



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 28TH FEBRUARY 2007 AT 17:00.

(RESERVE DATE : THURSDAY 1ST MARCH 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the meeting of the Committee held on 14 February 2007 (to follow).
3. Public Question Time.
4. Declaration of Interests - To receive declarations of personal and prejudicial interests in accordance with the Code of Conduct.
5. North Curry Report items
24/2006/038 - Change of use of land for the retention of two Gypsy caravans and a day room at Oxen Lane, North Curry;

24/2006/043 - Change of use of land for the siting of one touring caravan and one mobile home for Gypsy occupation and the erection of a toilet block at Plot 15, Oxen Lane, North Curry (amended title);

24/2006/046 - Change of use of land for the siting of one touring caravan and one mobile home for Gypsy occupation and the erection of a day room at No 1 Greenacres, Oxen Lane, North Curry (amended title);

24/2006/047 - Change of use of land for the siting of one touring caravan and one mobile home for Gypsy occupation and the erection of a day room at No 8 Greenacres, Oxen Lane, North Curry (amended title);

24/2006/048 - Change of use of land for the siting of one touring caravan and one mobile home for Gypsy occupation and the erection of a day room at No 16 Greenacres, Oxen Lane, North Curry (amended title); and

24/2006/049 - Change of use of land for the siting of one touring caravan and one mobile home for Gypsy occupation and the erection of a day room at No 7 Greenacres, Oxen Lane, North Curry (amended title).
6. Bathealton - 03/2006/006

Formation of access track, erection of timber implement store and two polytunnels at land at Higher Cobhay, Milverton.

7. Kingston St. Mary - 20/2006/037
Amendment to wording of Condition 5 of permission 20/2005/005 at Mill Meadow, Parsonage Lane, Kingston St. Mary, Taunton.
8. Kingston St. Mary - 20/2006/038
Amendment to wording of Condition 6 of permission 20/2005/022 at Mill Meadow, Parsonage Farm, Kingston St. Mary, Taunton.
9. Kingston St. Mary - 20/2006/039
Amendment to wording of Condition 3 of permission 20/2006/026 at Mill Meadow, Parsonage Farm, Kingston St. Mary, Taunton.
10. Pitminster - 30/2006/050
Retention of use of land as garden to rear of Flintstones and Glengarry, Blagdon Hill (amended description).
11. Staplegrove - 34/2006/045LB
Erection of two-storey and single-storey extensions at the rear, erection of double garage and internal alterations at Slapes, Staplegrove, Taunton.
12. Staplegrove - 34/2006/046
Erection of two-storey and single-storey extensions at the rear and erection of double garage to the east of Slapes, Staplegrove, Taunton.
13. Taunton - 38/2006/461
Erection of replacement Coach House building as two units and three adjacent cottages and parking at former Princess Margarets School, Middleway, Taunton.
14. Taunton - 38/2006/582
Change of use of Four Alls to A2 office use and A3 food and drink, erection of four ground floor retail units and 50 flats with cycle storage at the Four Alls/Castle Moat Chambers, Corporation Street, Taunton.
15. Wellington - 43/2006/175A
Display of sign and illuminated sign at Lloyds TSB, 27 Fore Street, Wellington.
16. West Buckland - 46/2006/040
Change of use of land to a 40 caravan touring site between 1 April and 30 September, with access improvements, ancillary toilet and shower block at land at Greenacres Caravan Park, West Buckland Road, Chelston, Wellington (resubmission of 46/2006/004).
17. Comeytrowe - 52/2006/044
Erection of telescopic lighting columns to floodlight hockey pitch and warm up area at Queens College, Trull Road, Taunton.
18. E12/14/2007 - Unauthorised works to barn including raising the roof structure and formation of an access and track at Theats Farm, Creech Heathfield, Taunton. Enforcement item

- | | | |
|-----|--|------------------|
| 19. | E200/05/2002 - Erection of fence adjacent to the highway at 55 Mountway Road, Bishops Hull, Taunton. Recommendation to take no further action. | Enforcement item |
| 20. | E272/38/2003 - Display of advertisement on rear of building, Kiddi Caru Nursery, Blackbrook Business Park, Taunton. Recommendation to take no further action. | Enforcement item |
| 21. | E161/41/2002 - Carrying out of extensive engineering operations, land at The Ranch, Church Lane, Tolland, Lydeard St Lawrence. Recommendation to take no further action. | Enforcement item |

G P DYKE
Member Services Manager
21 February 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:



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

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

Planning Committee – 14 February 2007

Present:- Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Denington,
House, Lisgo, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

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

Also present:- Councillor Bishop and Councillor Hayward (as Ward Councillor for
application No 25/2006/020).

(The meeting commenced at 5.00 pm)

11. Apologies

Councillors Guerrier, Henley, C Hill and Hindley.

12. Minutes

The minutes of the meeting held on 24 January 2007 were taken as read and
were signed.

13. Declaration of Interest

The Chairman (Councillor Mrs Marie Hill) declared a personal interest in
Agenda item 7, application No 35/2006/023AGN, and left the meeting during
its consideration.

14. 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:-

38/2006/487

**Change of use to takeaway food business at 112 Station Road,
Taunton**

Conditions

- (a) C001A – time limit;
- (b) The takeaway outlet shall not be open other than between 1100 to 2300 hours Monday to Saturday and 1600 to 2200 hours on Sundays;
- (c) The ground floor display window on the front elevation shall be permanently retained unless previously agreed in writing by the Local Planning Authority;
- (d) Prior to the commencement of the use hereby permitted, full details of all extraction units shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) 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 shall be so designed that the flue discharges not less than 1m above the roof eaves level;
- (f) Noise from any air extraction system shall not exceed background noise levels by more than 3dB(A) for a two minute Leq at any time when measured at the façade of residential or other noise sensitive premises;
(Note to applicant:- (1) Applicant was advised that during the planning, design and operation of this establishment, you will need to have regard to the requirements of a variety of acts and regulations. Failure to comply 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. Applicant was further advised to obtain a copy of the relevant Industry Guide which provides detailed guidance on compliance with the regulations; (2) N049B – environmental health.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the viability of the Secondary Shopping Area and was in accordance with Taunton Deane Local Plan Policies S1 and T21.

38/2006/563T

Application to fell one Foxglove tree the subject of a Tree Preservation Order at Bernard Taylor Homes, Magdalene Street, Taunton

Conditions

- (a) C019 – time limit;
- (b) A replacement tree, in accordance with British Standard BS3936, shall be planted within eight months of felling (unless otherwise agreed with the Local Planning Authority) in accordance with British Standard BS4428:1989.

(Note to applicant:- Applicant was advised that it had been noted that an offer to replant a Foxglove tree on another of Taunton Town Charity's sites was made in support of the application. It is understood that seed has been collected from the tree at the Bernard Taylor Homes site and it would be welcomed if this was used to establish a replacement tree.)

Reason for granting consent to fell contrary to the recommendation of the Development Control Manager:-

The Committee felt that the size of the existing tree was inappropriate in its current location and had a detrimental effect on neighbouring properties.

