp the station site. From a tourism point of view it strikes me that this would destroy the thing worth coming here to see."

06/2006/022 "None of the buildings on site are of any intrinsic historic merit. If proposal deemed acceptable in principle, design, materials etc. will need to be of high quality and reflective of locality."

### **Nature Conservation & Reserves Officer**

“Devon Wildlife Consultants' report has identified the hedgerow along Station Road as important. Dormice were not considered to be an issue on site and having looked at connectivity with Ash Common (where dormice are known to be) I agree.

I advise that if permission is granted an on site management plan should be conditioned to include hedgerow and streamside management. I also recommend that enhancement for bats (because possible roost sites will be lost) should be a requirement.

Please note that if future applications are made on land to the south of this site then great crested newts and dormouse surveys will be a requirement.”

### **Forward Planning Officer**

“These applications relate to different elements of a single combined proposal, which must be viewed as a whole.

The stated purpose of the proposals is to deliver recreation/tourism uses which are compatible with, and will help to support the viability of, the adjoining West Somerset Railway. This is a concept that has been under consideration for many years, and which has been given expression in policy EC22 of the Adopted Taunton Deane Local Plan (TDLP).

The proposed pub/restaurant and 'craft village' including craft and farm shops and a museum or art gallery, are the types of use which are identified as being complementary to the railway in the TDLP. Likewise, I would regard the proposed holiday accommodation as supporting the tourist function of the railway. These proposals are welcomed.

However, the proposals are contrary to policy EC22 in two respects: they include housing (both open market and affordable) and a general retail store which are not provided for under the policy, and they involve a site that is considerably larger than that allocated in the TDLP.

The justification for the inclusion of the open market housing is to provide cross-subsidy for the tourism/recreation uses which, by themselves, are claimed to have a negative development value. This is supported by a financial appraisal. The use of this type of enabling development was considered in the preparation of the TDLP, and it was decided, contrary to an Inspector's recommendation, not to allow for it within the policy because of the failure of this mechanism to secure the desired outcome on a previous occasion at Sandhill Park.

I consider that such a risk still remains. Although it should be possible through the use of conditions or a legal agreement to secure the provision of the premises for the recreation/tourism uses, the provision of the premises will not ensure that the businesses continue to operate for the long-term benefit of the railway.



Notwithstanding the above if, on balance, it is decided that in view of the railway's importance to recreation and tourism and the rural economy this is an acceptable risk, I would suggest that before determining the application the Council should ensure it is satisfied that:-

- there is a legitimate financial justification for the proposed scale of enabling development; and
- acceptable evidence is submitted that demonstrates market demand for the facilities being proposed and that they will be financially viable.

The inclusion of retail activities in the proposals is potentially problematic, as the application site is not a sustainable location for general retailing, and may threaten the viability of existing retailers in the centre of Bishops Lydeard. The sale of 'craft' goods is acceptable, but needs to be carefully controlled to prevent the sale of convenience goods which would be in competition with village centre retailers. For similar reasons I have concerns about the inclusion of a convenience store of some 3,000 sq ft.

As the site adjoins Greenway, which is identified as part of the settlement of Bishops Lydeard in the TDLP, the inclusion of affordable housing may be in compliance with policy H11 as a rural 'exception' site. However, this requires evidence of local housing need, and the provision of appropriate types and tenures of housing to meet those needs. The Council's latest survey of affordable housing needs, the Somerset Housing Market Assessment, 2006, indicated that needs within Taunton Deane were for approximately 50% social rented and 50% intermediate housing. The views of housing officers should therefore be sought regarding the appropriateness of the proposed housing.

Policy EC22 of the TDLP also draws attention to the need for proposals to respect the setting of the station buildings and Slimbridge, so regard should be given to the views of the Conservation Officer on this issue.”

### **Economic Development**

We are broadly in support of the proposal, recognising that it will add value to the WSR activity and bring potential new jobs and economic activity to Bishops Lydeard. There are however a number of issues that we would wish to point out.

#### (a) Craft Village

- The proposal does not outline how the village will be managed (i.e. will individual units be let or sold?).
- We would not wish to see only retail craft activity at this site, as part of the 'crafts mix' for tourists and residents alike will be more sustainable if craft production can take place at the site also.
- We have concerns over the business viability of quite such a large crafts village in this location - and wonder whether it might be more effective to encourage a 'phased approach' that seeks to establish a

number of businesses initially that will support the potential expansion of this element of the site in future.

- We feel it is vital to the success of the site that the Crafts Village is maintained as a whole, and would encourage the presentation of a management and maintenance plan with other planning documentation.

(b) Housing proposals on the site

- Generally support the proposals for affordable housing on the site, and the proportions proposed.

(c) Holiday Accommodation

- We are not convinced by the proposal for significant levels of holiday accommodation to be built within the complex. As you know, there is strong evidence that Taunton Deane has 'reached' 'saturation point' for holiday let properties. Recent occupancy statistics provided by Visit England suggest that in 2005 only 83% occupancy was achieved in High Season in Somerset and less than 40% occupancy in other periods of the year. This calls into question the medium term viability of such an enterprise, and raises the spectre of future applications to convert this portion of the site to residential uses. We would wish to see quite stringent conditions placed on this aspect of the development to protect against this.

(d) Linkage to Bishops Lydeard

- It is critical to the success of the venture that the economic benefits are felt in the village itself. To that end the site is currently extant from the village, and has poor signage both from the road, and more particularly for pedestrians using Station Road. We would wish to see significant improvements to signage (in both directions), and to the quality of the pedestrian route. This is on both environmental and safety grounds, and recognises that it is likely that a significant proportion of the new workforce will use buses to Bishops Lydeard, and then walk into the site.

(e) Layout proposals

- We have to express our disappointment at the layout of the site as proposed. We feel there are visibility and site access issues, and the layout as proposed envisages that the craft and tourism elements of the site are accessed through the affordable housing 'zone'. We would prefer to see some segregation of road traffic in particular on safety grounds.
- In addition, the holiday accommodation is sited at the furthest point in the site from the access to the site, and it is our view that a switch of the proposed craft village and holiday accommodation would allow for

a segregated egress from this area and the visitor parking back onto Halse Road.”

### **Environmental Health Officer**

06/2006/021

#### **“Noise**

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

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

#### **Contaminated Land**

Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-

(a) Provide a written report to the Local Planning Authority, which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with, current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority.

Note to applicant: Re potential ground contamination. Commercial/ agricultural buildings are often used for the storage of material and fuels that could have lead to contamination of the ground in and around the buildings. There is also a potential risk from areas of filled ground (e.g. old

ditches/ponds or slurry pits) as the fill could contain hazardous materials, or could generate gasses as any waste breaks down.

If a detailed site investigation is required this should be carried out in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land that gives more details on the relevant sources of information available (Contact the Environmental Protection Team on 01823 356339 for a copy or look on the Council's web-site).

### Cooking Odours

The following condition should be applied to all A3 class premises, with fan assisted extraction units.

#### Odour

Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation.

The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

#### Noise

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

Reason: To protect the amenity of occupiers of adjoining properties”

### **06/2006/022**

#### “Kitchen Extraction Unit

#### Odour

Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as

long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation.

The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

### Noise

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

Reason: To protect the amenity of occupiers of adjoining properties.”

### “Food Safety

Will you please include the following in the notes to the applicant, in the event of permission being granted: -

During planning, design and operation of this establishment the applicant will need to have regard to the requirements of:-

Food Safety Act 1990 (Amendment) Regulations 2004

General Food Safety Regulations 2004

Regulation (EC) No. 178/2002, 852/2004 of the European Parliament & of the Council.

Regulation (EC) No. 853/2004 of the European Parliament & of the Council.

Food Hygiene ( England ) Regulations 2006

Failure to comply with the regulations is a criminal offence.

It is strongly recommended that the applicant contacts the Food Safety Team of the Environmental Health Department once plans showing the proposed layout and work flow are available. This is to discuss any details, which may need amending to ensure the premises will comply with current legislation.

Safer Food, Better Business' packs are available by contacting the Food Standards Agency on 08456060667 or by e-mail [foodstandards@ecgroup.uk.com](mailto:foodstandards@ecgroup.uk.com). Catering and Retail versions are available.

The applicant is strongly urged to obtain a copy of the relevant Industry Guide, due to be updated shortly, which provides detailed guidance on compliance with these regulations.

If this is a new food business, the premises must be registered with the Environmental Health Department at least 28 days prior to opening. The

applicant should contact the Food Safety Team on 01823 356342 for a registration form. Failure to register is a criminal offence.”

### **Drainage Officer**

“I note that surface water flows are to be dealt with via attenuation ponds. However, no details of these ponds are enclosed with submission. The design of any attenuation system needs to be prepared in conjunction with the attached Guidance Notes for Developers on Surface Water Drainage Issues – Somerset Version (Revised May 2004) and approved by this Authority before any planning permission is given. The developer is therefore advised to contact these offices at their earliest convenience to discuss their surface water disposal arrangements.”

### **Parish Council**

Recommend refusal.

### **West Somerset Railway**

Original observations:-

“The West Somerset Railway operates on land bordering the site and holds a 99 year lease for the track bed, station buildings, road overbridge and station approach roads from freehold owners Somerset County Council. Bishops Lydeard Station is the current southern terminus of our passenger operations and as such is of vital importance to the successful operation of the Railway.

Generally, whilst we see advantages to the railway in the provision of adjoining visitor facilities (craft centre and pub/restaurant) we do have major concerns regarding the effect of residential development, including increased traffic over our bridge, pedestrian access, visual intrusion and security of our facilities adjacent to the site. We are also concerned about the effect of the overall development on the current rural setting of the railway station, essentially unchanged since construction of the line in the nineteenth century.

Specific concerns we wish to record are:-

- Railway bridge - the effect of additional traffic on the bridge, which is narrow and has no footway, will increase risks to pedestrians and road users as well as its cumulative effect on the loading of the bridge.
- Traffic Study - we note that the traffic study was carried out 3 years ago during February, when the railway was not in operation. Traffic in the area increases significantly between March and October due to visitors, and passenger numbers have risen substantially over the past 3 years, to a total of 203,000 passengers in 2005.
- Proposed traffic control over bridge - whilst narrowing of the road across the bridge will provide safer pedestrian access, we are

concerned about the effect of traffic queuing on Station Road and blocking access to the industrial estate and to the car park adjacent to the station. Other related concerns:-

- Location of traffic lights - interference with railway signalling and views from the station.
  - Requirements to provide widened carriageway for queuing.
  - Please note that we are not in favour of the alternative viewing platforms suggested.
- 
- Security - Experience elsewhere on the railway indicates that the development will increase the risk of trespass on the line and of vandalism. Currently access has to be provided through our site to the Stationmaster's House - owned and rented out by the development site owner. The proposed layout indicates the exiting approach road access blocked off, with a new access through the development. This access, through our leased area, will also be required for the Stationmaster's House, Slimbridge House and the holiday accommodation, making future security provision very difficult.
  - Pedestrian route to Bishops Lydeard - the shortest route from the development would be via the current boarded railway crossing adjacent to the bridge, and this would increase risks. We already provide supervision during the hours of train operation and we are trying to reduce the need for its use. We would not wish to see additional use either during or outside operating times.
  - Future alterations to development plans - We have concerns about the viability of the craft centre and pub/restaurant and would need reassurance that use of these areas would not be altered in future - for example, for additional residential development or workshop/industrial use.
  - Problems of residential development adjacent to the railway - the inevitable noise and smoke produced by a steam operated heritage railway can lead to complaints from new residents. We would need reassurance that this would not subsequently result in constraints on our operations.

Pending resolution of these issues, we will need to lodge a formal objection to the application, but we will be discussing the above with the developers and may need to amend these over the next week or so. I would be happy to arrange a meeting with our staff if you wish to discuss our comments in detail."

A similar response was received from the West Somerset Railway Association, which is a registered charity which manages and maintains the Bishops Lydeard Station and is the main support organisation for the West Somerset Railway.

The following is a text of a letter subsequently sent from the Chairman of the West Somerset Railway PLC to the applicants:-

“The arrangements for singling the carriageway over our bridge with the provision of footpaths on both sides, and with traffic control, meet our concerns here.

Your proposals for security would also meet our concerns. Would the radio link be to the station, Slimbridge House and Station House, or would it be linked with the CCTV/Security Patrol for the development?

Our experience at Minehead underlines the importance of making sure that property purchasers within the development are fully aware that the railway is operational throughout the year, and continues to expand. This will be particularly relevant how that you propose to substitute executive homes for the holiday accommodation located on the site adjacent to the down (western) platform.

We remain concerned about future alterations to plans, given the experience within developments on the eastern side of the railway. I note that you would expect to enter a S.106 agreement with TDBC, but we would need to agree the definition of activity that is 'mutually beneficial' to the WSR. Perhaps you could share a little more information with us on the parties interested in the inn/restaurant, cafe, convenience store and craft workshops, and the nature of their operations.

Also discussed at our meeting on the 11th August was the provision of mains water and mains drainage to the station, linked to the services you would be laying to serve the development. We also asked to be linked to the mains electricity supply you will be providing, as our current supply via overhead line is of limited capacity. To be specific, we would be looking for these connections to be provided at no cost to the railway, as well as the surfacing of the existing access road from Greenway Lane to the Western side of the station.

I am grateful for the assurances you have given in your letter, which largely address our operational concerns. However, they do not address the wider planning issues we raised in the letter, which, in summary, are about visual intrusion and the effect of the development on the ambience of an attractive country station, which is a principal tourist attraction for Taunton Deane. The impact of the development is changing as your plans change, and we will need to take a view on this when they have crystallised. You will need to keep us up to' date with the latest plans, elevations and illustrations as they become available.”

Subsequent to the receipt of the amended plans, the following further response was received from the West Somerset Railway PLC:-



“On 4th August, I wrote to you to set out the West Somerset Railway's concerns about this development, and to lodge a formal objection to the proposal.

Since that date, we have had further discussions with the developers, and the scheme has changed in scope as well. I am pleased to say that the specific technical concerns we had with the project have now been dealt with to our satisfaction by the developers, although our concerns about further plan changes and visual impact remains.

Specifically:

- Railway Bridge - the revised plans to provide pavements on either side of the road, to single the carriageway over the bridge, and to introduce traffic control, meet our concerns on pedestrian safety and on additional loadings on the bridge. Traffic light timing will need to be managed to avoid queues blocking back to the station approach road and the Broadgauge business park, or even to the A 358. We will need to see the final detailed plans to ensure that there is no risk of the traffic lights being visible to train drivers, but the issue is understood by the developers, and we are pleased that they have dropped the proposed viewing platforms and railway signals which we did not support.
- Traffic Study - this concern has been removed by the revised proposals for the bridge.
- Security – this has been addressed by the fencing proposals and by providing gates with entryphones to prevent access to the down (western) platform, and trespass on the railway when the station is closed. Further discussion is needed with the developer to establish the control point for the entryphone release and access arrangements to Slimbridge House, but our main concerns here have been dealt with.
- Pedestrian route to Bishops Lydeard - the fencing arrangements together with the continuous pavement via the footbridge, deal with the problem we had identified.
- Future alterations to development plans - we still have concerns about the prospects for the craft centre and pub/restaurant, and indeed, we note that the size of the former has been reduced, and the holiday accommodation has now been replaced by housing to fund the provision of the roundabout on the A358. These features, and particularly the first two, are the main benefits to the railway, and their provision is important to us. However, we recognise that no guarantees can be given and would not want to oppose the application on these grounds.
- Problems of residential development adjacent to the railway - this is still an issue, but we are satisfied that the developers will draw the attention

of purchasers to the inevitable noise and smoke associated with the operation of a heritage steam railway. This is essential to avoid future complaints, as we have experienced from occupiers of a new development next to the line at Minehead.

- Visual impact - we were also concerned about the effect of the overall development on the current rural setting of the railway station, but are reassured by the plans and elevations we have seen. We note with concern the views of the Conservation Officer which suggest that the development together with the Broadgauge Business Park "would swamp the station site." However, the implications of his remarks are that the site should remain open and rural in character, which would be inconsistent with the development of the facilities and activities for our passengers and visitors that we would like to see near the station. In view of this, we would suggest the production of a model or of artists impressions so that the context of the development can be seen, and the relationship with the historic station buildings better appreciated.

In view of these developments, we have no reason to maintain our objection to the application for planning consent, but would ask you to consider it in the context of the Conservation Officer's comments, and to involve us in any discussions on mitigation measures such as surface treatments or tree planting if this is considered necessary."

A similar letter was again received from the West Somerset Railway Association.

#### **Letter from Member of Parliament**

"This is clearly a very significant proposal with major implications for Bishops Lydeard."

#### **Objection received from the Bishops Lydeard Residents Association making the following points:-**

1. Proposal does not comply with the Local Plan.
2. It will result in more traffic in the area.
3. It could have a devastating impact on the village
4. It will destroy the unique character of an historic heritage railway station. The development will dominate and largely obliterate the remaining rural aspect of the station.
5. The Planning Statement produced by Turner Holden is misleading and confusing.
6. In the medium/long term, approval would open the flood gates for additional development and would have a disastrous affect upon the

local environment and the quality of life for the residents of Bishops Lydeard.

7. Question what has changed since 2004 when Taunton Deane Borough Council did not accept the Inspector's recommendation with regard to land west of Bishops Lydeard station. The proposal development does not comply fully with the 2004 Local Plan.
8. The local traffic assessment carried out in February 2003 by the Peter Evans Partnership is now out of date and probably irrelevant.
9. Significant traffic problems exist in Station Road and it's junction with the A358.
10. The size of the proposed development is out of proportion with the perceived needs of the West Somerset Railway.
11. It is likely that the majority of people using the railway do so because it is a romantic link with the past and they would be appalled to see an historic rural station overshadowed by another modern development which respects neither the character nor the setting of the station buildings.
12. Area is polluted by noise and smoke. Complaints from residents adjacent to the railway at Minehead station and unpleasant symptoms from sulphur fumes experienced by workers in Broadgauge Business Park, adjacent to Bishops Lydeard station.
13. The Conservation Officer has concerns with regard to the setting of a listed building (Slimbridge) and the affect on the whole environment of the heritage railway station.
14. Proposals do not reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any building involved, as required by Policy S2 (A) of the Taunton Deane Local Plan.
15. The units in the so-called 'craft village' cannot rely on railway passengers alone to be viable, if only because there are no passengers at Bishops Lydeard station for about 125 days each year. If the huge pub/restaurant, supermarket and farm shop are allowed, they must generate considerable increase in car travel and hence contravene the Local Plan.
16. Does not comply with the criteria of Taunton Deane Local Plan Policy S7.
17. In Policy EC22 of the Taunton Deane Local Plan, land was allocated for recreation and tourist development, which supports the tourist potential of the West Somerset Railway and respects the character and

setting of the station buildings, including Slimbridge. No housing is included in this policy and no general retailing. The Council's allocation is exceeded by a considerable margin. Housing – both open market and affordable have been included in contravention of the Local Plan. Only 2 units of tourist accommodation are included in a total of 43 houses. A supermarket has been included. The plans do not respect the character and setting of the station buildings, including Slimbridge.