38/2006/599

Erection of building comprising four flats, formation of parking and retention of boundary fence at 87 Staplegrove Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) Before the commencement of any works hereby permitted, details of samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) The means of protecting the willow tree with protective matting and permeable surface as specified in the revised details submitted with the letter dated 19 October 2005 shall be carried out as indicated prior to any other work of construction commencing on site;
- (d) The means of protecting the willow tree during construction shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (e) The entrance gate shall have a height limiter bar set at a height of 2.4m above the finished drive level prior to construction work commencing unless otherwise agreed in writing by the Local Planning Authority;
- (f) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

- (g) Prior to occupation a sheltered, lockable bicycle store shall be provided within the site in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (h) The provision of bin storage with adequate access to be agreed in a location no more than 25m from the access for individual collection or 9m for a communal collection point shall be submitted to, and agreed in writing by, the Local Planning Authority and provided prior to occupation;
- (i) The parking and turning area and access shall be properly consolidated and surfaced in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority and carried out prior to occupation;
- (j) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order, no additional hard surfacing for vehicle parking shall be provided within the site unless otherwise agreed in writing by the Local Planning Authority;
- (k) Means of preventing parking beyond the hard surface area identified on drawing No 2160C-03 shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented prior to the development hereby permitted being occupied;
- (l) C201 – landscaping;
- (m) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (n) The windows hereby permitted shall be recessed in the wall to match the existing window recesses of the main listed building;
- (o) C238 – tree protection in relation to construction;
- (p) The window(s) in the first floor side elevations shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (q) Details of solid fencing to screen the bin and storage area shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so erected and maintained prior to occupation of the flats;
- (r) The hard surface area to the rear of the listed building shall be removed and landscaped as agreed by the Local Planning Authority prior to the occupation of the flats;
- (s) The building shall be constructed at the level illustrated on drawing No 2160C-03 and no higher.
(Note to applicant:- (1) Applicant was advised to contact Wessex Water to ensure that there was no building over a public sewer; (2) Applicant was advised that landscape planting to

improve the setting of the new building and existing listed building will be required as part of the scheme.)

Reason for granting planning permission:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and EN16 and material considerations did not indicate otherwise.

52/2006/037

Erection of single storey extension and alteration to roof at 5 Langham Drive, Comeytrowe, Taunton

Conditions

- (a) C001A – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

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

15. **Development comprising employment, residential (389 dwellings), and village centre (incorporating health care facilities, two village shops, retail unit and public house), part construction of Norton Fitzwarren Relief Road and provision of infrastructure and services, former Cider Factory, Norton Fitzwarren (25/2006/020)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicants submitting a satisfactory unilateral undertaking to provide:-
 - (i) the provision of 24 units of affordable housing;
 - (ii) the repayment of £147,000 to the Council for design costs on the proposed dam;
 - (iii) the construction of the local centre building comprising the health centre and retail provision prior to occupation of 50% of the residential units;
 - (iv) the provision of the office buildings prior to occupation of 75% of the residential units;
 - (v) payment to the Council of any residue from the costs of constructing the culvert under the B3227 (cost assumed at £588,000) such residue to benefit the local community; and
 - (vi) on adoption of the off-site dam, the payment to the Environment Agency of £1,000,000 for the future maintenance of the dam,

less any residual amount to be paid to the Local Planning Authority should the costs of maintenance be shown to be less than £1,000,000. Any such residual amount paid to the Local Planning Authority shall be used for community benefit in the locality.

- (2) Should any residual funding be made available to the Local Planning Authority under items (v) and (vi) of the unilateral undertaking as outlined above, or from any other party who would benefit from the added protection provided by the off-site flood attenuation scheme, a share of any such funding shall be conveyed to the Local Education Authority for additional school places to serve the needs of the development hereby approved (the amount to be agreed at the time); and
- (3) The receipt of no further representations raising new issues by the 20 February 2007,

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) C102 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) C208E – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C208C – trenching works within the canopy spread of trees;
- (h) C209 – protection of trees to be retained;
- (i) C210 – no felling or lopping;
- (j) C219 – screening during demolition;
- (k) The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a phasing plan to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development and shall thereafter be used solely for the purpose of amenity open space;
- (l) The children's play areas shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a phasing plan to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development and shall thereafter be used solely for the purpose of children's recreation;
- (m) C246 – landscape completion check;
- (n) Work (including demolition and site clearance) shall not commence until details of a strategy for the protection of bats and their habitat, within the development, together with the maintenance of access for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once

approved, the work (including demolition and site clearance) shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;

- (o) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (p) No development shall commence until plans for an otter ledge beneath the road and railway at the downstream end of the site (eastern end) and an otter tunnel under the same road bridge on the opposite bank, have been agreed in writing by the Local Planning Authority in conjunction with advice from Natural England (Wildlife Licensing/Species Protection);
- (q) The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to, and approved in writing by, the Local Planning Authority a wildlife mitigation and biodiversity enhancement plan. The plan shall detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species affected by the development: bats, otters, slow worms and nesting birds and measures for the enhancement of biodiversity through the provision of habitats and features and their future management. The plan should be based upon the mitigation strategies proposed in the Environmental Statement (Entran August 2006) and proposed measures shall be informed by up to date surveys and include:- 1. Details of the results of further survey work; 2. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during all stages of development, including ground works, demolitions and construction; 3. Details of timing of works to avoid periods of the year when sensitive wildlife could be harmed by disturbance; 4. Details of provision of new/replacement bat roosts and otter holt sites; 5. Retention of trees and shrubs identified as being important for protected species, within the applicant's control and a scheme of planting, including details of species, that will enhance the habitat in the adjacent/surrounding area for protected species; 6. Measures for the long term management, security and maintenance of habitat for protected species; 7. Measures that will enhance, restore or add to biodiversity conservation interests ('biodiversity gain') as encouraged by Planning Policy Statement 9; 8. Persons responsible for:- (a) Compliance with legal consents relating to nature conservation (including applying for European Protected Species Licences); (b) Compliance with planning conditions relating to nature conservation; (c) Installation of physical protection measures during construction; (d)

- Implementation of sensitive working practices during construction; (e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; (f) Provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority;
- (r) The proposed estate roads, footways, footpaths, tactile paving, cycle-ways, 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 and street furniture 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;
 - (s) C302 – highways – roads, footpaths and turning spaces to be surfaced;
 - (t) The visibility splays shown on the approved plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
 - (u) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles;
 - (v) The car parking area shown on the approved plan shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car parking being brought into use;
 - (w) C416 – details of size, position and materials of meter boxes;
 - (x) Prior to the demolition of Morse's House, Home Place/Edithmead and the Doll's House, an annotated map indicating the former uses of the buildings and a photographic survey shall be undertaken and submitted to, and approved in writing by, the Local Planning Authority;
 - (y) Provision shall be made for the parking of cycles at the proposed office buildings and village centre in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied;
 - (z) Details of the design and appearance of the abutments to the proposed road bridges and footbridges over the Halse Water shall be submitted to, and approved in writing by, the Local Planning Authority;