18. Policy EC19 of the Taunton Deane Local Plan states that farm shop buildings should be situated within or adjacent to an existing farm complex. Because the existing farm complex is due for demolition, this criteria can no longer be met and a farm shop should be disallowed. In any case, there is already a farm shop 200 yards away.
19. Although the West Somerset Railway Board has withdrawn its formal objection to the plan, the Chairman's letter is anything but a rigorous endorsement of it. He originally expressed concerns regarding the effect of the overall development on the current setting of the station, essentially unchanged since construction of the line in the 19<sup>th</sup> Century. The proposals have undergone very little change from those originally submitted. The front of the WSR Association brochure displays a bold declaration 'Preserving the Past for the Future'.
20. Question whether the size of this development, and therefore presumably the profit on it is related in some way to the needs of the possible golf course. The Local Plan says that golf is well catered for locally. Courses exist already at Oake Manor, Taunton Vale, Taunton & Pickering, Vivary Park and Enmore Park. There is also a 9 hole course very close by at Cedar Falls. The only course with a waiting list is Taunton & Pickering and this is almost always reduced to zero at the end of each year. This obviously raises the question whether another course will pay its way. The Local Plan concedes that golf courses have a significant impact on the landscape.
21. Not opposed to affordable housing, but do feel strongly that it should be sited appropriately and should not be used as a pretext for allowing an inappropriate development to proceed. The site is not the best site available in planning terms (as required by Local Plan Policy H11 (B) because of Policy S1 (noise and smoke) and because the development does not respect the character and setting of an historic railway station (Policy EC22B). Two more appropriate sites exist in Bishop Lydeard at Gore Farm and Kings Yard.
22. Ask for a very close scrutiny of the whole plan to establish that there is an authentic basis for the scale of the enabling development.
23. The West Somerset Railway should look at improved refreshment/cafe facilities, coupled with a suitable attraction, e.g. an appropriately sited visitor centre perhaps showing films of historic railway journeys, engineering projects, etc. It does not require a huge development to

achieve this. The scale of any development is very important in the context of a heritage railway station.

24. A dedicated bus service to Taunton is to be provided this year. For those who do not want to go so far and who find it difficult to walk the short distance to the village, a small minibus with volunteer drivers might be considered. For the relatively small number of visitors who do not catch the next train back, wonder if it is worth the risk of upsetting the commercial balance of the village by allowing this development.
25. Do not think that a roundabout should be used as justification for allowing an inappropriate building development to proceed. There are cheaper ways of improving the safety of the junction of Station Road with the A358 and Station Road itself:-
  - (a) trimming back the exuberant vegetation to the north of Station Road east;
  - (b) moving the signs on this verge;
  - (c) putting in a speed camera (30 - 40 mph) at an appropriate place to the north of the junction;
  - (d) putting in halt signs and solid white lines at the junctions;
  - (e) putting in rumble strips on the approaches to the bridge;
  - (f) putting in a simple safety rail between the parapet and the road on each side of the bridge;
  - (g) putting double yellow lines to stop parking on each side of the bridge;
  - (h) precedent for further building in the medium/long term.

Representations have been received from the Parish Tree Warden:-

1. Surprised that a full Environmental Assessment was not required. The proposal is for a substantial scheme immediately next to a large public amenity (Bishops Lydeard railway station), a large housing estate (Greenway). Very close to Ash Priors Common Local Nature Reserve and within sight of an ancient woodland in Sandhill Park.
2. Other than the hedge next to Greenway Road, the consultants seem to have done a first-class job on the area and made entirely practical and cost effective suggestions for mitigating the very minor impacts likely there.
3. Comments with regard to the hedge next to Greenway Road:-

- (i) Assessment of plants in April alone is grossly inadequate which graded the hedge as important. There may well be notable or protected plants in such a place visible only later in the season;
- (ii) No assessment of invertebrates. Hedge could be a woodland remnant where conditions are likely to be accompanied by one or more significant invertebrates.
- (iii) Requirement for consideration of the possibility that the hedge may be an ancient boundary of, say, an estate.
- (iv) Not convinced that the technology is available to reliably move a hedge that has some evidence of it containing woodland conditions without losing them.

## 8.0 **REPRESENTATIONS**

78 letters of objection have been received making the following comments:-

1. The West Somerset Railway is not an all year round enterprise.
2. Part of the railway's draw is that is in a 'slice of nostalgia' and Bishops Lydeard station is a gem. It is in a rural location where it is possible to look out in one direction at least and imagine that it hasn't changed much in decades. The proposal will completely spoil the precious rural ambience of the station.
3. Will take business away from the village. A restaurant will affect the three pubs and other commercial outlets in the village.
4. The Local Plan appears to stand for so little.
5. Will lead to further urbanisation of this village.
6. Reference to the development at Sandhill Park being allowed on the excuse of a fire museum, which proved to be a non starter.
7. Once this housing scheme is granted, there will be nothing to stop the creeping greed of further development to Tithill Lane and beyond towards Cotford St Luke.
8. Bishops Lydeard is already a large village and should not expand any further.
9. The traffic at the cross roads between the station and the village is becoming increasingly dangerous and this proposal would worsen this.
10. Contrary to Taunton Deane Local Plan Policy EC17 - should therefore be rejected out of hand, rather than taking the line that rules are there to be broken.

11. The existing balance of facilities should not be disturbed.
12. More houses will mean that the village street will grind to a halt. Traffic jams would lead to more parking restriction, less parking would mean less shoppers, their loss of trade would lead to closure of shops and that would kill the village.
13. The provision of houses has nothing to do with recreation or tourist development and breaks the terms of the Taunton Deane Local Plan.
14. The craft village is a sop to the soft hearted who think that railway tourists need to be occupied for half an hour with shopping opportunities. The 'craft' side is doomed to failure because true craft people do not have the sort of turnover and gross margins of profit to begin to pay rent, rates and other standing costs on units that would only attract light seasonal trade.
15. There are already a cafe and shop on the station platform, a museum and a play area and it is only a few minutes walk to the nearest pub.
16. The retail units are not needed and clearly break the rules of the Local Plan. Historically the Greenway Estate had a convenience store, which closed down due to lack of support. There is now a farm shop on the business park.
17. The golf course, phase 2, is hopelessly impractical and unwanted. The 90 acres of land shown as available is insufficient for 18 holes. The owners of the adjoining land are unlikely to sell. The demand for the course, in addition to the existing ones in the area, is very questionable. If only 9 holes were to be built, it would be another small course within a mile of that at Cedar Falls, which itself is only lightly used. Access to roads and services would inevitably site any clubhouse next to the station, which would blight any remaining rural view from the station. Traffic generation figures for the proposed golf course do not equate with a successful operation.
18. Commercial elements will without doubt be found to be unviable and more houses will appear. Query whether the museum role is genuine or, like the fire museum, just a planning sweetener later to be abandoned in favour of additional buildings.
19. Question why a craft village should be successful so soon after the closure of the one at Washford. Proposals as shaky as these should not be allowed to bulldoze through the agreed policy of the Council.
20. The only interest of the landowner and the developer is to line their pockets.

21. Developments are springing up all over the place in Taunton Deane like cancerous tumours e.g. Cotford St Luke and Broadgauge Business Park.
22. Let us have planners who talk on limiting population growth and tidying up the mess already created, not creating more, such that our homeland will be able to sustain us and survive beautifully for centuries to come, where a quality of life is possible savouring the peace of nature and the simple fulfilment it offers, where people are not continually being upset.
23. More traffic would be hazardous for children, particularly where the school bus turns round and picks up children.
24. Bird song will be replaced by noise from building work.
25. Road and footpath over the railway is very narrow and dangerous.
26. If plans go ahead, Council should pay relocation expenses for those who feel forced out of their homes.
27. Loss of greenfield land.
28. Will overshadow the country station, which encourages tourism, in an area which relies on farming and tourism for its sole income.
29. The site is outside the main housing development of the village.
30. The type of houses building will be 3 and 4 car homes.
31. Steam trains give off noxious fumes which cause headaches and the eyes to smart, which future householders would not wish to have. Smoke smuts are given off and any buildings would become covered and turn black in a few year's time.
32. Major developments at Norton Fitzwarren, Cotford St Luke and Sandhill Park are more than adequate.
33. Public house will result in anti-social behaviour.
34. The village is being increasingly ruined by new housing developments.
35. Only one entrance to the site.
36. Public transport past the site only has 11 buses a day six days a week.
37. The railway bridge will be expected to take ever increasing traffic flows in normal operations as well as many lorry movements during the construction period.



38. A planning application in 2004 for land west of Bishops Lydeard was rejected being not required to meet a housing shortage.
39. If an intended retail use proves unsuccessful, other retail uses may be allowed.
40. If the proposed inn/restaurant proves to be non-viable commercially, houses or apartments are likely to be built on the site.
41. Question why tourism needs a boost when the railway is successful as it is.
42. The proposal take three times the area allocated in the Local Plan.
43. There are other areas, such a Sandhill Park, that can accommodate the need for new housing, affordable or open market, and would very much improve the current state of that area.
44. Do not want or need more people, cars, kids filling our overcrowded school, more rubbish for landfill sites, more seeking jobs, hospital beds and doctors, more people means more drugs, rubbish, muggers, thieves, litter, graffiti etc. Want to keep Bishops Lydeard a village, not a town full with foreigners.
45. There is already enough traffic which commutes through Bishops Lydeard to Taunton and beyond, causing tailbacks from the Cross Keys roundabout at Norton Fitzwarren. This will also be worsened when new developments in Norton Fitzwarren take place.
46. A number of the back lanes in the area will be used as a 'cut through' which would increase the probability of accidents.
47. By positioning shops and a pub right next to the station will discourage visitors from visiting the village fully and contributing to the local economy.
48. If businesses in the area close, this will result in loss of jobs.
49. Proposed access is from a fairly narrow road that covers traffic to and from Halse and houses and farms along that road as well as the 130 house Greenway Estate, where only exit is onto Station Road is almost opposite the proposed access. The exit from Sandhill Park, where the present owners are hopeful of creating residential development, is also near the proposed access point. The junction with Greenway is used as a reversing point for buses, including school buses. Increased traffic from the new development will make such manoeuvres more difficult and more dangerous.
50. The bridge over the railway is of considerable historic importance. An increased use of the bridge by both construction traffic during work on

the proposed development and after completion may cause damage to a structure that was never designed to carry such loads. Reinforcing the bridge will detract from part of one of the districts most successful and popular tourist attractions.

51. The bridge is also a very popular 'viewing point' to tourists to look at and photograph the trains at the station. Increased traffic generated by the proposed development will inevitably make this position even more dangerous for these people than it is at present.
52. The suggested traffic lights on the road over the bridge is going to cause even more delays because of both the increased use and the junctions from side roads, existing and proposed.
53. Visitors from the railway cross Station Road to reach the underpass that takes them to the village; increased traffic use will also increase the dangers to these people.
54. Proposed retail units will not support the tourist potential of the railway as required by the Local Plan.
55. Thirty-two parking spaces are not enough for the proposed craft centre.
56. Alternative catering nearby is likely to adversely affect the income the railway receives offering refreshments to its visitors.
57. Possible noise nuisance from the pub may affect the 'railway experience' for visitors.
58. If the retail unit sells railway related gifts, this will affect the income of the small shop on the station.
59. The retail building resembles an out of town supermarket, not the sort of building that will enhance the immediate surroundings of this small and attractive historic station and important tourist attraction.
60. There was a small craft centre in the village selling items from various local craft people, but this was not successful and closed.
61. There are very few possibilities for a small museum without external funding. It is a small area in which to establish another type of attraction and the length of time railway travellers spend in the area is limited because of the railway timetable. Those travelling on the railway may not be particularly interested in something non-related. If the proposed museum/attraction is railway related, it will probably detract from the excellent museum at the railway station. The same arguments apply to an art gallery. The tourist attraction at Bishop Lydeard Mill may also be damaged by the proposed development.

62. Will entail the removal of hedges and the felling of trees with the adverse implications for wildlife. There are also a number of streams and ponds on the area of the proposed golf course and wildlife will inevitably be affected here by the proposed changes.
63. Question whether it can be guaranteed that the affordable housing units will remain affordable when the first occupants sell them on. Further social houses have not been seen to be necessary.
64. The proposed houses do not match the traditional architectural style of the village.
65. The residents of the Greenway Estate have experienced a noticeable drop in water pressure since the new houses at Cotford St Luke were built. The proposed development is likely to have a further deleterious effect on the services for people in these houses.
66. The village primary school at present is at maximum pupil capacity. Additional housing is likely to put pressure on the school, which may affect its quality of teaching and pupil learning.
67. A further increase in the local population is likely to add to the problems of getting an appointment to see a doctor at the medical centre for non emergency/urgent consultations.
68. Loss of the rural environment currently enjoyed by local residents.
69. Increased levels of traffic noise and noise from the pub/restaurant.
70. Light pollution.
71. Query what benefits there will be to the railway. Unlikely that more people would be tempted to use the railway either starting from Bishops Lydeard or travelling to it because of this proposed development, as most travellers interested is in using/seeing the trains, not going to a convenience store or one of the other retail units planned.
72. A new pub on this development would not attract any of the local inhabitants.
73. If the West Somerset Railway is eventually re-routed through to Taunton, passengers will not get off at Bishops Lydeard.
74. Adverse effect on residential property values in the area.
75. Less expensive options other than a roundabout on the A358 should be considered.

76. Question whether the pub/restaurant will generate drunkenness and destructive behaviour on the return railway journey.
77. Increased security risk at the station.
78. Loss of views from the station and the bridge.
79. Impact of golf course on public footpaths in the area.
80. The tourist facilities proposed are of a scale far beyond the needs of visitors to the railway. It will be essential for their economic viability to draw in customers from a wide area, who will come to the site by car.
81. Proposals lack architectural merit.
82. A planning officer should attend pre-application exhibitions, as the local community was presented with a presentation which was obviously biased in favour of the development, assured those attending that the proposals did fall within local plan policy and that the development was very much a 'done deal' so there was little point in objecting.
83. Any craft centre should be located at Broadgauge Business Park.
84. What would be of more benefit to the West Somerset Railway would be some modest development of its own facilities, not competing retail facilities next door.
85. Question viability of development in the event of the West Somerset Railway extending its services to Taunton, with Bishops Lydeard ceasing to be a terminus.
86. Occupiers of new dwellings will not want the other parts of the proposal next to their homes with the traffic passing their properties.
87. The teenage children of the residents will get bored and will steal from or break into the retail outlets, play chicken on the railway or vandalise the railway stock or buildings.
88. Lethbridge Arms will close if the pub/restaurant goes ahead as it relies heavily on the West Somerset Railway for business for both food and accommodation. No pub company was interested in building one at Cofford St Luke.
89. The development is only an excuse for a badly conceived housing estate.
90. Needs a very close scrutiny of the whole plan to establish that there is an authentic financial basis for the scale of the enabling development.

91. The West Somerset Railway should look at improved refreshment/cafe facilities, coupled with a suitable attraction, e.g. an appropriately sited visitor centre perhaps showing films of historic railway journeys, engineering projects, etc. It does not require a huge development to achieve this. The scale of any development is very important in the context of a heritage railway station.
92. Construction traffic will put the safety of small children and domestic pets at risk.
93. Impact of HGV vehicles delivering to pub/restaurant and retail outlets.
94. Out of season, the courtyard will end up being used as a skate board park.
95. Badgers may not be living on the farm – but they use it as a thoroughfare.
96. Light pollution.
97. There is no guarantee that the pub/restaurant will be built – if it isn't , we shall have development with a large hiatus in it – with pressure for more houses.
98. Likelihood of the possible repeat of the Sandhill Park fiasco of a few years ago.
99. Will attract undesirable people into the affordable houses/flats who are not wanted in our village.
100. Seems that Taunton is being governed by Gadds rather than Gadds being governed by Taunton.
101. Houses on Greenway are not selling because of the proposal.
102. Will displace the West Somerset Railway Steam Rally, a very successful annual event.
103. Proposal will create a whole new town.
104. Policy BL3 of the Taunton Deane Local Plan states that although the open areas west and south of Bishops Lydeard are partially protected by their inclusion in the Conservation Area and by their situation outside the settlement limits, it is considered appropriate to protect them more directly from development by a specific policy.
105. Fail to see who would wish to stay in holiday lets on such a site.
106. Destruction of ancient hedges will isolate a variety of populations of mammals and insects.

107. Because of the affects of global warming, its almost certain that Britain will have to be much more reliant in producing its own food to feed its population and probably will need to produce bio-fuels from crop plants. Every square metre of agricultural land will be required in the not too distant future. Very great consideration should be given to the loss of prime farming land, such as Station Farm.

One of the letters of objection was from the owner of the paper shop in the village and one from the landlord of the Lethbridge Arms in the village.

19 further letters from existing objectors have been received following the submission of amended plans reiterating the previous comments and making the following points:-

1. Objections made previously are now even stronger because the amended plan moves the whole proposal still further away from Policy EC22. The first casualties are the very elements which drove the scheme in the first place, i.e. tourism and recreation to encourage greater use of the railway.
2. The holiday/tourist lets have been reduced from 6 to 2 against the strong advice of the Economic Development Manager.
3. The so called 'craft village' has been reduced in size, but the only item not reduced is the supermarket.
4. The slight benefits of a roundabout are more than offset by the damage to the business of the village, the spoiling of a successful tourist attraction and the destruction of the countryside enjoyed by local residents.

5 letters of support have been received making the following comments:-

1. Provision of a much needed roundabout is to be applauded.
2. There is a relatively small residential element.
3. Proposal will provide affordable housing, craft shops and ancillary development, job creation (both short and long term) and a roundabout. These will be at no cost to the rate payer.
4. This is a rather unique application where the planning benefit and gains are considerable and outweigh the disadvantages.
5. Affordable housing will encourage young families to remain in the village, which is important especially as the members at the local primary school have suffered as a result of the opening of Cotford St Luke school.

6. Then proposed roundabout on the A358 will hopefully reduce the number of accidents here – a known accident blackspot.
7. Additional shops and facilities encourage residents to buy locally and the obvious benefits here include easy off-street parking and reduction in village congestion.
8. Facilities would encourage visitors on the West Somerset Railway to spend more time in the village, resulting in additional jobs and money for our local economy.
9. Surprised that proposals for further amenities at the station have not come forward before now. Refreshment facilities are seriously lacking.
10. Will enhance the local economy and give employment to local people.
11. Open market affordable housing for local people can only be seen as a positive move.
12. The holiday accommodation will offer families the opportunity to explore our beautiful region.
13. The area in general and this site in particular appear to be crying out for this kind of facility.

## 9.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development comply with relevant Local and National planning policies? POLICY
- B. Is the access to the site and the road network of the area suitable to serve the proposed development? HIGHWAYS AND ACCESS
- C. Are the proposed tourism and leisure facilities viable without the enabling development? NEED FOR OPEN MARKET DWELLINGS
- D. Will the proposed leisure and tourism elements be viable in the future? VIABILITY OF LEISURE AND TOURISM DEVELOPMENTS
- E. Will the proposals affect the commercial viability of existing services in the area? IMPACT ON LOCAL SERVICES.
- F. Will the proposed development support the tourist potential of the West Somerset Railway? WEST SOMERSET RAILWAY
- G. Is the site a suitable location for affordable housing and is the proposed development capable of delivering such housing? AFFORDABLE HOUSING

- H. Has the proposal development made appropriate arrangements for any wildlife present on the site? WILDLIFE
- I. Is the site at risk of flooding? FLOODRISK
- J. Will the setting and character of the station buildings, including Slimbridge be respected? IMPACT ON STATION BUILDINGS
- K. What will the landscape impact be of the proposed development? LANDSCAPE IMPACT
- L. Is the proposed development sustainable? SUSTAINABILITY
- M. OTHER ISSUES

### **A. Policy**

The development of land alongside Bishops Lydeard Station as a tourist attraction has been considered for a number of years and was first formalised in the now superseded West Deane Local Plan which was adopted in 1996. The Plan noted that there are poor visitor facilities at Bishops Lydeard Station and that land west of the station has the capacity for a major residential and tourist facility which would create economic benefits in its own right and help to support the continued viability of the railway. The Plan allocated by Policy WD/RT/3, (the wording is included in the Relevant Planning Policies section of this report) an 8 ha. site for recreation and tourist development.

At this time, the Authority accepted that tourist and recreation proposals here may not be viable in their own right. This was in part because of the uncertainty surrounding tourism businesses, and in part because of the likelihood of expensive off-site highway improvements being required. The policy therefore allowed for 'modest' levels of non tourist or recreational developments, such as housing or offices, where this was necessary to underpin tourism proposals. This would be subject to a detailed financial appraisal proving that the non-tourist 'enabling' development is necessary to ensure the viability of the recreation and tourist development.

The 8 ha. site proposed in the West Deane Local Plan took in the current application sites and land to the east and south.

The West Deane Local Plan has now been superseded by the Taunton Deane Local Plan. The Deposit version of the Plan, published in 1998 (at that stage Policy EC17) carried forward proposals for recreation and tourist development west of Bishops Lydeard Station. The Policy stated that the Authority may be prepared to accept a modest amount of other uses, where this can guarantee the provision of suitable and significant recreation and tourism development. In the Revised Deposit version of the Plan, published in 2000, the allocated area was significantly reduced, resiting to the north western part of the originally proposed site. It did, however, indicate that Station Farm, lying between the allocated site and the station, would be



suitable for similar uses. The reference to provision of a modest amount of other uses was deleted from the policy.

This reduction in site area was the subject of objections which were heard at the Local Plan Inquiry. At the Inquiry, the Authority contended that the site is not a sustainable location for substantial residential development or a significant tourist development due to its remoteness from Taunton, and therefore conflicted with national, strategic and local planning policies. It was furthermore noted that a similar allocation at nearby Sandhill Park had resulted in the development of 50 dwellings (now known as Lethridge Park), but the museum (Blazes) which was set up in conjunction with the housing had subsequently closed.

The objections considered at the Inquiry proposed the re-instatement of a more substantial area for development in line with that included in the West Deane Local Plan and the deposit Draft version of the Taunton Deane Local Plan. They considered that the Revised Deposit proposal was not viable without significant housing development of up to 60 dwellings to enable the leisure proposal to proceed.

The Local Plan Inspector concurred with the Council's view that substantial housing development of the magnitude suggested by the objectors would be unsustainable in this location. The experience of Sandhill Park also led him to conclude that there was no guarantee that substantial enabling development would provide for ongoing benefits to the West Somerset Railway which could be set against general policy. In addition he considered that the development of a substantial housing scheme in this location would be harmful to the setting of the existing station and the environment of the area generally.

Notwithstanding the above conclusions, the Inspector considered the West Somerset Railway to be a valuable heritage and tourism facility and he noted that the then current provision for visitors in and around the terminus to be poor. In his view, the Local Plan should seek to encourage the further development of facilities for the railway and he considered that the policy in the Revised Draft Local Plan was less supportive of that objective. He therefore concluded that a reference should be reinstated in the policy to indicate that the Council would consider a modest amount of enabling development where an acceptable development scheme based on improvement to the West Somerset Railway facilities was proposed.

The Authority did not accept this Recommendation of the Inspector. In its reasons for not accepting the Recommendation, reference was made to the experience at Sandhill Park. The Authority also considered that more appropriate and sustainable opportunities could be justified. Examples indicated were a related joint commercial/West Somerset Railway allocation on land adjoining the bulk of the West Somerset Railway operation, south of Broadgauge Business Park or a residential allocation east of the A358, in closer proximity to existing village facilities. The Authority therefore considered that there were valid planning reasons for resisting the

reinstatement of wording in its policy to facilitate enabling development at the West Somerset Railway.

Further representations to the Local Planning Authority on behalf of the appellants contended that the reasons for not accepting the Local Plan Inspectors Recommendation did not present valid planning reasons for resisting the enabling development, since it was clear that without it the desired improvements to the facilities at the station simply would not take place. The representations therefore requested the reinstatement of the Inspector's Recommendation with the need for there to be a modest amount of enabling development. This was not accepted by the Authority in accordance with the final adopted version of the Local Plan (Policy EC22).

The Adopted Plan does not, therefore, provide for any enabling development. The current proposal provides for enabling development in the form of unrestricted open market housing. In this respect, the proposal is therefore contrary to the Adopted Local Plan policy related to the land west of Bishops Lydeard railway station. The application sites are also substantially larger than that allocated in the Local Plan, albeit partly being on the site of farm buildings to which reference is made in the Plan that further suitable development may be appropriate. The proposal also provides for a convenience store and a farm shop, neither of which are referred to the supporting text to Local Plan Policy EC22 and neither of which could strictly be considered to be directly supportive of the tourism potential of the West Somerset Railway. There is the concern that it would be difficult to restrict sales of items sold in the convenience store to 'travel needs' of passengers on the West Somerset Railway. It could well become a general store, with any potentially agreed list of items for sale being very difficult to enforce.

## **B. Highways And Access**

A Transport Assessment was submitted with the planning applications. The aim of the Assessment was to assess the suitability of the proposed development in terms of traffic and transport matters. The Assessment considered the accessibility of the site by means of travel other than the car, the existing traffic and safety conditions in the vicinity of the site, and the capacity of the local road network to cater for the development traffic. A survey of existing traffic flows was carried out.

A number of bus services operate via Bishops Lydeard, including services which operate regularly throughout the day to Taunton (including Sundays). There are bus stops close to the site and further bus stops are provided within the village.

Car parking is provided on the basis of 47 spaces plus 4 disabled spaces for the inn/restaurant and 32 spaces for the craft centre. Each dwelling will have at least one parking space.

The Transport appraisal amends the proposed development in terms of its potential impact upon the local highway network and also for its consistency

with transport policy. The Appraisal contends that the proposals are consistent with Central Government and Local transport planning policies.

The analysis of accident records indicates that there are no shortcomings in the immediate vicinity of the site and the proposed access on Station Road. The proposed traffic signals on the railway bridge to restrict traffic flow to single way working would improve the inter-visibility between oncoming traffic on approach to the bridge and allow sufficient width for the new pedestrian footway between the site and the A358.

The amended plans provide for a roundabout to be provided at the junction of Station Road and the A358. On this basis the County Highway Authority does not raise objection to the applications.

### **C. Need for Open Market Dwellings**

The Financial Appraisal submitted with the planning applications concluded that without open market housing the final value of the proposed tourism and leisure elements is negative. This in part is brought about by the abnormal cost associated with the location of the development involving additional access roads, road works in the form of traffic controls and a roundabout at the A358/Station Road junction and costs of dealing with services in the form of an electricity sub-station and drainage disposal. The appellants consider that the mix of development reflects the optimum mix of commercial and open market dwellings in order to provide a financial viability that is acceptable to bring the scheme to fruition.

### **D. Viability of Leisure and Tourism Developments**

An assessment of the applicant's Financial Appraisal and the future viability of each element of the proposal has been obtained from an independent consultant.

This concluded that demand undoubtedly exists for a pub/restaurant, for which the location would provide a wide catchment. This element therefore produces a positive contribution to viability. The amount of proposed holiday accommodation is relatively small and, although the consultant considered the location unconventional for this use, the proximity to the West Somerset Railway is a positive feature and market demand is anticipated. This element therefore also produces a positive contribution to viability.

The consultant considers that the demand for the retail/craft units, including a convenience store and café, is marginal. The demand for a convenience store is considered to be questionable in the light of existing, competing stores. Its use does not relate well to or support the tourist potential of the West Somerset Railway. This element is therefore considered to be a negative contributor to viability. If restrictions are placed on the retail sales permitted, the viability reduces still further. The poor viability of the retail element is considered to be a burden to the scheme. The conclusion,

therefore, is that the retail/craft centre, including a convenience store and café is not viable.

The demand for a crèche is doubtful.

The view of the consultant is therefore that, on the basis of the mix and form of uses proposed, the elements making up the craft village are unlikely to be viable in the long term. The Economic Development Officer also raises concerns over the business viability of such a large craft village in this location. He considers that a phased approach may be more appropriate that seeks to establish a number of businesses initially that will support the potential expansion of this element of the site in the future.

The conclusion, therefore, is that although with 'cross-subsidy' from the open market housing, the craft village can be financed and built, in the medium and long term, the viability of the various components is in doubt. The provision of the premises will not ensure that the businesses continue to operate for the long-term benefit of the railway. The likely scenario is that although the craft village will be built, there will be letting and occupancy problems. Against this background, there will be pressure for alternative uses for the buildings which would not normally meet the policy requirements in this location. Furthermore, the tourism benefit would not have been achieved. The result would be open market housing in the open countryside with no benefits. This would be clearly contrary to Local Plan policy and was not the intention when the site was allocated for tourism and recreation development in the Local Plan.

### **E. Impact on Local Services**

The rural centre of Bishops Lydeard lies on the other side of Bishops Lydeard to the site. The local facilities include 2 public houses, newsagents, post office, corner food store, Co-op, butchers, health centre/pharmacy, builders merchants, public library, veterinary surgery, primary school and church. The footway on the northern side of Station Road continues to a 2.5 m wide lit subway for pedestrians and cycle use under the A358, emerging to join a footway on the Bishops Lydeard centre side.

There are a number of existing public houses and restaurants in Bishops Lydeard and the surrounding area. The independent consultant indicates that the proposed development could affect these existing outlets, but fundamental viability may not be adversely affected. The holiday cottages are likely to have a minor impact.

The consultant considers that the proposed convenience store is bound to compete with services in Bishops Lydeard, where there is an equivalent store, general store, butcher, greengrocer, farm shop, post office and newsagent. The new shop in Cotford St Luke would also be affected. The impact on other craft and visitor attractions along the West Somerset Railway is likely to be marginal. The cafe proposed could compete with any catering facilities provided by the West Somerset Railway.

The consultant states that the development of a significant visitor attraction could potentially benefit the West Somerset Railway and the local economy and business by bringing in leisure visitors to the area. Benefits could be distributed to other parts of the West Somerset Railway and associated settlements.

### **F. West Somerset Railway**

The West Somerset Railway is an important tourist attraction for the area. However, facilities for visitors at Bishops Lydeard station, the southern terminus of the line, are limited. Proposals are encouraged which enhance the tourist potential of the railway. Therefore proposals for further facilities to meet the needs of existing visitors to the West Somerset Railway are encouraged, subject to meeting the requirements of Local Plan policies, in particular Policies EC21 and EC22.

Although the technical concerns raised by the West Somerset Railway initially have now been dealt with to their satisfaction, they do remain concerned about the visual impact of the proposals. Although they wish to see the development of facilities and activities for passengers on the railway, they note with concern the views of the Conservation Officer, who suggests that the development would swamp the station site.

### **G. Affordable Housing**

The proposed development provides for 22 affordable housing units. These will be provided at a discount to open market value in perpetuity to produce sale prices starting at approximately £65,000 and rising to around £95,000.

The Housing Officer supports the provision of affordable housing, and I consider that this is an appropriate location for such use in terms of proximity to services and the suitability of the access. However, its provision on the site has to be considered against the background of the views of the Conservation Officer and the impact of the setting of the overall proposals on the rural setting and character of the railway station.

### **H. Wildlife**

A bat survey was submitted with the planning applications. The proposal involves the demolition of a number of buildings. No evidence of use by bats was found in any of the buildings. Several of the buildings were considered unsuitable for bats, although one of the traditional brick barns offers potential bat roosting between the roof tiles. Several swallow nests were present in the outbuildings. Shrew and mouse droppings were found in the attic of the bungalow. No evidence of use by barn owls was found. The conclusions of the survey state that the roof of the brick barn should be dismantled carefully by lifting tiles rather than sliding them. Should any bats be discovered during dismantling, the work should cease and English Nature be contacted for further advice. The survey also recommends that demolition work should be

planned for between September and March to avoid risking destruction of active swallow nests, which are protected under the Wildlife and Countryside Act.

A Wildlife Habitat Survey was also carried out to look for signs of legally protected species and to evaluate the wildlife value and potential of the site. Within the site there are hedgerows, ditches, a minor brook, small areas of semi-improved grassland, and a number of trees present. The results of the survey indicated that the site holds no statutory or non statutory designations and there are no records of protected or notable species on the site. No protected habitats or rare species of flora were noted during the site survey. A small horticultural hedgerow growing along the bungalow driveway is considered to be of some value to nesting birds. Piles of rubble provide a potential refuge for reptiles. The farmyard is considered to be of low ecological value. Small areas of semi-improved grassland to the north of the site and to the immediate west of the bungalow garden provide a potential foraging ground for species of reptile in particular slow worms. These areas are considered to be of low - moderate ecological value. The pasture fields are considered to be of low ecological value. The habitat adjacent to the brook provides potential habitat for slow worms and grass snakes. SERC have identified numerous records of reptiles within 1 km. of the site.

If the above reptile habitats are to be affected by the proposed development, the survey states that a reptile survey utilising artificial refuges is required prior to commencing site works. If reptiles are confirmed to be inhabiting these areas, a translocation programme should be put in place to remove the reptiles to a new habitat prior to commencing site works.

The hedgerows are deemed unsuitable for dormice, no direct evidence of which was identified within the hedges. No sign of badgers were identified during the survey.

In conclusion, although no direct evidence of protected species activity within the boundary of the site has been identified, habitats which are suitable for a number of protected species have been identified during this site survey. In particular, it recommends that any work where birds may be disturbed should be avoided during the bird breeding/nesting season, which is generally between March and September.

Part of the proposals provide for the translocation of one of the hedgerows to the rear of the visibility splay along Station Road. The Wildlife Consultants consider that although the hedgerow is considered 'important' due to its age and wildlife value, under the Hedgerow Regulations 1997, its overall ecology would not suffer greatly if translocated nearby. A bat survey is recommended prior to any works being undertaken to the mature pedunculate oak tree on the site. The Consultants recommend that any planting schemes on site should only utilise native species or those horticultural species known to be of benefit to wildlife.

Neither the Council's Nature Conservation Officer of Natural England object to the proposals subject to appropriate conditions.

### **I. Flood Risk**

A Flood Risk Statement was submitted with the planning applications. Whilst the site is outside the identified flood risk zones, consultants were commissioned by the applicants to produce a strategy in liaison with the Environment Agency for the dispersal of surface water runoff from the estate roads, buildings and associated hard landscape areas, utilising the land to the south of the application site. The strategy also covers the existing stream, as well as establishing the optimum finished floor levels for the housing and commercial accommodation.

### **J. Impact On Station Buildings**

Taunton Deane Local Plan Policy EC22 states that any development must respect the character and setting of the station buildings, including Slimbridge, a Grade 2 listed building.

The Conservation Officer considers that the proposed mixed use development will be detrimental to the setting of Slimbridge (a listed building) and also to the general amenity of the site. He believes that the construction of something resembling a supermarket with mini housing estate adjacent could only be harmful and would result in the station site being completely swamped. From a tourism point of view he considers that this would destroy the thing worth coming here to see. The West Somerset Railway also voice concern in this respect.

### **K. Landscape Impact**

The Taunton Deane Local Plan notes that the site is potentially sensitive in landscape terms. However, the Landscape Officer does not raise any in principle objection to the proposal and considers that the proposed boundary landscape buffer would help to soften the impact of the proposal on the open countryside to the south and west of the proposed development.

### **L. Sustainability**

The proposed development is close to bus services linking Bishops Lydeard with Taunton and is also within reasonable walking distance of the rural settlement of Bishops Lydeard, with its range of local facilities.

The proposed 'craft village' would be an attraction to visitors arriving by train on the West Somerset Railway. However, there are times of the year over the winter period when no services are run. I consider that it is inevitable that a proportion of the customers of the craft outlets would arrive by car.

I do not consider that the provision of a general convenience store in this location to be sustainable.

Adequate provision could potentially be made for any wildlife on the site.

### **M. Other Issues**

Reference is made in the appellant's submission to the current proposals comprising Phase 1 of an overall development, with Phase 2 being a future golf course and club house. The golf course proposals are not the subject of the current application and should have no bearing on their consideration.

A number of the letters of representation make reference to smoke and fumes from the steam engines on the West Somerset Railway having an adverse impact on the amenity of the future occupiers of the new dwellings. However, the Environmental Health Officer has not raised this as an issue and I therefore do not consider that it is appropriate to raise objection to the scheme on these grounds.

It is being contended in the representations that an Environmental Impact Assessment should have been submitted with the application. However, the site is not within a sensitive area as defined in the Regulations. The scale of the development is considered to be of local significance only and it is not considered that the proposal will have any significant effects on any environmentally sensitive location. For these reasons, an Environmental Impact Assessment is not considered necessary.

The size of the housing element of the proposal is below the threshold at which contributions for improving education facilities in the area may be sought under the Local Plan policies.

Loss of value of existing residential properties is not a valid planning issue.

## **10.0 CONCLUSION**

Part of the site is allocated for tourism and recreation development in the Taunton Deane Local Plan. Such development could be seen to support the tourism potential of the West Somerset Railway and include basic facilities for the comfort and convenience of existing railway passengers. No reference is made in the Adopted Policy to any enabling development. It is therefore considered that the proposed components of the development go beyond what is allowed for in the Local Plan.

Although the Financial Assessment considers that enabling development is essential to fund the proposed tourism and recreation development and the assisted infrastructure works, this will not guarantee that the tourism element will be viable in the medium and long term. The Authority's independent appraisal concludes that the proposed commercial elements comprising the 'craft village' are unlikely to be viable in the medium and long term. This could mean that residential development would be provided, but the tourism benefits which the housing was seeking to enable, would not be carried through in the long term.



The Local Plan Policy also requires that any development should respect the character and setting of the station buildings, including Slimbridge. I consider that the scale of the proposal would result in this not being the case.

My recommendation is therefore that if the Local Planning Authority had been in a position to determine the application, it would have been refused.

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

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

04/2006/003

MR G L BAKER

**FORMATION OF ACCESS AND ERECTION OF 3 NO.1.5 STOREY TIMBER HOLIDAY CHALETS AT PADDOCKS, BICKENHALL, AS AMENDED BY LETTER DATED 15TH NOVEMBER 2006 WITH ATTACHED DRAWING NOS. 979/1A AND 979/2A**

329073/118539

FULL

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**PROPOSAL**

The proposal comprises the erection of three timber chalets for holiday letting accommodation, with each cabin to accommodate a maximum of 6 people. It is intended that most lettings would be to family groups or friends, with an interest in equestrian activities. Horses would be available on site for guests to ride, with guided pony trekking and horse riding being offered. There would also be the opportunity for guests to bring their own horses, as facilities already exist for the stabling of 18 horses.

The application has been amended by re-designing the layout and by proposed use of the existing access serving 'Paddocks' instead of the construction of a new vehicular access off the adjoining Drove.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposed development site is remote from any urban area and therefore distant from adequate services and facilities and there are no public transport services. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice. In detail it was originally proposed to access to the holiday chalets from/onto Curry Mallet Drove, which is classified as a definitive bridleway, which caused some concern to the Highway Authority and the Public Rights of Way Department. This has now been altered and proposal will utilise the existing access that serves Paddocks. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. WESSEX WATER recommends note.