- (aa) C910A – archaeological access;
- (bb) C926B – remediation investigation/certificate;
- (cc) P005 – no garages;
- (dd) P007 – no fencing in front of dwellings;
- (ee) Development shall not commence until such time as the off-site attenuation facility (dam above Monty's Lane) has been constructed and received its 'Interim Certificate' from the 'Supervising Engineer' (Reservoirs Act 1975);
- (ff) Development shall not commence until such time as the detailed design and implementation of the on-site flood management works have been approved in writing by the Local Planning Authority;
- (gg) Subject to satisfactory completion of Condition (ff) (above), the following on-site works can be completed prior to the issuing of the 'Interim Certificate' (Condition (ee) above):- (i) Channel reprofiling and operational maintenance access ramps to the Halse Water; (ii) Culverting of the Norton Brook; (iii) Site demolition works – provided no material stockpiles are left within the flood plain of the Halse Water;
- (hh) Built development above existing ground levels shall not be commenced until such time as the on-site flood risk management infrastructure has been completed to the satisfaction of the Local Planning Authority;
- (ii) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage, which incorporates sustainable drainage techniques (SUDS), has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (jj) No development approved by this permission shall be commenced until an operation and maintenance manual for the flood management works has been submitted to, and agreed in writing by, the Local Planning Authority. The manual shall identify all maintenance access routes from the points on the public highway;
- (kk) All culverted watercourses shall require a 3m wide undeveloped easement strip either side of the culvert to be clearly identified;
- (ll) No development agreed by this permission shall be commenced until the detailed design for the proposed new 'flood wall' to the properties along Station Road has been submitted to, and approved in writing by, the Local Planning Authority. The flood wall shall be completed to the satisfaction of the Local Planning Authority prior to any work that affects the integrity of the existing flood defence;
- (mm) Minimum finished ground levels are to be set at Halse Water 100 year flood level plus climate change provision, plus 300 mm. Minimum finished floor levels shall be set at Halse Water 100 year flood levels plus climate change provision, plus

- 600mm. The above 100 year flood levels to be based on a Mannings 'n' roughness value of 0.05;
- (nn) Prior to the commencement of development a culvert shall be provided under the B3227 to address flooding issues identified in the Flood Risk Assessment. Details of the culvert shall be submitted to the Local Planning Authority for prior approval in writing;
 - (oo) Flood Risk Management works shall be in accordance with the aims and conclusions of the Flood Risk Assessment date January 2007 Ref: 1012-WX21821-NER-03, or other, as agreed with the Environment Agency;
 - (pp) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any 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;
 - (qq) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks and petrol filling facilities, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
 - (rr) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
 - (ss) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that an adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place;
 - (tt) Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
 - (uu) During construction, vehicles shall not cross or work directly in a river. Temporary bridges shall be constructed for vehicles to cross and excavations carried out from the bank;

- (vv) During construction, river water shall be diverted away from the excavation site using coffer dams. Work shall stop immediately if the coffer dams are breached or flooded;
- (ww) During construction, the storage of fuels for machines and pumps shall be sited well away from any watercourse. The tanks shall be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage;
- (xx) An Environmental Management Plan for the future maintenance arrangements for the on-site and off-site flood alleviation works shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development;
- (yy) Prior to the commencement of any works (including demolition and site clearance), a Code of Practice for demolition and construction traffic accessing the site (to cover items such as hours of operation, noise control and site clearance and vehicle routes) shall be submitted to, and approved in writing by, the Local Planning Authority;
- (zz) Notwithstanding the site layout plan, further details for the provision of a light-controlled pedestrian crossing at a location on the B3227 shall be submitted to, and approved in writing by, the Local Planning Authority. The approved crossing shall be provided to the satisfaction of the Local Planning Authority prior to the occupation of any of the development hereby approved;
- (aaa) 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 prior to the development hereby permitted first being brought into use;
- (bbb) Prior to any of the proposed development being occupied a 1.8m high trespass resistant fence shall be erected parallel to, but separate from, the railway fence in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N118 – disabled access; (2) Applicant's attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and if you wish to discuss it further please contact the Development Control Manager and/or the Council's Arts Officer in the first instance; (3) N112 – energy conservation; (4) N113 – street names; (5) N114 – meter boxes; (6) N115 – water conservation; (7) N048A – ground contamination; (8) N051B – health and safety; (9) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the Halse Water and Norton Brook, designated a 'main river'; (10) With regard to Condition

(pp), applicant was advised that any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant's agent; (11) Applicant was advised to confer with Wessex Water regarding the availability, location and adequacy of the existing public sewerage, pumping station and sewage treatment facilities. There must be no discharge from the proposed pumping station; (12) Applicant was advised that during construction, any discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids; (13) Applicant was advised that the Environment Agency must be advised if a discharge to a watercourse is proposed, as the developer will require a formal Consent to Discharge; (14) Applicant was advised that the Environment Agency states that all works must be undertaken in accordance with Environment Agency Pollution Prevention Guideline No 5 (Works Near or Liable to affect Watercourses) and Pollution Prevention Guideline No 6 (Working at Demolition and Construction Sites) copies of which are available on the Environment Agency's website; (15) Applicant was advised that buildings when demolished can give rise to Hazardous Wastes. These are subject to additional control prior to disposal. The Environment Agency would be pleased to advise the applicant regarding the regulations concerning Hazardous Waste; (16) Applicant was advised to ensure that all contaminated materials are adequately characterised both chemically and physically and the licensable status of any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays; (17) Applicant was advised that if off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (18) Applicant was advised that if recycled inert material (for example rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing may be required. Under such circumstances, a written application, including details of the nature and quantity of material to be used, must be submitted to the Environment Agency, prior to works commencing; (19) Applicant was advised that the Environment Agency must be notified immediately of any incident likely to cause pollution; (20) Applicant was advised that the proposed development site overlies a Minor Aquifer as defined by the Environment Agency's 'Policy and Practice for the Protection of Groundwater'. Further, the soils in this vicinity are classified (H1) of High Vulnerability and Leaching Potential, that is soils with little ability to attenuate diffuse source pollutants and in which non-absorbed diffuse source pollutants and liquid discharges have the potential to

move rapidly to underlying strata or to shallow groundwater. H1 soils readily transmit liquid discharges because they are either shallow or susceptible to rapid flow directly to rock, gravel or groundwater; (21) It is noted from the Environmental Statement that potential sources of contamination have been identified. It is also noted that Appendix 9.5 states that a Ground Investigation Report has been produced for the site. Applicant was advised that the Environment Agency concurs with the recommendations in that report for further work to be undertaken, including a Desk Study and further ground investigations. The Environment Agency would welcome the opportunity to view the results of any such investigation. The Environment Agency recommends that developers follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from the Environment Agency' website. The Environment Agency also recommends that developers use BS10175: 2001, Investigation of potentially contaminated sites - Code of Practice as a guide to undertaking the desk study and site investigation scheme; (22) Applicant was advised that there are public rights of way recorded on the Definitive Map that cross the proposed area of the development. If the work involved in carrying out this proposed development would:- (a) make a PROW less commodious for continued public use or (b) create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. If this development would result in any increased danger adjacent to a PROW then adequate signage and fencing should be provided. If it is considered that the development would result in (a) a PROW being made less commodious for continued public use, (b) a PROW'S route being changed/impeded upon, or (c) changes to the surface of a PROW being needed, then authorisation for these works must be sought from Somerset County Council Rights of Way Group prior to them been undertaken; (23) Applicant was advised that a public sewer crosses the site. There must not be any building within 3m on either side. Alternatively, if appropriate, diversion may be feasible and should be discussed with Wessex Water; (24) In line with Government Policy, applicant was advised to contact Wessex Water's Developer Services to discuss the adoption of the on-site or off-site drainage systems, under a Section 104 Agreement; (25) Applicant was advised that network modelling is required to determine the point of adequacy and possible need for any network reinforcements to ensure an adequate water supply. There would be a charge for this work; (26) Applicant was advised that means of escape in case of fire should comply with Approved Document B1 of the Building

Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage; (27) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (28) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (29) Applicant was advised that the Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated; (30) Applicant was advised that additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10m of Network Rail's boundary; (31) Applicant was advised that no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. As part of this application, alterations are proposed to the footbridge across the railway line. This will require the formal agreement of Network Rail to ensure that the railway is adequately safeguarded during the work and thereafter; (32) Applicant was advised that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges; (33) Applicant was advised to ensure that their proposals do not cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use; (34) Applicant was advised that it is recommended that all buildings be situated at least 2m from the boundary fence to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines; (35) Applicant was advised that the design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway; (36) Applicant was advised that should the development include proposals for external lighting this may conflict with Network Rail's signalling system. The developers

should obtain Network Rail's approval of their detailed proposals; (37) With regard to Condition (yy), applicant was advised that regard should also be had to paragraphs 7.114 and 7.115 of the Environmental Statement.)

Reason for planning permission, if granted:-

The proposal was considered to be compatible with national and local planning policies which encouraged sustainable, mixed use development on previously developed land. The proposed development was in general compliance with Taunton Deane Local Plan Policies T4-T7 and would enable the provision of flood alleviation works which would reduce the incidence of flooding in the locality.

16. Erection of covered vehicle storage, workshop and Logistics Company accommodation, together with provision of external parking and manoeuvring areas, Norton Manor Camp, Norton Fitzwarren (25/2006/026)

Reported this application.

RESOLVED that subject to confirmation being received that there was no need to refer the application to the Secretary of State under the Departure Procedures, 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) C101 – materials;
- (c) C201 – landscaping;

(Note to applicant:- Applicant was advised that the planting should include some tree planting towards the A358 and some shrubs around the car parking areas.)

Reason for planning permission, if granted:-

The proposal was considered appropriate for the applicant in an area where new development was normally restricted on the basis that the site was an established MOD site within open countryside, there would be no adverse affect on the locality or neighbourhood, the proposal was considered to accord with Taunton Deane Local Plan Policies S1 and S2.

17. Erection of agricultural building, Stawley Farm, Stawley (35/2006/023AGN)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 19 February 2007, 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) C203 – landscaping;
- (d) C246 – landscape completion check;

Reason for planning permission, if granted:-

With the submitted landscaping scheme, the proposal was considered not to have a seriously detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

18. Erection of 12 flats and demolition of existing building at 86-88 Priory Bridge Road, Taunton (38/2006/539)

Reported this application.

RESOLVED that subject to the further views of the Environment Agency on the amended plans, 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) C101 – materials;
- (c) C201 – landscaping;
- (d) C111 – materials – for drives;
- (e) C112 – details of guttering, down pipes and disposal of rainwater;
- (f) C215 – walls and fences;
- (g) C331 – provision of cycle parking;
- (h) The bin storage area shall be provided within the site prior to the occupation of the flats;
- (i) C416 – details of size, position and materials of meter boxes;
- (j) The floor level of the flats shall be finished at 15.60m above Ordnance Datum and there shall be no variation thereto unless otherwise agreed in writing by the Local Planning Authority;
- (k) Provision for four disabled parking spaces and turning on the site shall be provided prior to the occupation of the flats;
- (l) C910B – archaeological programme;
- (m) C911 – aerals – combined system;
- (n) No development shall be commenced until the means of providing adequate play and recreation contributions for the area has been entered into and secured in writing in agreement with the Local Planning Authority;
- (o) No development approved by this permission shall be occupied until the proposed boundary wall, designed to withstand the 1 in 100 year climate change flood event, has been constructed to the satisfaction of the Local Planning Authority. The boundary wall height must be set no lower than 15.60m above Ordnance Datum;
- (p) The proposed entranceway/access to the proposed development shall be defended to a minimum of 15.60m above Ordnance Datum prior to any residential occupation;

- (q) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (r) Development shall not commence until details of a safe exit route not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, and flood evacuation plans are submitted to, and agreed in writing by, the Local Planning Authority. This plan must be in place before any occupancy of the building(s).
(Note to applicant:- Applicant was advised that surface water disposed to a soakaway system should be designed and constructed in accordance with BS8301: 1985. It should be confirmed with the relevant authorities whether soakaways will be acceptable for this proposal. Surface water run off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). Further information can be obtained from the Environment Agency's website.)

Reason for planning permission, if granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, C4 and M4 and material considerations did not indicate otherwise.

Also RESOLVED that in the event of the Environment Agency maintaining its objection, planning permission be refused for reason of development in a flood risk area contrary to Planning Policy Statement 25 and Taunton Deane Local Plan Policy EN28.

19. Erection of dwelling on land to rear of 16 Station Road, Taunton (38/2006/577)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 20 February 2007, 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) C101 – materials;
- (c) The windows on the frontage to Black Horse Lane shall be vertical sliding sash windows only;
- (d) The windows hereby permitted shall be recessed a minimum of 70mm in the wall unless otherwise agreed in writing by the Local Planning Authority;
- (e) The ground floor level internally shall be 15.26m above Ordnance Datum unless otherwise agreed in writing by the Local Planning Authority;

- (f) Bin and cycle storage shall be provided on site as illustrated prior to occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the site and its access/egress are considered to fall within the flood risk zone of the adjacent river and may be prone to flooding during more extreme conditions in the river. Further information can be obtained from the Environment Agency's Flood Defence Section. In view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first instance or limit the damage and reduce rehabilitation time in the event of future inundation.)

Reason for planning permission, if granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise

20. **Erection of 3 No buildings to provide 12 No industrial units with associated site works, land adjacent to Chelston Manor, Chelston, Wellington (revision to permission 46/2003/016) (46/2006/041)**