LANDSCAPE OFFICER subject to detailed landscape plans being submitted, this amended scheme is more acceptable. RIGHTS OF WAY TEAM have spoken at length with colleagues at County Hall and we share the opinion that use of the bridleway T2/10 (Curry Mallet Drove) by vehicles to access the proposed development would cause conflict of interest. Rights of Way Section at County Hall would object to the use of T2/10 by vehicles. TOURISM OFFICER the Economic Development Unit remains concerned at the number of application for new holiday let units within Taunton Deane unless they are part of existing facilities on site. We

are aware that current figures provided by SW Tourism indicate that in Somerset holiday let business is only reaching 83% occupancy during high season and is as low as 40% in the low season. This clearly suggests that significant investment in new holiday let property is not the economic saviour that many applicants feel it will be. There is of course the danger that after a couple of years operation such units will have increased the indebtedness of the owners, and lead to a further application for units to be given full residential planning approval to enable their sale into an increasing value market. We would support proposals that seek to add facilities (e.g. swimming pools or other 'creature comforts') in order to differentiate them from the existing market, and enable a premium price to be charged for the accommodation. However, where new holiday let accommodation is concerned we would strongly urge that applicants be asked to provide an independent Market Assessment and/or a business plan (which can be provided by any professional land agent) that demonstrates a level of income over the year that provides a 'profit' on the venture sufficient to sustain the holiday let activity. If this is in doubt, we would urge that such application be refused on economic grounds. DRAINAGE OFFICER recommends notes.

PARISH COUNCIL (1) that if the application is to be construed simply as an application to build 3 holiday chalets, it should be refused as it is development outside a settlement and does not meet the requirements of policy S7; on the basis that the land is understood to be grade 3 agricultural land the proposal conflicts with policy S8, the proposal is remote from public transport links and therefore is inconsistent with policy S1; and it would set an undesirable precedent. (2) further, that if the application is to be considered as part of a larger project to establish a pony trekking centre based on 'Paddocks':- (a) TDBC be asked to consider whether that proposal itself should be the subject of a planning application; (b) any approval relating to the chalets should be related to and linked to the pony trekking business at 'Paddocks'; (c) the attention of TDBC be drawn to an inaccuracy on the location plan which does not identify land to the west of Curry Mallet Drove as being in the ownership of the applicant; (d) if it is minded to grant approval TDBC be asked to consider how any improvements to the Drove will be enforced given that the Drove does not appear to be in the ownership of the applicant; (e) the Council considers that the proposal would not fall within Policy EC21 as visitor pressure would cause harm to the natural heritage, namely the drove, which because of its clay structure could not cope with the substantial increase in use envisaged in the immediate locality, particularly if further units are added as mentioned in the business plan; (f) the Council objects to using the drove as the access point to the development as the junction of the drove with the maintained highway is hazardous at this point with limited visibility in one direction, and although traffic is currently light usage will increase if the development proceeds and it is understood that there have already been a number of "incidents"; (g) no indication has been given of how visitors horse boxes/horse HGV's will be accommodated; (h) clarification should be sought about proposals for a sand school/menage as it is understood that the scheme given approval is on the site of the. current application; (i) approval of the chalets would set an undesirable precedent for further units which would have an impact on the open landscape and would conflict with Policy EC24.

2 LETTERS OF OBJECTION have been received raising the following issues:- chalets are sited too far down the Drove; traffic will be intensified; the Drove should

remain as a bridleway; and the holiday chalets should be used solely as holiday accommodation and not as rented accommodation.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 and S2 seek to safeguard, inter alia, road safety, and visual amenity. Policy EC24 accepts holiday chalet developments where the proposal:- would not harm the landscape and would be adequately screened; provides for access and turning by transporter lorries; has good access to the main road network; and is not situated in a flood plain or an area at high risk of flooding.

## **ASSESSMENT**

Whilst there is not any planning history associated with the use of the existing complex as commercial stabling, it is clear that the equestrian use has been operating as such for a number of years. Notwithstanding this however, the owner has confirmed that there would be no additional commercial use associated with the property, other than that associated with use by occupiers of the proposed chalets.

With regard to the Tourism Officers observations, a Business Plan and a Design and Access Statement have been submitted. The business plan clearly demonstrates that the chalets would be associated with horse riding activities, and accordingly the proposal ties in with the Tourism Officers remarks that "We would support proposals that seek to add facilities (e.g. swimming pools or other 'creature comforts') in order to differentiate them from the existing market and enable a premium price to be charged for the accommodation.

The proposal complies with all the criteria in relevant Policy EC24. In particular, the development would not be especially obtrusive, being well screened both from the main highway, and from the Drove. In addition, a landscaping condition would be imposed to further safeguard visual amenity.

Accordingly the proposal is considered acceptable with a condition to ensure removal if the business use is not successful.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials as application, landscaping scheme to be submitted, occupation to be restricted to bona fide holidaymakers, any chalet unoccupied for more than 24 months to be demolished.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect road safety, or the landscape and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2 and EC24.

**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:

04/2006/006

MR J LAWTON

**CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE, AND  
ERECTION OF PONY STABLE AND ASSOCIATED STORAGE BUILDING.  
FORDE BARN, DAIRY HOUSE LANE, BICKENHALL**

328717/118698

FULL

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**PROPOSAL**

The proposal comprises the change of use of a small portion of an agricultural field to domestic curtilage, together with the erection of a small timber pony stable and store. The area of land to be incorporated as residential curtilage measures some 25 m x 13 m and has already been enclosed by a post and rail stock proof fence. It is also proposed to plant fruit trees within the extended curtilage, and to plant a native species hedge inside the post and rail fence. The existing vehicular access would also be widened.

The application is presented to Committee because the agent is related to a member of staff.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY have no objection on the basis that the development does not result in an increase in traffic and that it is for a private ancillary use only. Recommends condition.

LANDSCAPE OFFICER subject to details of species, density, etc. it should be possible to integrate the proposals into the local landscape. To reduce the impact of the wider entrance I recommend a native hedge be planted at the back of the hardstanding.

PARISH COUNCIL no comments.

1 LETTER OF OBJECTION has been received raising the following issues:- there is no justification to extend the curtilage, and can only assume that it is intended to extend the property in future, which would conflict with policy; and that conditions should be imposed to ensure a tree planting/boundary planting scheme, and that no future building should be carried out.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 and S2 seek to safeguard, inter alia, road safety, the character of landscapes, and visual amenity.

**ASSESSMENT**

The proposed extended curtilage is relatively modest in size, and it is not considered that the character or appearance of the open countryside would be adversely affected, particularly given the intention to extensively plant fruit trees and a native hedgerow. Similarly, the proposed building is also modest in size and bulk, and would be well screened by an existing boundary wall and hedgerow.

### **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, colour of profiled sheeting to be agreed, restriction in use of stable to the private and domestic needs of Forde Barn, and a landscaping scheme to be agreed.

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

**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:

05/2006/035T

MR G H SMART

**APPLICATION TO FELL THREE CEDAR TREES INCLUDED IN TAUNTON DEANE BOROUGH (BISHOPS HULL NO.1) TREE PRESERVATION ORDER 1997 AT 24 DAWS MEAD, BISHOPS HULL (TD700)**

320404/124260 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

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**PROPOSAL**

David James (Active Tree Care Ltd) has applied, on behalf of the owner Mr Smart, to fell the three Deodar cedar trees growing in the front garden of 24 Daws Mead, Bishops Hull, and to replace them with 3 new trees of the same species. The trees are identified as Group 1 of Tree Preservation Order TD700 (Bishops Hull No. 1 1997). A separate application (05/2006/036T) to fell one of the trees and carry out work to the remaining two, which was submitted by David James simultaneously, has now been withdrawn by letter dated 17th December, 2006.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL objection to felling unless evidence proves that it is absolutely necessary on the grounds of health and safety.

8 LETTERS OF OBJECTION from 8 properties in Daws Mead have been received raising the following issues:- the trees are not diseased/dangerous, or there is insufficient evidence that this is the case; they are a distinctive feature of the cul-de-sac and of the wider area due to their size; they have a high amenity value; the trees have existed for over 100 years and were present long before the houses were built (the layout of Daws Mead was determined by the location of the trees); the trees are protected by a Tree Preservation Order; the trees are valuable for wildlife; tree felling should be avoided to help lessen the effects of global warming.

3 LETTERS OF SUPPORT have been received from 3 properties closest to the trees raising the following issues:- the trees are dangerous due to disease; significant branches have fallen from the trees without warning and not during extreme weather conditions; properties are within falling distance of the trees; they have outgrown their position and will continue to grow.

**POLICY CONTEXT**

**ASSESSMENT**

An independent inspection of the trees was carried out by Ben Holding of the Tree Advice Trust on 4th December, 2006. Please refer to his report, and the report submitted by David James in support of his application.



The 3 cedars were planted over 100 years ago in a tight group 2 - 3 m apart. They have now reached maturity and their crowns have developed together, taking the form of a single tree. They are in the open lawn area of 24 Daws Mead, approximately 10 m from that property, 10 m from No. 22, 9 m from No.20 and 14 m from No.18. These houses are within falling distance of the trees.

At a glance the trees appear to be healthy. The foliage is healthy, showing reasonable shoot extension growth over the last 5 years. A small number of significant branches are alleged to have fallen from the trees over recent years, most recently (except for the storms of November/December) in the summer of 2006.

Detailed inspection of the trees has revealed that one of them, T1 of the application, has an extensive amount of decay near the base of the trunk, caused by the fungus *Sparassis crispa*. This fungus was also discovered (subsequent to the original application) growing to a lesser extent at the base of T3, although no significant decay was detected in its trunk. *Sparassis crispa* develops mainly within the root system, but also extends into the trunk. It causes a brown-rot; 'the decayed wood has virtually no tensile strength, and extensively affected trees are liable to brittle fracture. This can result in root-plate failure or breakage of the stem near its base'. For further detail see the reports by David James and Ben Holding, together with the information attached to this report taken from 'Principles of Tree Hazard Assessment and Management' by David Lonsdale.

Sufficient evidence has been provided to confirm that T1 is liable to collapse in strong winds and is therefore a risk to the safety of people and property.

The fact that the 3 trees were planted so close to each other is critical in determining the fate of trees 2 and 3. As a result of their close proximity they have grown together as one crown. In competing for light, each individual tree has grown out from the centre of the group and has, in isolation, a one-sided and poorly balanced crown.

The crowns of T2 and T3 are currently protected from the prevailing southwesterly winds by T1. With the removal of T1, these trees will be vulnerable to increased wind speeds and abnormal wind loading on their long lateral branches.

The discovery of *Sparassis crispa* at the base of T3 suggests that there is likely to be some decay of the central root system of this tree. Given that (a) the decay will be progressive but its extent difficult to determine, (b) the tree has a very one-sided crown with all the main side branches held horizontally on the south side creating a 'sail', (c) the tree will be more exposed to the prevailing winds following the removal of T1, (d) the tree is within falling distance of people and property, and (e) the need to heavily reduce the crown (by 30 – 50%) to ensure its reasonable safety in the short term, it is considered that this tree should be felled.

T2 is in reasonably good health and is showing no signs of decay, but in isolation it will be very vulnerable to the prevailing winds. An attempt to balance its crown and to reduce its 'sail' area by heavy crown-reduction of at least 30%, possibly up to 50%, would result in its severe disfigurement and therefore the loss of its amenity value. In the long term it is very unlikely that it would form an attractive and balanced

tree. The stress caused by the removal of such a significant amount of the crown could result in its further deterioration.

It is therefore considered that the best course of action is to remove the trees and replace them, either by removing all 3 at the same time, or by removing T1 and then phasing the removal of (crown reduced) T3 and T2 over 2 years.

### **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit and replacement trees being planted within two months of the commencement of felling. Note re bats and nesting birds.

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

**CONTACT OFFICER: 356493 MR D GALLEY (MON, WEDS)**

NOTES:

## **APPENDIX**

### **Extracts from Principles of Tree Hazard Assessment and Management**

#### 3.2.2.1 Brown-rots

Brown-rots principally involve the degradation of cellulose, while leaving the lignin largely undegraded. The remaining material is usually brownish in colour; hence the name. Although the lignin is not substantially degraded, it is often chemically altered in a way which helps to expose the cellulose to the enzymes and other 'digestive' substances which the fungus secretes. Indeed, enzyme molecules appear to be too large to diffuse into the tightly packed molecular matrix of the intact cell wall, so that non-enzymatic systems, involving iron and hydrogen peroxide, probably play an important role in the earlier stages of decay.

The cellulose molecules are broken at numerous points along their length in a brown-rot, so that their tensile strength is very rapidly lost. This effect is all the more drastic because degradation occurs diffusely within the cell wall, and is not localised close to the fungal hyphae, as occurs in other types of rot. Since the S2<sub>1</sub> layer is the most cellulose-rich part of the cell wall, it is often completely dissolved while the other layers remain fairly intact (Plate 29). This selective degradation of the S2<sub>1</sub> layer involves the diffusion of hyphal secretions through the S3 layer, since the hyphae lie mainly within the cell lumina and enter the cell walls only at minute boreholes by which they pass between cells.

The mechanical effect of cellulose destruction in a brown-rot is to make the wood very brittle, for the same reason that a plaster cast would easily break if it were not built on a textile base. The affected wood cracks very easily, and does so like a biscuit; i.e. without bending beforehand and thus giving no warning sign [152]. Also, the wood retains much of its rigidity, so that adaptive growth in response to increased flexure is unlikely to be prominent. Flexure may, however, increase if the decay extends so much that a very thin sound shell of wood comes to surround a central core affected by shrinkage due to the loss of cellulose. This shrinkage leads to a pattern of cracking both along and across the grain, forming a cubical pattern (Plate 85). Cracks can also be found at a microscopic scale within the cell wall.

Wood that has become brittle can fracture suddenly [180], whereas wood affected by non-brittle decay tends to become more flexible before it gets to a stage when fracture is likely. Brown-rots and other brittle forms of decay do not produce warning signs (see below in relation to white-rots) except perhaps in extremely advanced cases. Also, as discussed in Chapter 6, brittle decay is virtually undetectable by tree-pulling tests [162], as these depend almost entirely on loss of stiffness [106].

There are some differences between brown-rots caused by different fungi in particular host tree species, and these are due partly to the rate of degradation, relative to that of fungal invasion. For example, *Fistulina hepatica* is reputed to cause brown-rot in oak trees (*Quercus* spp.), but causes serious strength loss only at a very advanced stage of attack, whereas many others (e.g. *Phaeolus schweinitzii* on various conifers) cause a rapid loss of strength. Also, there is some evidence that different brown-rot fungi have various degrees of tolerance to non-optimal conditions

within the wood of living trees. These differences could explain why some species can degrade wood rapidly only within certain zones of the tree.

Brown-rots are more common in conifers than in broadleaved trees, perhaps because the wood of many of the latter is more highly lignified and therefore less accessible to brown-rot fungi, which cannot fully degrade lignin.

As such fungi are efficient at degrading cellulose, the relatively high cellulose content of conifer wood provides a favourable environment for them. Also, the lignin of conifer wood is generally more resistant to degradation by most white-rot fungi than the type of lignin found in the fibres of broadleaved species.

*Sparassis crispa*, cauliflower fungus

- Hosts

This fungus occurs on various conifers, fruiting most commonly on *Pinus* and quite often on *Pseudotsuga*, *Abies*, *Picea* and *Larix*.

- Fruit bodies

The fruit bodies are essentially of a frondose type, but have an unusually cauliflower-like or open sponge-like appearance owing to the finely branched structure of the tape-like, sinuously lobed fronds. The mass of fronds forms a roundish white to ochre structure which can exceed 30 cm across and 20 cm high. These fruit bodies develop at the base of living trees or on the cut surfaces of freshly felled stems, arising from thick fleshy stalks which emerge from below ground level. The spore-bearing surface is borne directly on the fronds, without the formation of any pores or gills. As the fruit bodies are highly perishable, they can be found only during or soon after their formation in August to November. When young, they are edible.

- Decay

The fungus develops mainly within the root system, but sometimes extends as much as 3 metres up the stem. It causes a brown-rot, which is confined largely to the heartwood. In the earlier stages of decay, the wood shows a yellow to dark reddish brown discoloration, and later darkens almost to black, while developing cubical cracking.

- Significance

The decayed wood has virtually no tensile strength, and extensively affected trees are liable to brittle fracture. This can result in root-plate failure or breakage of the stem near its base.

#### 5.3.1.4 The value of identifying decay fungi

The identification of decay fungi, which sometimes requires the services of a specialist laboratory, can play an important part in the diagnosis and prognosis of hazards. This is, however, only true if something is known about the potential for

hazard associated with the fungus concerned. The more important considerations include the ability of the fungus to spread within the tree, the rate at which it degrades the wood that it has colonised, and the strength properties of the partially degraded wood. Our knowledge in such matters is unfortunately very patchy at present, and is more often based on observation than on the findings of scientific research.

Many of the species described in this book (Chapter 4) are common, but are rarely associated with major mechanical failures. Some of these fungi appear to have only a limited ability to colonise large volumes of wood, or to overcome unfavourable conditions in living trees. Conversely there are other species that are of major concern in hazard assessment. One of the most important of these is *Ustulina deusta* which, perhaps regardless of the host species, causes a brittle form of decay which tends eventually to cause a sudden snapping at the base of the tree. In beech (*Fagus sylvatica*), *Meripilus giganteus* is perhaps the fungus most frequently associated with root failure. It occurs in other host species, but too rarely to judge its effects on their stability. In ash (*Fraxinus excelsior*), severe weakening is caused by *Inonotus hispidus*, whereas the same fungus rarely causes failure in London plane (*Platanus x hispanica*). In oak (*Quercus robur* and *Q. petraea*), the beefsteak fungus *Fistulina hepatica* causes very little loss of strength except at a very advanced stage of decay. More information on these and many other species can be found in Chapter 4.

As far as general principles are concerned, it is helpful to be aware that the more brittle the type of decay, the more likely it is to cause failure if and when it becomes extensive. Brown rots in general thus tend to be potentially rather dangerous, although relatively few are encountered amongst amenity trees in Britain. A common example is that caused by *Laetiporus sulphureus*, although this fungus appears to develop rather slowly and may therefore take many years to weaken trees seriously. The brown rot of birch (*Betula*) caused by *Piptoporus betulinus* may cause stem fracture by the time that large fruit bodies of the fungus appear, but the tree is usually dead or dying by this stage in any case. In conifers, particular attention should be paid to *Sparassis crispa* and *Phaeolus schweinitzii*.

Although embrittlement is typical of brown-rots, it can also occur in the advanced stages of most other kinds of decay. Even at a relatively early stage, simultaneous white-rots can lead to a brittle fracture, as in the examples of *Fomes fomentarius* and *Bjerkandera adusta*. Some fungi with the ability to cause white-rots also cause embrittlement when they switch to a soft-rot mode of cell wall degradation (see Section 3.2.2.3). Such embrittlement is especially severe in the case of *Ustulina deusta* (152).



18/2006/017

MR P HAYES

**ERECTION OF STABLE BLOCK AND CHANGE OF USE TO EQUESTRIAN USE AND JOINT AGRICULTURAL USE AT KILN LANE, ASH PRIORS AS AMENDED BY AGENTS E-MAIL RECEIVED 11TH JANUARY, 2007**

313401/129600

FULL

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**PROPOSAL**

Permission is sought for the erection of a stable block, to include four loose boxes, and an associated storage and tack room. The building would measure 18.3 m long x 12.6 m wide (inclusive of 3.5 m wide lean to), with a ridge height of 4.9 m. The stables would be constructed of blockwork with timber clad walls from 1.8 m high, with profile dark green roof sheeting. A new access and gateway would be formed off Kiln Lane. The development would be for private use only. The application seeks a change of use from agricultural to joint agricultural and equestrian use within the application site. A wildlife survey accompanies the application.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposed development derives from a restricted byway (formerly known as a RUPP). The County Council are responsible for maintenance to by-way standard, which will be suitable for use by horses, walkers, cyclists but not motorised vehicles. Due to its nature and condition, and as stated in the agents supporting statement, Kiln Lane would only be accessible by four-wheel drive vehicles. Taking this into consideration it can be assumed that there are currently very few vehicular movements. Kiln Lane is accessed from an unclassified highway, and it is imperative that adequate visibility is provided at the point of access where the private lane, meets the public highway. Visibility splays based on co-ordinates of 2.0 m x 45 m in each direction would be appropriate however it would appear that the ownership of the boundary hedge is outside the applicant's ownership/control. If the proposal would not result in a significant increase in traffic over and above the existing uses, it maybe unreasonable to raise a highway objection particularly if the use was being used in conjunction with the existing agricultural use of the land. If the LPA are minded to grant permission the stables should be for private use only and not for business or commercial use.

LANDSCAPE OFFICER subject to the access being acceptable to the Highway Authority the proposals will have a limited impact on the wider landscape. However, steps should be taken to avoid the compartmentalization of the open ground through post and rail fencing which can be visually intrusive within the local landscape. NATURE CONSERVATION & RESERVES OFFICER County Contracts' survey October 2006, identified that the surrounding habitat is suitable to support dormice, badgers cross the site and the habitat is suitable for nesting birds. Evidence of bats has been found in the lime kiln. The impacts of the development, is thought to be minimal. However, there are implications for the development impacting on protected

species and I would advise that a condition is made for a method statement to agree the implementation of the proposal according to CC's report recommendations. RIGHTS OF WAY OFFICER (internal consultation) the area is bound on each side by a public right of way. To the west is the public footpath T13/24 (recently the subject of a rejected diversion application). To the east is the only available access track – a restricted byway T13/34. Right of vehicle access to land will be retained by the landowner but if the proposed equestrian use is open to the public/commercial use then the application should be opposed. DRAINAGE OFFICER I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

PARISH COUNCIL supports the proposal

FOUR LETTERS OF OBJECTION have been received raising the following issues:- proposal is inappropriate in this special location; contrary to local plan policies; adjoins designated County wildlife site and old quarry which encourages wildlife; an old lime kiln is sited within the curtilage with archaeological interest; development in total isolation from other buildings and not related to other buildings or settlements contrary to policy C9; visual impact of stables and potential boundary enclosure; security risks; risk of fire; potential for a mobile home or dwelling on site due to security risks; track is a public right of way designated 'restricted byway' and is a promoted route as part of circular walk to Ash Priors Common; track used by horse riders; walkers and cyclists and should remain traffic free; increase vehicular movements would detract from the character of the track; any changes to the track would require consent from Highway Authority; highway safety.

## **POLICY CONTEXT**

RPG10 (Regional Planning Guidance for the South West), 2001. The RPG now forms part of the legal development plan, now referred to as the Regional Spatial Strategy (RSS).

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) and Policy 5 (Landscape Character)

Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), S7 (Outside Settlements), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas).

## **ASSESSMENT**

It is considered that the primary issues in this application relate to the visual impact of the proposed development on the rural character and appearance of the area; impact upon protected species and wildlife; and highway safety.



The concerns raised in the representations to the application, relating to the isolated location of the development, being contrary to Policy C9 (Horse Riding and Riding Establishments) are noted. However, it is considered that this policy relates to riding establishments i.e. to commercial equestrian centres as opposed to private small scale stable blocks. The local plan, however comprehensive, can not identify every need or eventuality and as such the proposed development, which is considered compatible with a countryside location, should be assessed against the Landscape Character Area policy (EN12), policies associated with the application site located outside a defined settlement limit and any material considerations, such as the need for a proposed development.

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. 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 proposed stable building would be sited within the quarried area historically associated with the old disused lime kiln. The site is enclosed by mature trees and sheltered by the high sides of the quarried hollow. As such the site is well screened from the existing countryside and provides a visually low impact development. The proposal is therefore not considered to be prominent in views from local vantage points. However the landscape officer has expressed concern to ensure the development does not compartmentalize the fields by use of fencing which could appear intrusive. In order to address this concern details of any fencing would be conditioned and permitted development rights removed to control any subsequent fencing. Furthermore, it would be necessary to condition that any jumps of equestrian paraphernalia be stored within the building or as agreed in writing by the Local Planning Authority.

The agent has responded to the concerns of representations received in respect of security and welfare of the horse on site. The applicant will check on the horses twice a day and members of the family work on the same land at 'Tugwell' to the south and surrounding the site. Sufficient land is available for supplementary grazing and turnout for exercise. It is considered the proposed size of the stabling would not be disproportionate to the size of the paddock.

The application seeks to re-form a previous access to provide direct and safer access from Kiln Lane to the site. The agent has indicated that the existing access is considered impractical due to its steepness and distance from the proposed development, which would require a longer access track to the stable block. The surface of the new access track is proposed to be constructed of stone, replicating that of Kiln Lane. It is recommended that details of the surface of the new access be conditioned to ensure the materials are acceptable and ensure the development would be relatively inconspicuous in the landscape.

There has been concern raised to proposed works to Kiln Lane itself, which could alter the character of the byway. The agent has confirmed that any improvements would consist of the filling in of potholes with stone rubble as per the existing surface. An informative informing the applicant to contact Somerset County Rights of Way Team to ascertain whether the works require consent is proposed. Kiln Lane has been recently re-designated as a Restricted Byway. As a landowner, the

applicant does have a legal right to use vehicles to gain access to their land; under section 50 paragraph 2 of the 'Countryside and Rights of Way Act 2000'. The level of traffic likely to be created by the proposed stables is considered to be low given it would be for private use only. The land is currently used by landowners with agricultural vehicles and therefore vehicles gaining access to the site for the low number of anticipated trips is not considered to be detrimental to the character of the area. The proposal is not considered to give rise to unacceptable nuisance, danger or increases in vehicles in traffic movements as to warrant a refusal.

The site adjoins a County Wildlife Site and as such careful consideration should be given to the impact of the works on protected species and wildlife. The application is accompanied by a Wildlife Survey. The Wildlife Officer concludes that the proposed development would have minimal impact subject to works to be carried out in accordance with mitigation measures identified. The proposal would not involve any works to the old lime kiln on the site which is recognized for its historic value.

To conclude, it is considered that the proposed stables would not appear unduly prominent or intrusive in this location and subject to mitigation measures would not harm protected species of wildlife in the area.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, services underground, drainage, details of any fencing, no lighting unless agreed, details of materials for the access track, wildlife mitigation measures, private use only, storage of jumps and riding paraphernalia. Notes re discharge to soakaways in accordance with BRD365; applicant advised to contact the Somerset County Rights of Way Department prior to the commencement of any works to Kiln Lane to ascertain whether their consent is required.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon the rural character or appearance of the area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN3 and EN12 and Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 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**

19/2006/020

MR M GRAINGER

**DEMOLITION OF GARAGE AND ERECTION OF NEW DWELLING WITH ATTACHED GARAGE, LAND ADJACENT TO IVY COTTAGE, HATCH BEAUCHAMP**

330592/120053

FULL

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**PROPOSAL**

This application was presented to Committee on 16th August, 2006, where it was resolved that the application be deferred in order to:- investigate the implications regarding flooding more fully; and clarify the position regarding ownership of the vehicular access to the site.

The proposal comprises the erection of a 3 bedroomed detached dwellinghouse with attached garage on land currently within the curtilage of Ivy Cottage. The dwelling would replace an existing detached garage building, and an existing vehicular access would be utilised. Ivy Cottage is also served by another existing access with on-site parking facilities and this would be utilised by the occupiers of Ivy Cottage.

Since Committee of 16th August, the agent has advised that with regard to vehicular access to the application site, this is the same access which has served Ivy Cottage for a number of years and is still serving the land around Ivy Cottage. Accordingly he considers that the advice given by the neighbour is wrong and that there is no new access being formed.

A flood risk assessment has also now been submitted, from an engineer eminent in this field, and his conclusions are as follows:- There is flooding in the lane to the east of the Ivy Cottage but this is downstream of the Application site and all the reported levels are below the level of the Application site so would not flood it. There is flooding of the lane. Water Lane, to the west of Grey Lodge to a level of about 39.7 m AOD, making this lane impassable at times of flood. This flood level is below the entrance to the application site further downstream. Since this flood risk assessment, the engineer has also submitted a letter advising that he was not aware that a previous owner of Ivy Cottage has stated that the existing garage was flooded to a depth of one inch. Accordingly the engineers letter proposes that the top of the culvert be exposed and removed, and the sides of the trench be battened back both to provide bank stability so they did not fall in and block the channel and also to provide an even larger flood passageway. This would provide both the low flow passage as at present as well as a greatly enhanced flood way. In response to this letter, Taunton Deane Borough Council's Drainage Officer raises no objection subject to these works being put in hand before works on the new dwelling commence.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY I note that the existing property has already been split into two plots. The impression is that a recent new access has been provided for the existing dwelling. Whilst parking for two cars is provided, the space is too restrictive for easy turning. However it would appear that this facility has been provided under permitted development rules. The proposed dwelling would use the existing western access. Visibility from this access to the right is restricted by an overgrown hedge. It would be a simple matter to improve this visibility. Therefore in the event of permission being granted I recommend the following condition:- There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of a line drawn 2.0 m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 30 m to the east of the access. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times. ENVIRONMENT AGENCY no comments as outside scope of Appendix 2. WESSEX WATER although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

DRAINAGE OFFICER no objection subject to condition.

PARISH COUNCIL the Council stands by its previous objections, and in light of the Flood Risk Assessment would add the following points (a) members are concerned about the adequacy of the report in addressing all the issues of concern; (b) that as it is acknowledged in the report that Water Lane and the road leading to Beercombe have in the past flooded on a regular basis which makes them impassable and could isolate existing dwellings as well as any new dwelling, and given that there is no technical evidence in the report that the measures taken to repair and clean the culvert are adequate to resolve the flooding in these two roads, there should be no further development permitted in this location until it has been demonstrated that the problems associated with past flooding have been satisfactorily resolved; (c) that notwithstanding the conclusions in the report which is dismissive of this point, given that there is evidence in the report (backed up by personal experiences in representations given to the Council) that in the past flood water has passed over the application site and that surface water from any development whether dealt with by discharge to the existing water course (as proposed in the application) or to soakaways (as referred to in the Flood Risk Assessment) must at times of flooding add to the volume of water needing to be displaced with the potential that this might have for exacerbating the problems for existing dwellings, there should be a further and detailed report provided before any consent is given examining any potential risks on existing dwellings and the measures needed to address them.

17 LETTERS OF OBJECTION and a letter on behalf of the Palmers Green Residents have been received raising the following issues:- flooding; road safety problems being exacerbated; permission has never been granted for a new access at Ivy Cottage; the development is driven by financial greed; loss of view and light would result; the building would be close to mature trees and directly in the fall line of those trees; and overlooking will result.

11 LETTERS OF SUPPORT have been received on the grounds that the proposal fits into the pattern of development in the area, and makes good use of a brown field site.

## **POLICY CONTEXT**

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity and road safety. Policy H2 accepts development inside settlement limits provided, inter alia, residential and visual amenity is safeguarded. Policy EN8 seeks to resist development that would harm the character, landscape or wildlife value of important tree groups (such a group is sited on the rear boundary of the application site).

## **ASSESSMENT**

The site is within the settlement limit of Hatch Beauchamp; no adverse overlooking of or loss of light to neighbouring properties would result; the dwelling would be directly opposite an estate of modern properties, and a modern dwelling would not therefore be visually out of character; the proposal could represent a visual improvement having regard to the replacement of a flat roofed garage; the vehicular access is existing and a new garage and on-site parking would be available; the important group of trees to the rear would not be affected by the proposal.

The one outstanding issue however, namely that of flooding, has clearly generated considerable objection, and the agent's engineer has now submitted both a comprehensive flood risk assessment, and further details, against which Taunton Deane Borough Council's Drainage Officer raises no objection. Having regard to this consultation response, I have no alternative but to recommend that permission be granted.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time, materials, drainage details, landscaping, recessed fenestration, removal of PD rights, boundary treatment, obscure glazing, visibility splay, and drainage works to be carried out in accordance with engineer's details.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect visual or residential development, or road safety, and therefore does not conflict with 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: 356465 MR J GRANT**

**NOTES:**

20/2006/029

MR & MRS FLOYD

**CONVERSION OF BARN TO DWELLING, FORMATION OF ACCESS TRACK AND IMPROVEMENTS TO ACCESS ONTO LODES LANE, THE BARN OS FIELD NO 9138, LODES LANE, KINGSTON ST MARY**

321900/130380

FULL

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**PROPOSAL**

The barn is located in an isolated position in the open countryside in the Quantock Hills Area of Outstanding Natural Beauty, some distance to the north of Kingston St Mary, well outside the village development limit. It consists of part of the main barn with stone walls and an open ended section where walls are missing and have been patched with concrete blocks. Only part of the roof remains. Attached to the side was a long lean-to with a corrugated iron roof on timber supports and a part end wall, most of which has collapsed. Around the barn are the remains of a stone wall, with large sections missing. The application site extends to this wall and beyond it into the field at the front of the barn.

The proposal involves a change of use and conversion to a 3 bedroom dwelling. The proposed scheme utilises all the existing openings in the main barn with 1 new window and 5 roof lights, but involves sections of rebuilding of walls, roof and the whole of the lean-to. The building is some 460 m from the road, and access is shown on the plan as a track. However, there is little evidence on the ground of a track other than deep ruts in the grassed field. In addition to the formation of a track across 2 fields, a new section of driveway 100 m long would be formed over the top of a hill to Lodes Lane.

The application was accompanied by a Design and Access Statement, a Structural Engineer's Survey of the Barn - this concludes that the barn has been found to be in a reasonable structural condition and suitable for conversion into a dwelling, with attention to a number of minor, maintenance items. Wildlife Survey - this concludes that no signs of any protected species were found. Tree Survey - commercial Viability Report. No marketing exercise has been carried out but a Property Specialist's report concludes "We strongly believe that there will be no serious interest in the subject premises from either light industrial or office occupiers. This is an undesirable location and situation for commercial use."

**CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER the barn is clearly visible within the rural landscape (AONB) and its change of use would change detrimentally the landscape character of the area, Policies EN10 and EN12. The proposed "trackway" is not stoned( at present) or surfaced and therefore its construction and use as a driveway would have a detrimental effect on the rural character of the area, Policies EN10 and EN12. The proposed access has poor visibility that is likely to require hedgerow removal that

again would be detrimental to the rural character of the area, Policies EN10, EN12 and EN6. The existing group of trees provide a considerable amenity in the landscape but I agree with the proposed tree management and felling proposals in the interest of longer term health and amenity. NATURE CONSERVATION AND RESERVES OFFICER satisfied that protected species would not be harmed by the proposal.

PARISH COUNCIL supports the application provided that it stays within the footprint of the existing buildings. As the property lies within the AONB, care should be taken to minimise the effect of the provision of services such as phone and power.

QUANTOCK HILLS JOINT ADVISORY COMMITTEE object. While the design and background work on this application seems sensitive and comprehensive there is a fundamental problem of location as indicated in the driveway of over half a kilometre which would need to be created for access. The changes involved in converting this agricultural building to domestic use will harm the character of this very rural part of the AONB. The objection is in line with section 4.6 iii of the Management Plan which states "The significance of structures in the AONB landscape is very high. Where these are old, locally distinctive barns and farmsteads they contribute an important element to the AONB countryside. Some old agricultural buildings may be so significant to the character of the area that they should be maintained unchanged despite the end of their serviceable lives. A more satisfactory option is sensitive conversion to an appropriately scaled rural enterprise, while conversion to domestic use is less acceptable due to changes in character and use. Design and location are critical in any barn conversion."

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 3 (Areas of Outstanding Natural Beauty) states that conservation of the landscape should be given priority over other planning considerations in AONB's.

Taunton Deane Local Plan Policies S1 - General Requirements sets out general requirements for new developments, S2 - Design requires development to be of a good design, EC6 - Conversion of Rural Buildings allows rural buildings to be converted to commercial uses subject to various criteria, H7 - Conversion of Rural Buildings states that the conversion of rural buildings to residential use will not be permitted unless certain criteria are fulfilled, EN4 - Wildlife in Buildings to be Converted protects wildlife, EN5 - Protected Species protects various species, EN6 - Protection of Trees, Woodlands, Orchards and Hedgerows, EN10 - Areas of Outstanding Natural Beauty gives priority to preserving and enhancing the natural beauty of AONB's, EN12 - Landscape Character Areas states that development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

## **ASSESSMENT**

The barn is in a very poor condition with some of the walling and some of the roof and roof structure missing, and the side lean-to has virtually collapsed. The plans show that a substantial amount of new building work will be required. This would not



be acceptable under Policy H7(Conversion of Rural Buildings) which does not allow conversion where major rebuilding or significant extension and alterations are proposed.

There are 2 policies in the Taunton Deane Local Plan for the conversion of rural buildings. Policy EC6 under the economy section encourages the conversion of suitable buildings in the countryside to some form of commercial use. This is not a proposal for such a use, and the property report submitted with it concludes that it is unlikely that a commercial use would be viable. However, this has not been tested by a marketing exercise. The policy for the conversion of a rural building to a residential use (Policy H7) states that such a use will not be permitted unless certain criteria are met. This proposal does not meet some of the criteria as the Policy does not allow major rebuilding, which this application includes, it requires the building to be sited near a public road, which this building is not, and it requires that the proposal does not involve the creation of a residential curtilage which would harm the rural character of the area, which, it is considered by the Landscape Officer, and the Quantock Hills Joint Advisory Committee, this one would.

The barn is not only located in a remote rural area, it is without any satisfactory access. The proposal will involve the construction of a new section of drive for 100 m in length going over the top of a hill towards Lodes Lane, it will also involve the formation of a 360 m length of drive across 2 fields.

There is an existing field gate to Lodes Lane, which the application proposes improvements to. The Landscape Officer considers that such improvements which require hedgerow removal would be detrimental to the rural character of the area.

The barn, which is in a poor condition with parts of the walling and roof structure missing, is located in the Area of Outstanding Natural Beauty, over half a kilometre from a road, without a satisfactory access. This isolated situation is a fundamental problem in terms of the re-use of the building. If it were possible to find a suitable commercial use for the building which would contribute to rural economy and rural employment, but would have little impact visually on the building or its surroundings, then the new access drive could be balanced against this. However the policies which give priority to protecting the special character of the exceptional landscape in the AONB's do not allow conversion to residential use unless certain criteria are met. Both the Landscape Officer and the Quantock Hills Joint Advisory Committee object to the proposal because of the impact of the changes to the building, the creation of a residential curtilage and the formation of the excessive length of access drive, which would be so detrimental to the rural character of the area that the proposal is contrary to the policies for those areas.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons (1) The site lies outside the defined limits of a settlement and within the countryside where the conversion of rural buildings to residential use will not be permitted unless certain criteria are fulfilled. In this case, the proposal does not fulfil some of the criteria as major rebuilding is proposed, no marketing exercise has been undertaken to establish whether a suitable business use would be attracted, the building is not near a public

road, and it would involve the creation of a residential curtilage which would harm the rural character of the Area of Outstanding Natural Beauty where priority will be given to preserving and enhancing the natural beauty. The proposal is therefore contrary to Taunton Deane Local Plan Policies H7 and EN10. (2) The existing "trackway" is not stoned or surfaced at present and therefore its construction and use as a driveway would have a detrimental effect on the rural character of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to Taunton Deane Local Plan Policies EN10 and EN12. (3) The proposed improvements to the access to Lodes Lane are likely to require the removal of hedgerow which would be detrimental to the rural character of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to Taunton Deane Local Plan Policies EN6, EN10 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 MRS H PULSFORD (MON/TUES/WED)**

NOTES:

21/2006/024

EXECUTORS OF THE LATE MRS F EVANS

**ERECTION OF A DWELLING AND ALTERATION TO ACCESS AT LAND TO SOUTH OF WHITE OAKS, LANGFORD BUDVILLE**

311225/122867

OUTLINE APPLICATION

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**PROPOSAL**

The proposal provides for the erection of a dwelling on land adjacent to White Oaks, together with the formation of an access to serve two parking spaces for the existing dwelling and two spaces for the proposed dwelling together with a turning facility. This access will be from the road leading towards the village school. The existing vehicular access which currently serves the existing dwelling and which has no turning facilities will be permanently stopped up. Pedestrian access from the parking spaces to the new dwelling will be via a newly constructed private footpath located between the existing dwelling and the main street through the village. The proposal is for a single storey dwelling. An illustrative plan submitted with the application indicates that the new building will be located along approximately the same building line as the existing properties White Oaks and Tanelon. The dwelling will be designed to have windows to all rooms which look in either a south easterly or north westerly direction. The site is adjacent to the village Conservation Area.