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No adverse views from the County Highway Authority or the Environmental Health Officer; and
(2) The further views of the Environment Agency, 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) C102 – materials;
- (c) C201A – landscaping;
- (d) C207 – existing trees to be retained;
- (e) C208A – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C209 – protection of hedges to be retained;
- (h) C210 – no felling or lopping;
- (i) C215 – walls and fences;
- (j) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, 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;
- (k) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
 - (l) The development hereby approved shall not be brought into use until that part of the surface road which provides access to it has been constructed in accordance with the approved plans;
 - (m) In the interest of sustainable development, none of the units hereby permitted shall be occupied until a network of cycleways and footpaths has been constructed within the development site in accordance with a scheme to be approved in writing, by the Local Planning Authority. Each individual unit within the site shall demonstrate adequate visibility in accordance with DB32 – Places, Streets and Movement;
 - (n) None of the units hereby approved shall be occupied until a pedestrian footway measuring 1.8m wide is provided between the development site and the existing footway on Summerfield Avenue. Work shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and shall be fully implemented to the satisfaction of the said Authority;
 - (o) C708 – restricted use – no storage except where stated;
 - (p) 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 water course, 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;
 - (q) The scheme for the provision of surface water drainage works shall be as approved under planning permission 46/2003/016. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (r) C314 – visibility splays;
 - (s) The development hereby approved shall not be occupied until sufficient secure cycle parking has been provided on site in

accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which should be submitted for approval to the Local Planning Authority. Such drainage should be provided prior to the access first being brought into use; (6) Applicant was advised that if there is regular tanker traffic to the site, the Environment Agency recommends the use of a sluice, which may be closed at the end of the ditch, to allow a spill to be retained. All the buildings, roads and surface water system itself must be located outside of the predicted flood plain of Haywards Water; (7) Applicant was advised that the future maintenance and management of the surface water drainage system should be arranged in advance with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow the maintenance, machine access to the ditch should be preserved; (8) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of Haywards Water, designated a “main river”; (9) Applicant was advised that any works that would affect the flow of water in any stream or water course on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to Unit C. Any culverting or restriction of flow would require the Environment Agency’s prior permission; (10) Applicant was recommended to use this opportunity to improve access to, and the working strip along, the bankside. Efforts should also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme; (11) Applicant was advised that in the interests of pollution prevention, appropriate measures should be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached pollution prevention notes and further advice can be obtained from the Environment Agency; (12) With regard to condition (n), applicant was advised of the need to enter into an agreement with the County Highways Authority.)

Reason for planning permission, if granted:-

The proposal was within an area allocated for employment use in the Taunton Deane Local Plan and was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site had good

transport links and with the conditions imposed neither residential nor visual amenity would be adversely affected.

21. **Demolition of dwelling and commercial garage buildings and erection of 24 flats with associated parking at Eastwick Farmhouse and Eastwick Cottage, Eastwick Road, Taunton (38/2006/198)**

Reported that planning permission was granted in 2006 for this development which was adjacent to 45a Eastwick Road, Taunton.

A condition had been placed on the approval requiring the windows on the second floor to be fixed opening and obscure glazed in order to protect the amenity of the occupier of the adjacent property. The windows for flats 18 and 24 did not overlook 45a Eastwick Road and flat 23 was at an angle to 45a Eastwick Road and faced onto the front garden of this property.

In the circumstances, it was considered unreasonable to insist that those windows were obscure glazed or fixed opening.

RESOLVED that it be agreed not to enforce the condition in respect of flat numbers 18, 23 and 24 but to insist on compliance for flat 22.

22. **Revisions to the Scheme of Delegation**

Considered report previously circulated, concerning possible revisions to current delegation procedures.

Although any changes to the delegation scheme were a matter for decision by Executive Councillor Bishop, it was considered appropriate that the Planning Committee was given an opportunity to comment before any such decision was made. The background to the proposal to revise the procedures were:-

(1) **The Department for Communities and Local Government's Report "Councillor involvement in planning decisions"**

This recently published report recommended that an appropriate balance had to be achieved between the degree of delegation and the continuing involvement of elected members in planning decision making. Although it was felt increased delegation would lead to more predictable planning decisions (in line with adopted policy), some degree of Councillor involvement should remain for the more significant or controversial cases or where the issues were finally balanced.

The progress of Project Taunton and increased levels of growth associated with the Regional Spatial Strategy and Taunton's Growth Point status all indicated that the number of complex major applications the Council would be asked to consider would increase in the future. It was therefore important that the Committee had the capacity to appraise these most important developments in detail.

(2) **Concern over time taken to determine applications that currently needed to be referred to Committee**

It was imperative for the Council to maintain its performance in terms of time taken to determine planning applications. Delays in the planning process not only had impacts for the Council in terms of both funding and potential central Government intervention, but it could also have an adverse impact on the economy of the area.

In the last quarter only 19% of those applications referred to Committee were determined within eight weeks of receipt compared with 79% of decisions made under delegated powers.

One aim of a simplified delegation scheme would be to give more certainty as to whether an application would be referred to Committee from early in the determination process.

(3) **Effect of long meetings upon the quality of decision making and upon the general public who often have to wait to hear their particular item heard**

The amount of information that needed to be considered in relation to each application at Committee was such that there was concern that both Officer's and Member's ability to concentrate and analyse information could be adversely impacted upon by the length of the meeting.

Even though a reserve date was always set aside to deal with unfinished business, there was often a reluctance to use this if it meant asking members of the public who had already waited several hours for their application to be considered to return on a second occasion.

(4) **Concerns over inconsistency between the Parish and Unparished areas**

The current delegation scheme was such that where a parish council held a contrary view to the recommendation, an application was automatically referred to the Planning Committee whether other representations had been received or not. It was therefore inevitable that the Committee considered comparatively less applications in Taunton which did not have a parish council.

It was therefore proposed that in future all planning proposals should be determined under delegated powers other than where the six criteria set out below were met (however, it should be noted that the current system whereby any application which was not referred to Committee, but where conflicting representations had been received was referred to the Chairman/Vice-Chairman before a decision was made would continue):-

Criterion 1 – In the opinion of the Development Control Manager (or Chairman), the application was considered to be of a significant, controversial or sensitive nature.

Criterion 2 – The application was from an elected member or member of staff (or partner thereof) and was recommended for approval.

Criterion 3 – The application was accompanied by an Environmental Statement (EIA).

Criterion 4 – The application was a significant departure and was recommended for approval.

Criterion 5 – Where there were conflicting views (giving clear planning reasons) from a Town/Parish Council, Parish Meeting or Ward Member as well as from four or more individuals.

Criterion 6 – Applications would be delegated to the Development Control Manager to refuse if Section 106 Agreements were not signed within the appropriate 8, 13 or 16 week timescale.

The Committee discussed the proposed revisions to the current delegation procedures and unanimously agreed that they should be implemented.

RESOLVED that Executive Councillor Bishop be recommended to agree the proposed revisions to the delegation scheme as set out above.

23. **Unauthorised fence, extended garden curtilage and the building of walls within the site at Chestnut Farm, Helland, North Curry**

Reported that it had come to the Council's attention that in association with the conversion of a barn to a dwelling at Chestnut Farm, Helland, North Curry, the proposed garden curtilage had been extended, a fence had been erected and various walls constructed all without planning permission.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised fence and walls and the reversion of the garden back to that approved at the barn at Chestnut Farm, Helland, North Curry; 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.

24. **Unauthorised opening in gable wall of barn at Chestnut Farm, Helland, North Curry**

Reported that it had come to the Council's attention that a new opening had been made in the south elevation of a barn at Chestnut Farm, Helland, North

Curry to allow the fitting of a glazed door and panels. This work had been carried out without planning permission.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the new glazed door and panels and the blocking up of the opening in the barn at Chestnut Farm, Helland, North Curry; 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.

25. New garage not built in accordance with approved plans at Chestnut Farm, Helland, North Curry

Reported that it had come to the Council's attention that a garage which had been granted planning permission was not being built in accordance with the approved plans.