A previous application for a dwelling on the site was refused under officer delegated powers in September 2006 for reason that the proposed access to the public highway did not incorporate the necessary visibility splays, which are essential in the interests of highway safety, contrary to Policy 49 of the County Structure Plan. The current proposal modifies the proposed entrance by providing the required visibility splays.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the Authority raised concerns and recommended refusal of the previous application due to insufficient parking and visibility at the access. The revised scheme now provides an adequate sized parking area for four vehicles and incorporates improved visibility at the point of access to the public highway. This overcomes the previous concerns and on this basis would not wish to raise an objection. In the event of permission being granted would recommend conditions re visibility splay as on submitted plan, surfaced access, parking and turning areas and no discharge of surface water onto highway and note re contacting the Area Highway Office.

CONSERVATION OFFICER chief concern is the configuration of the access, which will cut a large chunk out of a prominent corner eroding the traditional pattern of enclosure. Whilst the site lies outside the Conservation Area this can be seen to affect its setting in a negative manner. Also concerned about the loss of the red telephone kiosk, as once removed BT tend not to relocate them. Traditional kiosks

of this type continue to fall in number nationally and are an important element of the traditional village scene. Here the box plays a positive role in providing the setting for the Conservation Area and thus it is unfortunate that it has not been listed.

PARISH COUNCIL no response to current application, but objected to a second dwelling on the site on the previous application but would look more favourably on an extension to the existing dwelling.

THREE LETTERS OF OBJECTION have been received raising the following issues:- loss of privacy as windows of the new dwelling will look into bedroom windows due to height difference of the plot; plot too small to sensibly accommodate a second dwelling; loss of the village phone box due to the driveway arrangements; visual impact on the Conservation Area; vehicular access to two properties on the same site constitutes a hazard on the approach road to the school and in proximity to a busy thoroughfare in the village at a blind corner; trees would have to be removed to provide sufficient room for turning and to erect a bungalow; proposed building too close to White Oaks and other properties; overlooking; overdevelopment, but would support an extension to the existing dwelling.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 addresses transport requirements of new developments. Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met.

## **ASSESSMENT**

The submitted plan provides for 4 parking spaces and turning facility to serve the existing and proposed dwellings. The current proposal overcomes the concerns of the Highway Authority on the previous application which was refused, by improving the visibility at the point of access. The principle of a dwelling within the settlement limits is considered to be appropriate and the site is large enough to accommodate a dwelling. The only reason for refusal on the previous application was on highway grounds that have now been overcome. Although the loss of the telephone box is unfortunate, I do not consider that the proposal can be resisted on these grounds. The work to provide a visibility splay can be carried out without the need for planning permission. The proposal is therefore considered to be acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limits, submission of details, site levels, materials, landscaping, walls/fences, visibility splays, parking/turning, no surface water to discharge onto highway, single storey, meter boxes and removal of GPDO rights for means of enclosure. Notes re contact Area Highway Office, disabled access, energy/water conservation, meter boxes and CDM Regulations.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered

acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

27/2006/023

HABIB FARBAHI

**ERECTION OF THIRTEEN HOLIDAY CHALETS AND PROVISION FOR 50 NO. CAMPING PITCHES AND AMENITY BLOCK AT LAND SOUTH OF HARIS'S FARM, HILLCOMMON**

315850/125890

FULL

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**PROPOSAL**

Permission is sought for the erection of thirteen holiday chalets and the provision of fifty camping pitches together with an associated amenity block. The proposed scheme provides three types of holiday chalet, annotated A, B, C and would be constructed of stone and timber cladding with a double roman tiled roof. The size of the chalets are as follows; Unit A provides a three bedroom unit of which five are proposed, the unit would measure 10.5 m x 8.2 m with a ridge height of 6.7 m. This type of chalet includes a balcony on the side elevations, and incorporates a chimney in the design. Unit B, of which three are proposed, provides a four bedroom chalet, measuring 7.7 m x 15.0 m with a ridge height of 6.7 m. Unit C, five proposed, provides a three bedroom chalet and measures 12.0 m x 13.0 m with a ridge height of 6.7m. Units B and C also include dormer windows within the roofslope.

To the west of the proposed chalets a section of the adjacent field is proposed for fifty camping pitches. An amenity block to serve the camping area is proposed and would measure 11.4 m x 6.0 m with a ridge height of 6.3 m high. The proposed access to the site would be shared with that of the proposed horticultural nursery to the north, granted permission in 2006 reference 27/2006/015 (Planning Committee October 2006). The access to the highway and visibility splay approved by that permission has not been implemented to date. The agent has indicated that the proposal would require four staff to oversee the camping facility and an addition eight staff to manage the proposed holiday chalets and horticultural nursery. An ecological survey has been submitted with the application.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER the application has been forwarded to our engineers and we are awaiting their comments.

LANDSCAPE OFFICER – The main concerns relate to the landscape impact of the chalets and shower block and tents within the camping site from local public footpaths. The above are mostly visible from the south and south west but the chalets and shower block will also be visible above the hedgerows from the north especially during the winter months. It may be possible to reduce the impact with significant landscaping and by moving the shower block further south down the slope. NATURE CONSERVATION & RESERVES OFFICER the wildlife officer has previously expressed concern to wildlife using ponds in the area; and the presence of Otters in the locality. In response the site was revised visited and commented that the pond is unlikely to support a great crested newt population. In response to that Natural England have commented further on the seasonal nature of the pond and

identified records of great crested newts at Oake Green House, just south of the application site. With this evidence nearby and a network of ponds and hedgerows in the area I have to support NE's view that a survey will be necessary. Due to a reasonable likelihood of protected species being present and affected by the development I object to the proposal on lack of information. LOCAL PLAN I have many Policy concerns with this proposal. In the first instance the 13 properties cannot be described as holiday chalets. They are permanent construction and of a scale that could not be readily lifted and transported offsite by vehicle. They do not fit into the definition as laid down under policy EC24 of the adopted Local Plan. The appropriate policy is EC23, covering permanent accommodation. The proposal is clearly beyond any settlement limited and should be refused. Even if the proposal was scaled down the proposal would still be problematic. The Tourist Officer has in the past raised issues with flooding the market with holiday accommodation (I am sure he will comment) and consequently one of the principles of such a policy - to assist farm diversification - is not being achieved. I am not aware that this proposal is attached to any existing farming concern and could thus detrimentally impact on other provision. A Business Plan should be submitted to objectively demonstrate that there is a local market for this type of accommodation that has not been met. Otherwise the result would be additional sporadic development in the countryside. The Plan has a presumptive approach against this, in line with national policy to protect the countryside in PPS7 in particular. This Council recently approved a nursery garden on a nearby site with a barn clearly of an appearance to be used for more than storing agricultural implements (e.g. glass sliding doors etc). Together with the 'Amenity block' currently proposed for the camping element and 13 units of accommodation, the visual impact of sporadic development would be intense and damaging from public highways and footpaths despite screening. Light pollution and increased traffic levels turning into the site would also be issues of concern that would detrimentally affect the rural environment. Neither can I trace any evidence that this land is not Grades 1,2 or 3 a, development of which would constitute another reason for refusal under policy 7 of the Structure Plan and S8 of the Local Plan. At the very least, if all other issues can be overcome, these chalets should be constructed of timber, subject to the standard holiday occupancy condition and must be single storey only to enable effective screening and so the integrity of the rural area is not permanently damaged. DRAINAGE OFFICER it is noted that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sep 91) and made a condition of any approval. It is also noted that foul sewage is to be connected to the main sewer system and Wessex Water should be consulted regarding point of connection.

PARISH COUNCIL strongly object to the application for the following reasons:- 1. The proposed development is not compatible with the existing transport infrastructure within the area. 2. The application fails to demonstrate or propose appropriate arrangements to control, reduce or mitigate the significant impact of noise and traffic upon on the environment and on the quality of life enjoyed by individuals and local communities in the area. 3. The development would be within an area in which the provision of permanent housing is contrary to the TDBC development plan. However, submitted plans indicate that the proposed holiday accommodation would be constructed to a standard that would equally support permanent residence. 4. The development is contrary to policies put in place to safeguard the countryside see Policies STR1, STR6, STR7, 22, 39, 43, 49, 51, SI,

S2, EN12 and Policy EN34 contained within Somerset & Exmoor National Park Joint Structure Plan Review 1996-2016 and Taunton Deane Local Plan 2004. Furthermore, whilst local authorities may, as a matter of routine, use lists of model conditions to improve the consistency of decisions, the use of staff resources and the speed with which planning applications are processed, Oake Parish Council request that the following tailored conditions be imposed on any planning permission granted in respect of this application. (1) The development be restricted to seasonal holiday accommodation only and for no other purpose. (2) The site shall not be occupied during winter months, between [30th October] in any one year and [28 February] in the succeeding year. (3) The site shall not be occupied or let for more than a period of six weeks in any one year to any one individual and for the purpose of this condition shall also include any member of the family of the individual. (4) No means of vehicular access to the site be permitted, other than from the entrance shown on the submitted plans. (5) No retail sales to take place upon the site. (6) No deliveries taken at or despatched from the site outside the hours of 0700 1800 hours nor at any time on Sundays, Bank or Public Holidays. (7) Amplified or other music shall not be played on the site. (8) No external lighting of the chalets or site area. (9) All planting, seeding or turfing shall be carried out in the first planting and seeding season following the occupation of the chalets or completion of the works whichever is the sooner; and any plants which within a period of 5 years from the completion of the works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation. (10) No building or structure on any part of the development shall exceed one storey in height.

12 LETTERS OF OBJECTION have been received raising the following issues:- will the approved access be able to cope with this increased activity; there is no footpath from the site to the village of Oake; existing footpath has been ploughed and not in an attractive state for visitors to use; concern visitors or their pets may damage crops or livestock in surrounding fields; increased domestic rubbish to the area; increase in traffic; highway safety issue at turning to site; detract from the rural character of the area; two storey houses are hardly 'holiday chalets'; single storey would be preferable; detracts from rural character of the area; increase in traffic noise and quality of life; if permission is granted it should be granted subject to conditions requested by Oake Parish Council (see Parish Council reply above); site is not a holiday area; site is not a farm diversification scheme; light pollution; suburban sprawl; impact upon wildlife of the area; problem of trespassing the former Taunton to Barnstable railway runs along the southern boundary of the site but this is now under private ownership and there is concern visitors would mistakenly use this as a footpath leading to loss of security and privacy and impacting upon farming activities; concern from farmers that the site fall within template area for farmers shooting across adjacent fields; concern site will become a travellers site; holiday lets could be used all year around for nursery workers; lack of security on site.

## **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) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EN12 (Landscape Character Areas), EC23 (Tourist Accommodation), EC24 (Caravans and Holiday Chalets) and EC25 (Touring Caravans and Camping Sites).

## **ASSESSMENT**

There are a number of pertinent issues in the assessment of this application, these relate primarily to the following; visual impact of the proposed development on the rural character and appearance of the area; implications for wildlife and biodiversity and; highway safety.

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. 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. There is a need to balance the economic benefits of any tourism related development against the normal environmental criteria, including the visual impact of the proposal and its sustainability.

The applicant has indicated that the proposed development would be aimed at the higher end of the market and would contribute to the rural economy. The applicant also refers to similar schemes within the borough and identifies the site at Millfield, Kingston St Mary as an example of a similar scheme. However, each application must be determined upon its own planning merits. Whilst the proposed development, specifically the holiday chalets, are aimed at the higher end the proposed development is considered to be of permanent construction and of scale that cannot be readily lifted and transported off site by vehicle. As such they do not fit into the definition laid down under policy EC24 of the adopted plan. The appropriate policy would therefore be EC23 covering permanent accommodation. The proposal is clearly beyond any settlement limit and as such there is a policy objection to the scheme.

It is considered the proposed holiday chalets and parking/gardens associated with them are not of a scale, form and design in keeping with its surroundings and will not be in keeping with the character and the landscape of the area. The proposed development by reason of its scale and visual appearance is considered visually intrusive in the landscape particularly as public footpaths run near to the site. The proposed amenity block is considered obtrusive and the development forms an inappropriate estate like development in a rural setting, detrimental to the character and appearance of the area.

One of the recurring themes expressed by local residents relates to the issue of highway safety and traffic concerns generating from the development. The Highway

Authority has been consulted and their comments will be expressed to committee on the update sheet.

The Wildlife Officer has identified the site as an important area for wildlife a reasonable likelihood of Great Crested Newts. As such careful consideration should be given to the impact of the works on protected species and wildlife. The Wildlife Officer is not satisfied that the ecological survey is sufficient and further survey work should be undertaken. As such it is recommended that the application be refused on the basis of lack of information in accordance with guidance contained within PPS9.

To conclude, for the reasons outlined in the report it is recommended the application be refused.

## **RECOMMENDATION**

Subject to the views of the County Highway Authority the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for the following reasons (1) In the opinion of the Local Planning Authority the proposed holiday chalets by reason of their size, design, materials and permanent construction are not considered to comply with the definition of a holiday chalet as defined under Policy EC24 of the adopted plan. As such the development would be contrary to Policy EC23 covering permanent accommodation due to its location beyond any settlement limit. As such the proposal would be contrary to Taunton Deane Local Plan Policies EC24 and EC23. (2) The proposed holiday chalets and parking/gardens associated with them are not of a scale, form and design in keeping with its surroundings and would appear an intrusive form of development detrimental to the character and visual amenities of the landscape. Furthermore, the proposed amenity block by reason of its siting, form and design would appear an obtrusive development detrimental to the character and landscape of the area. As such the proposal would be contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 5 and Taunton Deane Local Plan Policies S1, S2, S7, EN12, EC23, EC24 and EC25. (3) The site has been identified with there being a 'reasonable likelihood' of the presence of Great Crested Newts in the locality. In the absence of any further ecological/wildlife survey of the application site to the request of the Nature Conservation & Reserves Officer, there is no guarantee that the proposal would not have an adverse effect on protected species. Therefore the Local Planning Authority considers it reasonable to issue a holding reason for refusal on the basis of Taunton Deane Local Plan Policy EN5 and relevant Central Government guidance.

**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**

29/2006/030

MR & MRS J SUMPTION

**ERECTION OF SINGLE STOREY EXTENSION TO ABBEYWOOD HOUSE,  
CHURCHINFORD**

322003/115624

FULL

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**PROPOSAL**

The site consists of a detached property situated down a long drive within the Blackdown Hills AONB.

The proposal is for a single storey pitched roof extension to the rear, measuring 6.3 m x 6.3 m.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no observations.

PARISH COUNCIL is strongly opposed to this application even though it is only for a single storey extension to the house. The reasons are as follows:- (i) it proposes a substantial increase to the 'footprint' of the house; (ii) the house is in an AONB; (iii) previous successful applications have allowed a large cattery building and a staff bungalow, together with the removal of a number of trees; (iv) the Council feels that this particular site is being expanded and developed in a manner which is inappropriate for its rural situation; (v) Abbeywood House is situated on one of the highest parts of the Blackdown Hills plateau and any further development would represent an unwarranted intrusion to the beauty and calm of this special place.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H17 – House Extensions.

**ASSESSMENT**

The property has already been significantly extended with a two storey extension. The property is in a very rural position and not prominent upon the landscape. The proposal will not affect visual nor residential amenity and is considered acceptable.

**RECOMMENDATION**

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

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered

acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

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

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:

35/2006/019

MR & MRS CHESTERTON

**ERECTION OF TWO STOREY EXTENSION TO OAK BARN, APPLEY AS AMENDED BY LETTER DATED 4<sup>TH</sup> DECEMBER 2006.**

307131/121356

FULL

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**PROPOSAL**

The site is a barn conversion on the western side of the main road into Appley, nearly opposite Frogs Farm. The original building is cob on a stone base with slate roof, measuring 13.5 m x 5.9 m with a kitchen lean-to of 4.3 m x 5.1 m. A large oak tree subject to a Tree Preservation Order is sited to the south of the original building. A recessed opening leads to the parking and turning area, which is on higher ground. The application proposes to erect a two storey extension to the north of the existing building, to be constructed in oak boarding with slate roof, measuring 6.25 m x 6.4 m, with overhanging eaves and protruding stone base. A cart lodge is proposed, sited to the north of the proposed extension, and attached to it by a bridge link at first floor level to access an office/study and storage, with a staircase between the two buildings, covered by a glazed roof link. The lower part of the cart lodge would be used for garaging with the office/storage over accessed by an additional external staircase at the northern end, the building would be 8.8 m long x 6.4 m in width. The extension and cart lodge are sited in line with the rear kitchen projection, thus are sited well into the site, and set into rising ground with varying roof height. A previous proposal was made in October 2005, for a two storey extension, which was higher than the original barn conversion (contrary to Policy H17), with the cart lodge proposed close to the road (considered to be visually intrusive); the proposal was withdrawn from Committee prior to decision.

A new rooflight to bedroom 2 of the existing dwelling is also proposed. The barn conversion was approved in 1998, with a subsequent approval in 1999. A Section 106 Agreement controlled the construction works in respect of the cob and cob repair, and stated no further subdivisions or additional openings

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objections subject to condition.

LANDSCAPE OFFICER subject to a native hedgerow to make the boundary of the domestic curtilage, it should be possible to integrate the proposals into the local landscape.

PARISH COUNCIL objects on the basis that the proposed extension is too large in relation to relative natural proportions of the converted barn and the site is very much higher than the nearby road. The Parish Council also has reservations about the timber cladding on the proposed extensions, which will be out of keeping with surrounding dwellings.

ONE LETTER OF SUPPORT has been received raising the following issues:- the original conversion was carried out with great care, it will make a positive contribution to the barn and setting of the village.

ONE LETTER OF CONCERN has been received raising the following issues:- drainage of surface water.

ONE LETTER has been received in respect of copyright of plans.

## **POLICY CONTEXT**

S1 General requirements, S2 Design, H7 Conversion of Rural Buildings, H17 Extensions to dwellings.