RESOLVED that:-

- (1) Enforcement action be taken to secure the reduction in height of the garage at Chestnut Farm, Helland, North Curry to that approved; 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.

26. Unauthorised agricultural workshop and the operation of a commercial business at Sherford Bridge Farm, Sherford Road, Taunton

Reported that a complaint had been received that a commercial vehicle valeting business was being carried out without planning permission from a building at Sherford Bridge Farm, Sherford Road, Taunton.

The matter had been investigated when it had come to the Council's attention that the building being used for the car valeting business was a steel framed profile sheeted building and not an open fronted timber clad structure which had been granted planning permission in 2000.

The owner of the building had been requested to apply for planning permission to retain the new building and to cease the car valeting business being conducted at the site. An application had been submitted however this had been refused under delegated powers. It was understood that the car valeting business was still being carried out from the property.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised building and concrete yard at Sherford Bridge Farm, Sherford Road, Taunton and the cessation of the vehicle valeting business; 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.

27. Erection of a satellite dish at the former Wheeltappers, Station Road, Taunton

Reported that it had been brought to the Council's attention that a satellite dish had been installed on the front elevation of the former Wheeltappers, Station Road, Taunton without the required listed building consent. The owner of the property had submitted an application to regularise the situation but this had been refused under delegated powers.

RESOLVED that:-

- (1) Listed building enforcement action be taken to secure the removal of the unauthorised satellite dish from the former Wheeltappers, Station Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

28. Various Works at Drakes Lodge, Taunton Road, Wellington

Noted that this report had been withdrawn from the agenda to allow further discussions with the owner to be held.

29. Advance signs on highway verge relating to farm shop at Unit 8, Broadgauge Business Park, Bishops Lydeard

Reported that a complaint had been received that a number of advance signs advertising the farm shop being operated from Unit 8, Broadgauge Business Park, Bishops Lydeard were currently being displayed at a variety of locations in the vicinity.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised advance signs advertising the farm shop at Unit 8, Broadgauge Business Park, Bishops Lydeard unless they were removed within one month.

(The meeting ended at 9.13 pm)

24/2006/038

MR STEVEN LOVERIDGE

CHANGE OF USE OF LAND FOR THE RETENTION OF TWO GYPSY CARAVANS AND A DAY ROOM AT OXEN LANE, NORTH CURRY

331385/124527

FULL

24/2006/043

MR LEONARD SMALL AND MRS LOUISE SMALL

CHANGE OF USE OF LAND FOR THE SITING OF ONE TOURING CARAVAN AND ONE MOBILE HOME FOR GYPSY OCCUPATION AND THE ERECTION OF A TOILET BLOCK AT PLOT 15, OXEN LANE, NORTH CURRY (AMENDED TITLE)

331404/124496

FULL

24/2006/046

CHARMAINE PACKMAN

CHANGE OF USE OF LAND FOR THE SITING OF ONE TOURING CARAVAN AND ONE MOBILE HOME FOR GYPSY OCCUPATION AND THE ERECTION OF A DAY ROOM AT NO. 1 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)

331250/124450

FULL

24/2006/047

TRACEY HOLLAND

CHANGE OF USE OF LAND FOR THE SITING OF ONE TOURING CARAVAN AND ONE MOBILE HOME FOR GYPSY OCCUPATION AND THE ERECTION OF A DAY ROOM AT NO. 8 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)

331400/124410

FULL

24/2006/048

JIM SMITH

CHANGE OF USE OF LAND FOR THE SITING OF ONE TOURING CARAVAN AND ONE MOBILE HOME FOR GYPSY OCCUPATION AND THE ERECTION OF A DAY ROOM AT NO. 16 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)

331430/124480

FULL

24/2006/049

MARY O'NEIL

CHANGE OF USE OF LAND FOR THE SITING OF ONE TOURING CARAVAN AND ONE MOBILE HOME FOR GYPSY OCCUPATION AND THE ERECTION OF A DAY ROOM AT NO. 7 GREENACRES, OXEN LANE, NORTH CURRY (AMENDED TITLE)

331390/124410

FULL

1.0 **RECOMMENDATION**

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

- 01 The proposed development by reason of its scale and appearance will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12.
- 02 The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in policy H14 of the Taunton Deane Local Plan (as amended by the executive report dated 3rd May 2006). The Local Planning Authority consider that the proposal does not comply to criteria (B), (C), (E), (H), (I), and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14.
- 03 The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority consider this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (A).
- 04 The use of the site for the provision of 1 caravan and 1 touring caravan and 1 dayroom, by reason of its scale appearance and close proximity to

surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14, (E) and (F).

- 05 The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in antisocial behavior that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area.
- 06 The proposed development would create a precedent for future unauthorized and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12.

2.0 **APPLICANTS**

24/2006/038 - Mr and Mrs Lverage plot 12

24/2006/043 - Mr and Mrs Small plot 15

24/2006/046 - Mr and Mrs Packman plot 1

24/2006/047 - Mr and Mrs Holland plot 8

24/2006/048 - Mr and Mrs Smith plot 16

24/2006/049 - Ms O'Neil plot 7

3.0 **PROPOSAL**

There are 6 individual planning applications proposing the retention of 1 gypsy caravan and 1 touring caravan on each of the 6 plots and the retention of a dayroom on each of plot numbers 1, 7, 8, 15 and 16. Four of the applicant households live on the site, namely the Hollands, the Packmans, the Smiths and O'Neil. A fifth household, Mr and Mrs Dolan live on the site but have not submitted an application for planning permission

4.0 **THE SITE**

The application site comprises 2.26 ha of former agricultural land lying to the south of Oxen Lane and rising from east to west. It lies in open countryside and is approximately 400m from the settlement limit of North Curry (by the Village Hall) and approximately 260m from the settlement limit at Greenway. Agricultural

fields surround it, with a row of semi-detached dwellings located to the north west of the site, one of which (no 6) physically adjoins the site. There are established hedgerows on all boundaries, except at the point of access. A hardcore and scalping access is provided at the northeastern corner of the site. Its access is via a slope up from the lower highway to the site, which is higher than the adjacent lane. The access is direct off Oxen Lane, an unlit single-track lane. Oxen Lane joins the main roads going into North Curry at Borough Post to the north and Greenway to the south. The site is within an area of low vale countryside considered to be of value and zoned as a 'Landscape Character Area' and can be seen from and has an impact on the North Curry Ridge Landscape Character Area that lies to the south. The site is located on rising land and as a result it can be seen from the surrounding countryside, as well as the public footpath that runs to the south of the site, and the adjacent highways.

The site is currently divided into sixteen pitches, with fencing demarcating the individual pitches. There is a central road running through the site which is laid with scalping and hard core, and some of the sites have individual hard standings. On five of the plots there are mobile homes and caravans that are occupied, whilst other plots are entirely empty or have single unoccupied units. There are several sheds and one day room.

5.0 **RELEVANT PLANNING HISTORY**

24/2004/042 Change of Use of Agricultural Land to Form Permanent Gypsy Site, Including the Stationing Of 16 Mobile Homes, 16 Touring Caravans and 16 Utility Dayrooms at Land on Oxen Lane, North Curry. Permission REFUSED on 17th December, 2004. Planning and enforcement appeals DISMISSED on 26th September, 2005. 1 year for compliance with Enforcement Notice. It follows that the site should have been cleared by September 2006 and the present occupation of the site is unlawful.

The main conclusions reached by the Secretary of State in refusing planning permission and dismissing the appeals were:

- a. The existing impact on 6 Oxen Lane is severe and the proposed presence of mobile homes would add to this. The amenities of number 6 have been reduced to a level far below that which ought reasonably to be expected. Mitigation by planting would have an undesirable effect.
- b. The existing development constitutes a major encroachment into the countryside. Even with landscaping it will remain conspicuous from across the valley.

- c. Access to schools and community facilities is not 'safe and convenient' as required by the local plan.
- d. The development breaches H14(B) and (C) of the local plan and local and national policies which seek to protect the character of the countryside.
- e. Visibility at the junction of Oxen Lane and Greenway falls well short of the required 60m. The conditions are so substandard that there is a material highway objection.
- f. The six monthly counts of gypsy caravans present a reliable picture of the situation in Taunton Deane. Occupation of the Land has altered the need position.
- g. The Council failed to carry out a quantitative assessment when preparing the local plan. The local plan does not make allocations of land for gypsy sites as it should. The failings in the local plan weigh in favour of the grant of planning permission, despite the fact that the Council has a good record of site provision.
- h. There is a need for further sites in Taunton Deane but this is difficult to quantify.
- i. There is no substantive case that all the occupants of the Land need to be accommodated on the same site.
- j. A number of children at school exhibit typical educational problems associated with their past lifestyle and the previous lack of a settle base. If the occupants have to leave the Land the children are likely to lose continuity of education and so will suffer a major disruption. This would also affect children not yet of school age.
- k. The stability of the residential base provided by the Land brings benefits to the occupants in terms of healthcare

- l. The personal circumstances of the occupants are a material consideration which lends support to the case for planning permission
- m. It is likely that the occupants would be on the roadside if there have to leave the Land. This consideration in favour of planning permission is strengthened by educational and health factors. The Secretary of State gives these issues considerable weight.
- n. It would not be appropriate to grant a temporary planning permission, given the serious planning objections to the development.
- o. In the absence of alternative sites for the occupants, dismissal of the appeals will involve a serious interference with their human rights. However the objections to the development are serious ones which cannot be overcome by conditions. The public interest can only be safeguarded by the refusal of planning permission
- p. Given the acknowledged difficulties of finding an alternative site and the review of gypsy accommodation needs currently underway, the compliance period in the enforcement notice should be extended to 12 months.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR6 - Development Outside Towns, Rural Centres and Villages.
Development in the Countryside will be strictly controlled 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

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

POLICY 8 - Outstanding Heritage Settlements

The special character of the Outstanding Heritage Settlements identified below,

should be respected. North Curry is considered such a settlement.

POLICY 36 - Sites For Gypsies and Traveling People

The provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities.

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:-

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) 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,
- (3) 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.

Taunton Deane Local Plan (Revised Deposit) adopted 19th November 2004)

Taunton Deane Local Plan Revised Deposit. The following policies are considered especially relevant: -

S1 General Requirements

Proposals for development should ensure that:-

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (C) the proposals will not lead to harm of protected species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance, which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;

- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

S7 Outside Settlements

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

- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation. 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

H14 Gypsy and Travellers sites

Outside the defined limits of settlements, sites for gypsies or non-traditional travelers will be permitted, provided that:

- (A) there is a need from those residing in or passing through the area;
- (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities;
- (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity;
- (D) adequate open space is provided;
- (E) accommodation will enjoy adequate privacy and sunlight;
- (F) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;
- (G) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; and
- (H) in the case of transit sites, there is convenient access to a County or National route;
- (I) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area;
- (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN12 Landscape Character Areas

Development proposals must be sensitively sited and designed to respect the

distinct character and appearance of Landscape Character Areas.

Executive report dated 3rd May 2006 - Providing for Gypsies and Travellers

Impact of Circular 01/2006 on the Determination of Planning Applications.

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

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

7.6 Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Large-scale gypsy sites should not dominate existing communities. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account.

7.0 RELEVANT CENTRAL GOVERNMENT GUIDANCE

**Up to date Government advice is contained within ODPM Circular 01/2006
Of particular relevance are paragraphs referred to below**

Paragraph 4

This circular will help to promote good community relations at a local level, and avoid the conflict and controversy associated with unauthorised developments

and encampments

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

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years;
- (d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site - provision in appropriate locations through the planning system, while recognising that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorised sites without an alternative to move to.

The scheme of C1/2006 is that all local planning authorities must carry out Gypsies and Travellers Accommodation Assessment (GTAAs) to ascertain the need for pitches in their districts. These must be submitted to the relevant regional authority. The regional authority will use the information from the

GTAAs to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

C1/2006 sets out what is called "transitional arrangements" to govern the period before quotas are imposed by the relevant regional authority (paragraphs 41-46). In certain circumstances it may be necessary for local planning authorities to make allocations in this period. Further, in districts where there is a clear need for additional sites and a likelihood that allocations will be made within a defined period, it may be appropriate to grant temporary planning permissions for gypsy sites.

The relevant paragraphs 45 and 46 state as follows:

Paragraph 45

Advice on the use of temporary permissions is contained paragraphs 108-113 of DoE Circular 11/95 The Use of Conditions in Planning Permissions. Paragraph 110 advised that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet the need, local planning authorities should give consideration to granting a temporary permission.

Paragraph 46

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

Although the point is not made expressly, the thinking is obviously that temporary planning permission could be granted for sites which might or might not be good enough to be allocated as permanent site, in order to provide gypsies with somewhere to stay in the period before the allocations come forward. This aspect of C1/2006 has been raised by solicitors for some of the present occupants in the context of recent applications for planning permission.

Paragraph 45 refers to the guidance on temporary planning permissions in another Circular, C11/95. The relevant passages of C11/95 provide:

Principles applying to temporary permissions

109. Advice on minerals permission is given in Minerals Policy Guidance notes. In other cases, in deciding whether a temporary permission is appropriate, three main factors should be taken into account. First, it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provisions of the development plan. Next, it is undesirable to impose a condition requiring the demolition after a state period of a building that is clearly intended to be permanent. Lastly, the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard the amenities. If it is not possible to devise such conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission. These considerations will mean that a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area.

Short-term buildings or uses

110. Where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period, whether because they have specifically volunteered that intention, or because it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified. For example, permission might reasonably be granted on an application for the erection of a temporary building to last seven years on land which will be required for road improvements eight or more years hence, although an application to erect a permanent building on the land would normally be refused.

I consider that this makes it clear that a gypsy site cannot be permitted on a temporary basis where this would involve injury to amenity which cannot be overcome by the imposition of conditions.

Paragraph 48

In applying rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

Paragraph 53

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

Paragraph 54

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

GTAA

The regime of the Planning and Compulsory Purchase Act 2004 provides for Regional Spatial Strategy (RSS) to be formulated by the regional authority, the South West Regional Assembly.