## **ASSESSMENT**

The proposed extension is now lower in height than the original barn conversion, and is now considered to be in line with Policy H17. The cart lodge, whilst itself a significantly sized building is not unlike many garages built adjacent to or in close proximity to barn conversions. Although the extension and cart lodge combined is 17 m, there is a break between the two buildings with a link of lightweight appearance, and the cart lodge is open for two-thirds its front elevation. As the extension and cart lodge are sited in line with the rear kitchen projection, they are sited well into the site, and are not considered to adversely affect the character of the area. The timber cladding is considered to be acceptable, as this differentiates the extension from the original cob/stone building. In this manner, the extension 'stands' away from the old barn. The rooflight is not considered to have any detrimental effect on the character of the original building.

## **RECOMMENDATION**

(1) Permission be GRANTED subject to conditions of time, materials, guttering, landscaping, details of surface water, timber windows only, garage use only, office use only in association with Oak Barn.

(2) That the Section 106 Agreement is amended to allow for the insertion of an additional rooflight.

**REASON(S) FOR RECOMMENDATION:-** It is considered that the extension meets the criteria in Taunton Deane Local Plan Policies S1, S2, H7 and H17, without detriment to the amenities of the locality or character of the area.

**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:

35/2006/020

**MR M PROSSER**

**PROPOSED ALTERATIONS AND EXTENSION (REVISED DESIGN TO APPLICATION 35/2006/014) AT BELLA VISTA, CHURCH LANE, STAWLEY, WELLINGTON**

306101/122667

FULL

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## **PROPOSAL**

Members may recall a previous application (35/2006/014) for an extension and alterations to 'Bella Vista' was put before Committee as a miscellaneous item on the 2nd October, 2006. The application due to an administrative error was approved and issued as a Chair decision rather than as a Committee Item. Members subsequently endorsed the decision at the planning committee. A revised application has now been submitted which seeks the following modifications to the approved scheme. The installation of a pair of french doors to the rear elevation in place of standard fenestration; the installation of an additional chimney and a new enclosed porch to the front elevation.

## **CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER no new landscape issues. CONSERVATION OFFICER no objections.

PARISH COUNCIL you have already admitted an error in granting permission for application 35/2006/014 – to which this Council strongly objected. They therefore obviously object to any amendment. Little merit in alterations, the porch makes it even bigger, false chimney is a sham, rear French doors add to the sad architecture. Question 6 is incomplete.

## **POLICY CONTEXT**

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

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS7 (Sustainable Development in Rural Areas).

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

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

## **ASSESSMENT**

The existing bungalow is of little architectural merit and of non-traditional form, with two storey dwellings and traditional farm houses more representative of the locality. In September 2006 permission was granted to extend and alter the bungalow. The proposed design, scale and appearance were considered to be acceptable and proportionate to the size of the plot and as such did not conflict with the development plan.

In assessing the proposed modifications to the approved scheme (35/2006/014) Policy H17 of the Local Plan permits residential extensions provided inter alia they do not harm the form and character of the dwelling and are subservient to it in scale and design. The objections of the Parish Council are noted; however, it should be clarified that the error to which the Parish refer in granting permission relates to an administrative error as detailed earlier in the report. However, the planning merits of the application were fully addressed and evaluated during the determination of the application. Despite the objections of the Parish Council to the proposed amendments it is considered the works are relatively low key and would have no significant impact upon the character or appearance of the building or the wider locality. The Conservation Officer has raised no objections to the development in response to previous concerns raised by residents and the Parish Council on the setting of the Church.

In terms of amenity it is considered that the proposed modifications would have no impact upon the amenity of adjoining residents.

To conclude, it is considered the proposed alterations would not harm the character or appearance of the dwelling or the surrounding area and would have no adverse impact upon the residential amenity of adjoining occupiers. As such it is recommended the application be approved.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, details of materials, garage to be used for parking of vehicles, landscaping scheme. Note re landscaping scheme.

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

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:



38/2006/505

SUMMERFIELD DEVELOPMENTS LTD

**ERECTION OF NEW OFFICE BUILDING AND ASSOCIATED CAR PARKING AT BLACKBROOK BUSINESS PARK, TAUNTON AS AMENDED BY LETTER AND DRAWING 3881-2 G, 3881-6H AND 3881-7H RECEIVED 19TH DECEMBER, 2006 AND AMPLIFIED BY WILDLIFE SURVEY RECEIVED 11TH JANUARY, 2006**

325113/12451

FULL

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**PROPOSAL**

Permission is sought for the erection of a new office building and associated car parking within the existing Blackbrook Business Park. The site is designated for such use as part of the original outline application for the site. The proposed building would be three storeys high and would provide accommodation for the headquarters of the NHS Strategic Health Authority. The building would provide 2270 s m (20785 sq ft) of floor space and it is anticipated that the development would provide employment opportunities for up to 200 people. The business park has continuously grown and the transport infrastructure is in place to serve the development. Access to the proposed site is from an existing spur on the roundabout on the central spine road through the business park. The siting of the building would be to the southern end of the site overlooking the original Blackbrook and established lake, to maximise the environmental benefits for users. The agent has subsequently submitted amended plans to relocate the proposed conservatory from the rear (south) elevation of the building, the revision would see the conservatory wrap around the side (west) and rear (south) elevation. The amendment also repositions the building away from the existing water main. A wildlife survey has also been submitted as part of the application.

**CONSULTATIONS AND REPRESENTATIONS**

HIGHWAYS AUTHORITY there are no comments/objections to the application, but we would request the applicant provides an upgraded crossing facility for pedestrians/cyclists across Blackbrook Way. This would take the form of providing light control at the existing crossing point by the construction of a Toucan crossing.

The application in itself probably does not warrant an improvement but the accumulation of permissions increases the use of the existing cross point where traffic flows are increasing and speeds are relatively high. Upgrading the crossing to signal control would make crossing Blackbrook Way easier and also encourage more people to travel to the business park by cycle or on foot. A Section 106 Legal Agreement to be approved by the County Council would be required to secure funding for the works.

The applicant is the same as for other individual sites in the business park and the upgrading of the crossing would have benefits to other sites and is considered a relatively modest improvement that would increase access to the business park by

sustainable modes. WESSEX WATER there is a public sewers and a public water main in the assumed site area. If within the site boundary a 3 metre easement will be required on either side of the apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. The development is located in a sewered area with both foul and surface water sewers available. It will be necessary for the developer to agree an arrangement for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection can be agreed at the detailed design stage. Water supply connection can also be agreed at detailed stage. The Council should be satisfied with any arrangement for the disposal of drainage if alternative methods of drainage are proposed. It is recommended the developer agree a point of connection onto Wessex systems prior to commencement on site. A condition is recommended to protect the integrity of Wessex systems crossing the site.

LANDSCAPE OFFICER my main concern is proximity of the proposed building and fire escape to the existing trees. However it should be possible to overcome those concerns subject to protection of trees during construction; agreeing fire escape construction details and working arrangements close to the eastern end of the building. Landscape details will be important in providing a setting for the building especially along the pond elevation which looks poor at present. NATURE CONSERVATION & RESERVES OFFICER wildlife survey requested. This has now been submitted (11<sup>th</sup> January 2007) and committee will be updated of the wildlife officer's response.

ONE LETTER OF OBJECTION has been received raising the following issues:- loss of privacy due to overlooking and lack of screening during winter months; loss of value; create an eyesore; overbearing.

## **POLICY CONTEXT**

RPG10 - Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 18 - Location of Land for Industrial & Business Development, Policy 48 - Access and Parking Policy 60 - Floodplain Protection.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, EC1 - Employment Development, M1 - Transport, Access and Circulation Requirements, M2- Transport, Access and Circulation Requirements, M3 - Transport, Access and Circulation Requirements, EN5 – Protected Species - EN9 - Tree Planting, EN28 - Development and Flood Risk.

## **ASSESSMENT**

The proposal is to erect a B1 office unit with car parking within the existing built development at Blackbrook Business Park. This land was included in the original outline permission for the business park and the site lies within the settlement limits of Taunton. The primary issues are the design, scale and siting of the building, the

adequacy of the landscaping and parking; impact upon amenity of local residents; and, the provisions to ensure no flood risk as a result of the sites development.

The proposed building would be a three storey office building reflecting the adjacent three storey WPA building. It is noted that predominantly the buildings located adjacent to Blackbrook Way are two storeys in the main. The proposed materials are a mixture of brick and glass facades with a tiled roof. It is considered the proposed development would be compatible with the general character of the business park. As such it is considered the design of the buildings and general layout is an acceptable one. The internal arrangements include showers for the users of the building and it is anticipated that this will promote the use of cycling to work. The agent has indicated that all design work will be in conjunction with BREEAM to achieve a 'very good' sustainability rating.

The landscape officer has expressed concern in relation to the proximity of the fire escape to existing trees, however, is satisfied that subject to the protection of trees during construction and details of construction this can be overcome. The requirement for adequate landscaping is considered imperative in order to provide a setting for the building and help to assimilate the development into the locality. As such it is recommended a landscaping condition be imposed.

There are no elevations or further details in respect of the proposed generator, bins, composting and recycling storage areas. In order to assess the visual impact of these works and the possible need for landscaping measures to screen the development it is recommended that a condition be imposed requiring details of the design, siting and materials be submitted to and agreed in writing prior to the occupation of the building.

There has been one letter of representation to the application expressing an objection to the proposal and the issues raised are noted. However, it should be recognised that the site has been designated for such a use. In assessing the impact of the proposal, whilst it is accepted that the building is three storeys high, it is considered that by reason of the existing separation distances, in excess of 40.0m between elevations, the building would not result in such a loss of outlook or privacy or appear so dominating as to be harmful to the living conditions of local residents to warrant a refusal.

The Highway Authority has raised no objections to the application. However, the Highway Authority requests that the applicant provide an upgraded crossing facility for pedestrians/cyclists across Blackbrook Way. This would take the form of providing light control at the existing crossing point by the construction of a Toucan crossing. The agent has been informed of the requirement and Members will be updated at the Committee meeting.

The site is adjacent to a County Wildlife Site – The Black Brook and associated ponds are part of the Tone and Tributaries County Wildlife Site. The River and streams are noted for protected species that include otter and kingfisher. In addition the pond may support great crested newts. In response the agent has submitted an ecological survey and the wildlife officer has been requested to comment.

The site is within an area at potential flood risk and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not responded to date.

To conclude, it is considered the proposed building would be sited within an established business park where its use would be compatible and would not harm the character or appearance of the area or adversely affect the living conditions of local residents as to substantiate a refusal. As such it is recommended the application be approved subject to conditions detailed below.

## **RECOMMENDATION**

Subject to the views of the Wildlife Officer and the Landscape Officer on the amended plans and wildlife survey and any conditions they may require, the submission of a landscape plan and details of the siting, design and elevation treatment to enclose the proposed bin storage, generator and recycling area annotated on the plan the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, external lighting details, surface water drainage, site levels, landscaping scheme, tree protection; construction details. Notes re connection to mains drainage, protection of Wessex infrastructure crossing site.

REASON(S) FOR RECOMMENDATION:- The proposed building is considered to comply with Taunton Deane Local Plan Policies S1, S2, EC1, EN5, M3, EN9 and EN28 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: 356586 MR A PICK**

NOTES

38/2006/523

STRONGVOX LTD

**DEMOLITION OF EXISTING GARAGE BUILDINGS AND THE ERECTION OF 24 FLATS AT THE FORMER EAST REACH SALES, EAST REACH, TAUNTON AS AMENDED BY AGENTS LETTER DATED 12TH DECEMBER, 2006 AND ATTACHED PLAN NO. 744/01F**

323367/124545

RESERVED MATTERS

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**PROPOSAL**

Outline planning permission was granted in 2005 for the erection of 24 flats and 2 commercial units on the site. This application is a reserved matters application for the site. The proposal is for 3 storey buildings providing 24 flats and 2 commercial units on the ground floor facing East Reach. There would be one linear block fronting East Reach and providing flats. This block would have an asymmetric roof layout to enable the front plane of the roof to be at an acceptable pitch, in keeping with the character of the area. The rear slope would have a shallower angle so enabling a deeper form to maximise the development. There would be two rear blocks at right angles behind the front block. There would be a new access into the site, situated at the east of the site to avoid the traffic light junction on East Reach. This access would serve 15 parking spaces and cycle parking areas. At this point East Reach is characterised by a variety of traditional building styles generally three storey in height. The proposed design has a traditional but individual character combining red brick on the upper floors with rendered lower storey. Vertical render strips, that link the design and materials of both the upper and lower floors, are proposed and these would break up the bulk of the linear form.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER foul and surface water sewers are available in the area although the applicant should investigate a surface water drainage system for surface water. CHIEF FIRE OFFICER means of escape, access for appliances and water supplies need to conform to British Standards. SOMERSET AND AVON CONSTABULARY in my opinion the entrance archway should be gated if possible to improve security. This could be controlled electronically by a remote key-fob access.

ENVIRONMENTAL HEALTH OFFICER the submitted contaminated land survey meets the requirements of the outline planning condition parts (a) – (e) and the remediation work will take place and be monitored as the site is developed. DRAINAGE OFFICER no objection but soakaways must comply with British Standards. LEISURE AND RECREATION OFFICER recreation/play contributions are required.

6 LETTERS OF OBJECTION have been received raising the following issues:- the boundary garage wall is to be demolished and replaced by a 1.8 m high wooden

fence and this would be detrimental to the privacy and security of the neighbouring property, a replacement wall of similar height should be provided; the existing building on the boundary of the site acts as a retaining structure and its replacement with a fence would be likely to effect the stability of the building; the amended plans reinstate the boundary wall at a height of 1.8 m but due to differences in ground levels the height would need to be 2.5 m when measured from the ground level on the Strongvox site (ground levels vary by approximately 1.3 m); there is a small fence from the site boundary to the lock up garages that will become open to intruders when the buildings on the site are demolished, it would improve security if the developer built a wall to bridge that gap.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 49 - Transport Requirements.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2 - Housing, H4 – Self-Contained Accommodation, Policy EC9 - Loss Of Employment Land, M4 - Residential Parking Requirements.

## **ASSESSMENT**

The proposed details enable a development that optimises the development potential of the site whilst protecting the amenities of the adjacent occupants. The three-storey block fronting East Reach will have an individual design recreating the vertical emphasis prevalent in the existing development. Where the three storey elements have returned into the site care has been taken to avoid direct overlooking at unacceptable distances with obscure glazing proposed to first and second floor windows adjacent to 130 East Reach. Amended plans have been received that demolish part of the boundary garage (adjacent to the Octagon) but retain the boundary wall, along the eastern boundary, at 1.8 m with a coping stone placed on top. In regard the western boundary the developer will now retain the existing 2 m high fencing adjacent to Theaks Mews and either, retain the boundary wall with 130 East Reach and increase its height to 2 m or place a 1.8 m high boundary fence on the inside of the existing wall (depending on the condition of the existing wall).

Further amending plans are awaited making fine adjustments to the detail of the front of the commercial units and discussions are taking place regarding the possibility of security gates. Subject to those discussions (and plans details to be on update sheet) I consider the scheme to compliment the street scene. Proposal considered acceptable.

## **RECOMMENDATION**

Permission be APPROVED subject to an additional condition re boundary walls shown on plan No. 744/01F shall be provided prior to the first occupation of any units hereby permitted unless an alternative scheme is first submitted to and approved in writing by the Local Planning Authority. Note re outstanding outline conditions

**REASON(S) FOR RECOMMENDATION:-** The proposed residential and commercial development lies within the central area of Taunton where the principle of such uses is acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4 and Taunton Deane Local Plan Policies S1, S2, H2, M4 and EC9.

**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:

38/2006/535

OCEANWAY PROPERTIES

**ERECTION OF 14 FLATS ON LAND ADJACENT TO WESSEX LODGE 11/13  
BILLET STREET, TAUNTON**

322965/124358

FULL

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**PROPOSAL**

The proposal is a revised scheme for the erection of a block of flats adjacent to Wessex Lodge. The previous permission in 2004 was for 13 flats the current scheme sub-divides the top floor to provide two units rather than one. The site lies immediately to the north of Wessex Lodge, a Grade II listed Victorian building which stands on the corner of Billetfield and Billet Street. The site was previously used for car parking. The frontage to Billet Street comprises a brick boundary wall. The access is located off the Billet Street side of the site. The application as submitted proposes a building providing a mix of three and four storey accommodation comprising fourteen flats.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER no objection, conditions as previous application (38/04/424). ENVIRONMENTAL HEALTH OFFICER no observations. LEISURE DEVELOPMENT MANAGER a signed Section 106 Agreement is relevant to this site and will apply to the application.

1 LETTER OF OBJECTION has been received raising the following issues:- the flats will not be in keeping with the historic Wessex Lodge, it will ruin the look of the building and why is there a need to build here.

**POLICY CONTEXT**

RPG 10 – Regional Planning Guidance for the South West Policy EN3 – The Historic Environment, Policy EN4 – Quality in the Built Environment, Policy HO5 – Previously Developed Land and Buildings.

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

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing within Classified Settlements, M4 – Residential Parking Requirements, EN16 – The Setting of Listed Buildings

**ASSESSMENT**



The site was previously considered a suitable location for a car free development within the town centre in relation to the surrounding streets and there has been no significant change in circumstances since the previous approval to warrant a change of view. The design of the building is considered appropriate and is as previously approved following discussions with the Conservation Officer.

The amenity of adjacent properties is not considered to be adversely affected to warrant an objection to the scheme and the proposal is considered not to detract from the character of the adjacent listed Wessex Lodge.

The site lies within an area of high archaeological potential and as before a condition concerning the implementation of a programme of works is considered necessary. As the proposal creates an additional unit over that previously granted permission an additional contribution of £859 is considered necessary and this is to be sought by either a unilateral undertaking or a variation of the existing Section 106 Agreement.

In summary the revised scheme here is considered an acceptable one in this town centre location and is recommended for approval.

## **RECOMMENDATION**

Subject to the completion of a S.106 Agreement or Unilateral undertaking relating to sport and recreation contributions by 22nd February 2007, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, archaeology, site levels, meter boxes and cycling parking. Notes re compliance, S.106 agreement, Part M, CDM Regs and noise.

**REASON(S) FOR RECOMMENDATION:-** The proposed building respects the setting of the adjacent listed building, is appropriate in the street scene and does not cause demonstrable harm to residential amenity. The site's town centre location makes it suitable for a car free development. The proposal therefore accords with the requirements of Taunton Deane Local Plan policies S1, S2, H2, EN16 and M4.

Should the relevant legal agreement not be signed by 22<sup>nd</sup> February then permission be REFUSED for reason of contrary to Taunton Deane Local Plan policy C4.

**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:



46/2006/031

MR & MRS T SCARROTT

**ERECTION OF TWO STOREY EXTENSION TO OFFICES AND FORMATION OF  
ADDITIONAL CAR PARKING AREA, SILVER STREET BARN, SILVER STREET,  
WEST BUCKLAND**

317471/121346

FULL

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**PROPOSAL**

The proposal provides for a two storey rear extension to the existing office building, occupied by a firm of accountants and business development advisors. Many of the company's clients are land based industries and veterinary practices. The building is the result of a barn conversion and has previously been extended (approval by Planning Committee July 2002). The proposed materials will be render and stone walls and slate roof to match the existing building. The existing floor space amounts to 167 sq m and the proposal will add an additional 153 sq m. There are currently 19 staff working at the premises and if the current proposal is approved, a further 5 persons are likely to be employed. The applicants estimate that following the proposal, the likely traffic generation will be 14-20 cars per day, 3 of which will be visitors. An additional 8 car parking spaces, served via the existing access, are proposed.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site is located in open countryside and you will be aware of my colleague's letter dated the 5th April, 2001, where the conversion of the barn to office use was recommended for refusal for the following reason:- "Any increased use made of the existing substandard access such as would be generated by the development proposed, would be prejudicial to road safety". The access remains in a substandard condition with visibility restricted in both directions. It is considered by the Highway Authority that the extension to the existing use would result in an increase in vehicular movements and would therefore be detrimental to highway safety for all road users.

DRAINAGE OFFICER soakaways should be constructed in accordance with Building research Digest 365. Note that foul drainage is to connect to mains sewer.

**POLICY CONTEXT**

Policy 19 of the Somerset Structure Plan states that in rural areas provision should be made for development which creates or enhances local employment facilities. Policy EC2 of the Taunton Deane Local Plan states that proposals by existing firms to expand onto land subject to restrictive policies will be permitted where relocation to a more suitable site is unrealistic and the economic benefit of the proposal outweighs any harm.

## **ASSESSMENT**

The proposal represents a sizeable extension to a converted barn. However I consider that the proposals do respect the form and character of the existing building. The proposal will also allow for the expansion of the existing business occupying the building. Guidance set out in PPS7 states that planning authorities should bear in mind the vital role of enterprises, particularly small scale enterprises, in promoting healthy economic activity in rural areas. The policies set out above also make provision for the expansion of existing employment sites. I consider that the additional traffic that will be generated by the proposal, given the above background, is not sufficient to justify refusal of the application. I therefore consider the proposals to be acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping and parking. Notes re energy/water conservation, disabled access, soakaways and CDM Regulations.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2. In view of the proposal being the expansion of an existing business use at the site, the use of the access is considered to be acceptable.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

48/2006/046

MR & MRS WOOLMINGTON

**ERECTION OF DETACHED DWELLING AND GARAGE IN GARDEN OF 21  
HEATHFIELD DRIVE, MONKTON HEATHFIELD**

325661/127004

OUTLINE APPLICATION

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**PROPOSAL**

This is an outline application with all matters reserved for approval, and an illustrative layout has been submitted which sets the detached dwelling well back beyond the established building line of the street. An amended illustrative layout has also been submitted which proposes a new garage and a parking space for each of the existing dwelling and the proposed dwelling.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY have been in discussion with the applicant. In order to make the proposal acceptable we require two parking spaces for each of the existing and proposed dwellings. It seems that a suitable revised layout is possible and I am awaiting revised details. WESSEX WATER recommends notes.

DRAINAGE OFFICER no observations.

PARISH COUNCIL appreciate that the application is at this stage outline. However, whilst the footprint of the house is acceptable – albeit rather small, the Parish Council would wish to note that attention must be paid to ensure the roof line of the finished property is in keeping with its neighbour.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1, S2 and H2 seek to safeguard, inter alia, road safety, visual and residential amenity, and the character of existing residential areas.

**ASSESSMENT**

The proposed dwelling sited as shown, would be set well back from the established building line of properties within the street, and given the requirement to provide 2 No. car parking spaces for both proposed and existing dwelling, it would not be possible to re-site it more appropriately. Accordingly, it is considered that the proposed dwelling would be out of keeping with the established layout and character of the estate. In addition it is likely that unacceptable levels of overlooking of neighbouring properties would result.

## **RECOMMENDATION**

Permission be REFUSED for the reasons of being out of keeping with the established layout and character of the estate and because of adverse impact on residential amenity.

**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:

49/2006/069

MR & MRS D EDWARDS

**CONSTRUCTION OF DORMER ROOFS WITH WINDOWS ON THE NORTHWEST AND SOUTHEAST ELEVATIONS OF 24 SPRING GARDENS, WIVELISCOMBE**

308065/127991

FULL

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**PROPOSAL**

The proposal comprises the construction of dormer roofs on the northwest and southeast elevations of the roof. The dormers as proposed have one window on each and run along 8.5 m of the length of the 9.1 m long roof. The materials to be used are brown concrete mix roof tiles to match the existing tiles, and vertical tile hanging on the faces of the dormers.

The property is the middle house of a row of three, all of which are detached and have similar facades.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no observations.

PARISH COUNCIL supports the proposal.

ONE LETTER OF OBJECTION has been received raising the following issues:- the proposed construction of the dormer roofs and windows looking out of character with the neighbouring properties and area, and creating a precedent; the proposed toilet and bathroom will be opposite neighbouring front door and toilet at ground level and could intrude on privacy of the neighbouring property.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design) and H17 (extensions to dwellings).

**ASSESSMENT**

It is considered the proposal will have an adverse impact on the character of the property and the street scene with regard to the design, scale and external appearance. The property is the middle house of a row of three, all of which have a similar appearance. Indeed, there are no other properties within close proximity to the proposal that have dormer roofs or windows.

**RECOMMENDATION**

Permission be REFUSED due to an inappropriate design, massing and external appearance of the proposal that will have a detrimental impact on visual amenity of

the area, as well as the character of the property and street scene and is therefore contrary to Taunton Deane Borough Council Local Plan Policies S1, S2 and H17.

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

**CONTACT OFFICER: 356469 MISS C NUTE**

NOTES:



## **Planning Committee – 24 January, 2007**

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

#### **Miscellaneous Item**

#### **38/2006/400 - Change of use of building from Community Hall (D1) to office (B1) at Dodson Hall, Upper Holway Road, Taunton**

At its meeting on 13th December, 2006 the Committee resolved to defer the application as it was felt that the use should be continued. The application was deferred in order for the Police to be consulted on the application.

#### **CONSULTATION RESPONSE**

POLICE ARCHITECTURAL LIASON OFFICER I have studied the proposal and have no adverse comments to make.

#### **ASSESSMENT**

The existing community hall is located within the existing settlement limits of Taunton, outside any defined local centre. There are no specific planning policy restrictions relating to the use of the hall and as such a change of use to business use is considered in accordance with the Taunton Deane Local Plan.

Further to the above consultation response and the policy considerations detailed in the attached report it is recommended that permission be granted.

#### **RECOMMENDATION**

The existing community hall is located within the existing settlement limits of Taunton, outside any defined local centre. There are no specific planning policy restrictions relating to the use of the hall and as such a change of use to business use is considered in accordance with the Taunton Deane Local Plan.

**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**

38/2006/400

## APPENDIX

WARWICK HOUSE MEDICAL CENTRE

### **CHANGE OF USE OF BUILDING FROM COMMUNITY HALL (D1) TO OFFICE (B1) AT DODSON HALL, UPPER HOLWAY ROAD, TAUNTON.**

324427/123690

FULL

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#### **PROPOSAL**

The application site is located adjacent to the north-eastern edge of Upper Holway Road, within the settlement limits of Taunton. Vehicular access is gained from Warwick Gardens on the north-east boundary of the site. The area is predominantly residential.

The site consists of the doctors surgery and Dodson Hall which is a detached building located adjacent to the north elevation of the surgery.

The current use of the hall is for community use. The application seeks change of use to provide office accommodation. The office accommodation is to be provided for the Somerset Local Medical Committee which is the statutory representative organisation for general practitioners within Somerset. As such it appears that the use of the building would operate separately from the Medical Centre.

Dodson Hall occupies a floor area of approximately 113 sq m (footprint of 10.4 m x 10.8 m). The use of Dodson Hall as a community use was not a requirement through condition or legal agreement at the time of the original planning permission (38/2006/036).

#### **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection.

PLANNING POLICY the only policy I can see which looks relevant is EC11 - Local Service Provision in Taunton and Wellington, which includes the sentence:- 'Beyond the town centres, the vitality and viability of local service provision within Taunton and Wellington will be maintained and enhanced and the level and diversity of such facilities improved'. In the supporting text, paragraph 4.75 refers to 'area community centres' being permitted adjacent to existing local centres; while 4.76 states that individual shops and public houses in residential areas (i.e. outside defined local centres) will be allowed subject to conditions. In other words, the need for local facilities other than shops is implicitly recognised, and in some cases local facilities might be established outside defined local centres.

14 LETTERS/E-MAILS OF OBJECTION have been received from 10 objectors raising the following issues:- the hall is a valuable community facility used for a range of activities such as pre-school group, yoga, baby massage classes, fundraising activities, other social events etc; the proposed change of use should be postponed until alternative accommodation can be found for these activities; the hall is located within a large residential estate and its loss would be a loss to the community; the hall replaced a larger

community hall on the site of the current medical centre; there should be sufficient space on the Blackbrook Business Park for provision of offices; office workers will tie up limited car parking spaces causing upset for local residents; the proposed use is not NHS and will not serve the local community.

## **POLICY CONTEXT**

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) states that determination of planning decisions must be made in accordance with the plan (Local Plan) unless material considerations indicate otherwise.

Planning Policy Statement 1 (PPS1, 2005): Delivering Sustainable Development.  
Planning Policy Guidance 17; (PPG17, 2002): Planning for open space, sport and recreation

Taunton Deane Local Plan Policies S1 – General Principles, EC11 – Local Service Provision.

## **ASSESSMENT**

The application is considered against the backdrop of Local Plan policy and national planning policy.

Planning Policy Statement 1 sets out the overarching principles and aims of the planning system. The overall thrust of the document is to promote both social and environmental sustainability. In the interests of social sustainability it aims to promote social cohesion and inclusion.

Section 16 of PPS 1 states that Local Plan Policies should (amongst other things):-  
“address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities.”

The status of local community and leisure facilities are also covered by PPG17; Planning for open space, sport and recreation.

The Local Plan does not explicitly support the retention of community facilities within Taunton. Policy EC15 refers to the protection of community facilities within associated settlements, rural centres and villages and as such it does not cover community facilities within Taunton. Policy EC11 refers to local service provision within Taunton but it does not refer to the protection of existing community facilities. The policy supports the provision of additional or enhanced local services such as ‘shops and public houses’. The supporting text (4.75) only mentions ‘community centres’ in terms of supporting their development in principle. Community centres are specifically defined within the policy as ‘a group of local shops usually comprising of a newsagents, general grocery store, sub-post office, and occasionally a pharmacy, hairdresser or other small shops of a local nature’. The site is not a defined local centre in terms of the Local Plan.

This policy is therefore not considered sufficient to justify refusal of planning permission as it only refers to supporting the development of defined local centres and does not refer to protecting existing community facilities within local centres or outside of local centres.

The proposal is therefore considered to accord with the Taunton Deane Local Plan.

### **RECOMMENDATION**

Permission be GRANTED subject to condition of time limit.

**REASON(S) FOR RECOMMENDATION:-** The existing community hall is located within the existing settlement limits of Taunton, outside any defined local centre. There are no specific planning policy restrictions relating to the use of the hall and as such a change of use to business use is considered in accordance with the Taunton Deane Local Plan.

**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**

NOTES:

## **Planning Committee - 24 January 2007**

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

#### **Miscellaneous Item**

#### **51/2006/013 - Erection of 5 No. Industrial Units with B1 and B2 Use at The Old Basket Works, Lyng Road, Burrowbridge**

At its meeting on 13th December, 2006 the Committee resolved to grant permission for the development subject to the further views of the Environment Agency. This was required as the Environment Agency had raised objection to the application and the recommendation was therefore one of refusal (copy of report attached).

The Environment Agency has been re-notified in light of the view of Committee and their further comments requested. Their comments are as follows:-

“The Agency has reviewed its position in respect of the proposal and concluded that it must maintain its formal objection on the grounds detailed in its letter dated 13th November, 2006.”

The application is not a 'major application' and referral to the Secretary of State is not therefore required in line with Circular 4/2006, the Flooding (England) Direction 2007.

However, in light of the Environment Agency objection being maintained, Members are requested to consider the application further.

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

**CONTACT OFFICER: Mr J Grant Tel. 356465**

## APPENDIX

51/2006/013

MR N CRADDOCK

### **ERECTION OF 5 NO. INDUSTRIAL UNITS WITH B1 AND B2 USE, THE OLD BASKET WORKS, LYNG ROAD, BURROWBRIDGE**

335215/129846

FULL

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#### **PROPOSAL**

The proposal comprises the erection of a single building which would accommodate 5 No. industrial units, and which the applicant intends to rent out to tenants with restrictions to use classes B1 and B8 (light industry and warehousing). The building would be constructed of steel frame with profile cladding, and would measure some 50 m x 10 m in ground area, with a maximum ridge height of 6.5 m.

The building would be sited to the rear of the Old Basket Works, to the side of an existing industrial unit, and on the site of a former established lorry park. Access to the building would be via an existing access route off the A361.

The site is within a flood zone and accordingly, a Flood Risk Assessment has been submitted. A Design and Access Statement has also been submitted.

A similar application, reference 51/2006/002, was withdrawn in March 2006, because of concerns raised by the County Highway Authority and by the Environment Agency.

#### **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. ENVIRONMENT AGENCY Whilst the Agency acknowledges the background flood risk knowledge and the proposed mitigation measures being promoted, it must reiterate its previous comments of 15 February 2006 by referring back to the sequential test of PPG25. It is the Agency's opinion that this commercial development should be located in an area with a lower flood risk i.e. outside Flood Zone 3. Accordingly, the Agency's objection still stands, on the grounds that the provision of a safe/dry access has not been demonstrated within the submitted FRA, as required under paragraph 31 of PPG25. Whilst the Agency does not disagree with the statement that the time duration for the different moors to fill is weeks rather than minutes, suggesting that an adequate warning and evacuation could take place, the FRA does not fundamentally overcome the problem that the site will be inaccessible when the A361 is submerged during a large flood event. As stated in the FRA, the A361 has been submerged many times over the last 40 years to a depth of 200-300mm. To date, the Agency has not witnessed the 1 in 100 year flood in this area, therefore this depth is likely to increase due to climate change. It is also important to note that the emergency services consider 300 mm to be the maximum depth for a vehicle to drive safely through. If your Authority wishes

to approve the application despite the above concerns the Agency would be grateful for a further opportunity to discuss the application. WESSEX WATER recommends notes. SOMERSET DRAINAGE BOARDS CONSORTIUM As is well known the area is subject to occasional but severe flooding. Hopefully the private flood defences will protect the existing and new property but during severe flooding access to the site may be very restricted. Users of the site should be aware of this It is suggested that if the development is permitted measures are taken to ensure that use of the site does not require emergency assistance during flooding when resources may be limited. It should be confirmed that the on site detention storage has sufficient capacity to accommodate any increased storm water runoff attributable to the new development. If necessary additional capacity may need to be provided on site.

LANDSCAPE OFFICER I am concerned about the flood risk implications associated with this application. I do however concede that on landscape grounds, the siting of the low rise industrial units will have little impact on the landscape. There is already a well screened hardstanding where the units are proposed. The existing willow trees however, would benefit from some tree surgery. ENVIRONMENTAL HEALTH OFFICER recommends noise control condition. DRAINAGE OFFICER has no objections subject to the Revised Flood Risk Assessment being approved by the Environment Agency. If so approved then the flood risk management measure listed should be made a condition of any approval given. Recommends note.

PARISH COUNCIL supports.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policy EC7 accepts the development of new small scale buildings for industrial use outside the defined limits of settlements, provided, inter alia, the site is near a public road; the site is adjacent to the limits of a village; there would be no harm to the landscape or highway safety.

Policy S2 advises that development must be of good design and must minimise adverse impact on the environment.

Policy EN28 advises that land with little or no risk of flooding will be the priority location for development, but where development is permitted on land subject to flooding, the Borough Council will require the development to be protected to at least the standard of 1 in 100 year.

## **ASSESSMENT**

Whilst the proposal is considered acceptable having regard to its design, its limited impact on visual amenity, and the previous use of the site as a lorry park, there are two contentious issues, namely impact on road safety, and the flood risk concern.

At the time of agenda preparation, the observations of the County Highway Authority were awaited, but with regard to flood risk, the Environment Agency's previous objection is reiterated, on the grounds that the provision of a safe/dry access has not been demonstrated. They disagree with the statement from the agent that the time

duration for the different moors to fill is weeks rather than minutes, and they advise that the Flood Risk Assessment does not fundamentally overcome the problem that the site will be inaccessible when the A361 is submerged during a large flood event.

In response to the Environment Agency's objection the agent has advised that flooding would in practice put neither personnel nor the site itself in danger for reasons including:- the development would be situated within an existing commercial facility which is already protected by its own ring bank schemes; the site is and will remain totally commercial with no personnel resident overnight; it requires a couple of weeks or more of persistent wet weather before levels in Stan Moor rise to the point where access between the site and Burrowbridge becomes impossible; the Environment Agency runs a well established flood warning system; the applicant intends to develop robust evacuation procedures for the proposal site; there are no known records of personnel being put in immediate danger; and the applicant is prepared to accept planning conditions formally requiring the various precautionary measures.

Notwithstanding these above comments the Environment Agency maintain their objection and refusal of permission is therefore recommended.

### **RECOMMENDATION**

Permission be REFUSED on the grounds that the provision of a safe/dry access to and from the A361 can not be achieved during a 1:100 year fluvial flood event.

**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**





## **Planning Committee – 24 January, 2007**

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

#### **Enforcement Item**

#### **Parish: Staplegrove**

1. **File/Complaint Number** E198/34/2006 – 34/2006/038
2. **Location of Site** Calypso, Rectory Close, Staplegrove, Taunton, TA2 6EW.
3. **Names of Owners** Mr & Mrs J Prosser
4. **Names of Occupiers** Mr & Mrs J Prosser and others
5. **Nature of Contravention**

Dwelling sub-divided into two.

6. **Planning History**

A complaint was received on 22 June, 2006 that the dwelling has been sub-divided into two units of accommodation. The property is registered as Calypso, Rectory Close and The Annex, Calypso, Rectory Close. A planning application was received in July 2006 to regularise the unauthorised sub division but this was refused in September 2006 due to insufficient parking provision. An amended scheme was submitted in November 2006 to try and resolve the parking situation but the application was subsequently refused under delegated powers on 11 January, 2007 .

7. **Reasons for taking Action**

The proposed off street parking is inadequate in that it does not make provision for a usable pedestrian access to the site and therefore contrary to the provision of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan. As a result the development would encourage the parking of vehicles on the unadopted highway, which would interrupt the free flow of traffic and thereby add to the hazards of road users at this point. Furthermore, the demand for more parking would detract from the overall character of the road.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and 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**

## **Planning Committee – 24 January, 2007**

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

#### **Enforcement Item**

#### **Parish: Taunton**

1. **File/Complaint Number** E207/38/2005 – 38/2006/025
2. **Location of Site** 31 Shoreditch Road, Taunton, Somerset
3. **Names of Owners** Ms Tracey Bristow
4. **Names of Occupiers** As above

5. **Nature of Contravention**

Extension not built as approved plans.

6. **Planning History**

A complaint was received on 20 July, 2005 regarding extensions being constructed at the property. Planning Permission was granted in 2003 for extensions and alterations. Part of the permission involved an extension built on the western side of the property very close to the boundary of 29 Shoreditch Road. Due to the proximity of the boundary no windows were shown on this elevation. Whilst works were underway it was noticed that the extension on the west elevation was being built differently to the approved plans in two respects, namely the roof was higher and wider than that approved and two windows had been provided. The owner was contacted regarding the discrepancy and her agent submitted a new application to regularise the situation. The application was submitted in January 2006 and subsequently refused under delegated powers on 15 March, 2006. The development is now complete and therefore unauthorised.

7. **Reasons for taking Action**

It is considered the neighbouring property, No. 29 Shoreditch Road, is overlooked to an unreasonable degree, thereby resulting in loss of privacy and loss of residential amenity. The development is therefore contrary to Taunton Deane Local Plan Policies S1 and H17.

8. **Recommendation**

The Solicitor to the Council be authorised to take enforcement action to secure removal of the window in compliance with the approved plans attached to permission No. 38/2003/284 and take prosecution action subject to satisfactory evidence should the notice not be complied with.

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

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