In April 2006 the Regional Assembly published a draft RSS of which paragraph 6.1.1.13 states 'at the time of publication of the draft RSS the RPB was of the view that there was not sufficiently robust information on which to establish district level numbers, that it is necessary to establish transitional arrangements in accordance with C1/2006 and that there will be an early review of the draft RSS 'to fully implement the Government's requirements' (i.e. to impose quotas).'

For the South West, this regional context can be summarised as follows:

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorised sites; South Gloucestershire, City of Bristol and North Somerset, Unitary Authority areas, and parts of Devon, Gloucestershire and Dorset counties.
- An interim estimate of the additional pitch requirements at regional level is about 1,100 pitches which will be used to monitor delivery in LDDs.

Regarding pitch requirements, the indicative regional figure set out above will serve as a monitoring basis until local authorities have completed their needs assessments and are able to provide a more comprehensive position for site requirements. It is anticipated that all local authorities in the region will have completed their GTAAs in 2007, and it is hoped a single issue review of the Draft RSS can be completed in step with this.

Assessment for need for Gypsy and Traveller Accommodation Requirement

Local authorities should work together to carry out detailed assessments of need for Gypsy and Traveller accommodation requirements. This should include consultation with Gypsies and Travellers, both housed and travelling. Working with the RPB and RHB, local authorities will provide for about 1,100 additional

pitches for gypsies and travellers and identify need for residential pitches, park homes and transit pitches for inclusion in their DPDs, and identify realistically deliverable sites to meet the need.

I do not read the policy of the Draft RSS as suggesting a present obligation on the council to allocate land as gypsy sites, or to prepare a pre-quota allocations DPD. My reading of paragraphs 6.1.13 and 6.1.15 is that the quotas will be imposed in the 'single issue review of the Draft RSS'. Certainly no interim/transitional arrangement of the kind referred to in paragraph 42 of C1/2006 has been made by the Regional Assembly.

The Regional Assembly subsequently announced that First Draft Proposals for this single issue review would have to be presented by the relevant authorities (in the case of Somerset the Somerset County and the five District Councils) by March 2007. It is understood that the single issue review will seek to impose quotas for pitches to be provided 2006-2011.

The Ark Report and the GTAA

As I have pointed out, it was known for sometime that the Government intended to replace C1/94. One well-known criticism of the C1/94 regime was the local planning authorities had not carried out quantitative assessments of the need for gypsy sites (a point raised by the Inspector in the present case). It was clear from this criticism and from the draft Circular that the replacement for C1/2006 would contain more robust advice requiring such assessments to be carried out. It was also expected that there would be guidance on how such assessment should be conducted.

The local planning authorities in Somerset consider that they have always been fairly assiduous in monitoring the need for gypsy sites and in making provision for them. In June 2006 they decided to set up a panel to consider the best approach to assessing and meeting the needs of gypsies to work in conjunction with consultants ARK who were carrying out an overall housing needs assessment. It is important to stress that this was deliberate decision to start the process of assessment before the new policy/guidance was published: it was not thought appropriate simply to do nothing before this happened. In this regard I note that a very considerable period in fact elapsed before new policy was published; the draft replacement for C1/94 came out in December 2004 but the final replacement (C1/2006) was not published until February 2006. It was accompanied by draft guidance on the conduct of GTAAs – this guidance remains in draft form.

The panel included representatives of the County and district councils and of the gypsy community. They have considered (i) the planning permissions for the permitted sites, so as to ascertain the total number of caravans that could lawfully be stationed on these, (ii) the actual number of caravans stationed on

these sites and (iii) the number of caravans stationed unlawfully in each district.

The Panel recommended that the gypsy families on unauthorised sites should be assessed so that the planning authority could judge whether it was appropriate to seek alternative pitches for them.

The elements of the ARK report relating to the needs assessment for gypsies and traveller was reported to the Housing Review Panel of the Council on 11 April 2006 and to the Strategic Planning Transportation and Economic Development Review Panel of the Council on 12 April 2006. I have dealt with this under Policy Section as part of a report updating the provision for gypsies and travellers. The recommendations of these Panels were reported to the Council's Executive on 3 May 2006. The reports to the Panels and the Executive also dealt with other gypsy matters, notably policy H14.

The draft guidance on GTAAs published in February 2006 made it clear that a GTAA should assess not only how many pitches are required for gypsies already on unlawful sites, but also how many pitches are required to meet 'hidden' demand (e.g. growth of existing gypsy households, needs of gypsies wanting to move out of houses etc.). It was clear to the Somerset authorities that it would not be possible to complete a full GTAA by March 2007, the deadline for the First Draft Proposals, so a decision was taken to present an assessment of the number of pitches required to meet the needs for gypsies already on unauthorised sites. It will be appreciated that meeting this need is an obvious priority and that the single issue review will only deal with allocation to be made 2006-2011. It is intended that the remaining parts of the GTAA will be completed after March 2007.

The implications for these applications can be shortly stated. The needs of the families who reside on the Land (the Packmans, Ms O'Neil, the Hollands, the Smiths and Dolans) have been assessed several times and it will be accepted that they have a need for pitches to be provided for them.

8.0 **RELEVANT LEGISLATION**

European Convention for the Protection of Human Rights and Fundamental Freedoms (Human Rights Act 1998)

Articles 8 and 14 of the Convention and the First Protocol Articles 1 and 2 are of particular importance in the consideration of this application.

Article 1

1. Everyone has the right to respect for his private and; family life, his home The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin,

association

2. No person shall be denied the right to education. In the exercise of any function which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religion and philosophical convictions.

Criminal Justice and Public Order Act 1994

In respect of Gypsies, this act repealed the duty of Local Planning Authorities to provide and manage Gypsy sites and provided powers to evict unauthorized camper

9.0 **CONSULTATIONS**

County Highway Authority

Object to the proposals written views awaited

Environment Agency

The Agency has no objections to the proposed development but wishes the following informatives and recommendations are included within the Decision Notice.

The applicant should ensure that the existing septic tank and soakaway is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.

The septic tank and soakaway system shall meet the requirements of the British Standard BS 6297: 1983; there shall be no connection to any watercourse or land drainage system and no part of the soakaway system shall be situated within 10 metres of any ditch or watercourse, or within 50 metres of any well, borehole or spring.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involve the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

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 groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Wessex Water

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

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

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

There are no public surface water sewers in the vicinity of the site; it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. However for capacity reasons, it should be noted that connection would need to be made to the 150mm PVC main that crosses Oxen Lane near Borough Post, and not to the main to the rear of numbers 1 - 6 Oxen Lane. In addition no connection is to be made to the 800mm spine main to the north of Oxen Lane.

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

Landscape Officer

Individually the plot will have some landscape impact that could be reduced with substantial landscaping, but given the other neighbouring applications, my view is that overall it would not be possible to reduce the visual impact of the

proposals and that, as agreed by the Planning Inspector, the proposals would be detrimental to the landscape character of the area.

Fire Safety Officer

The details of the proposals have been examined and the following observations are made:

1. Access for Appliances

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

2. 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.

3. The Regulatory Reform (Fire Safety) Order 2005

This authority will be responsible for enforcement of the above legislation relating to any communal buildings on this site. Applicants should be directed as set out below. For technical detail and guidance you are strongly advised to obtain the appropriate publication that has been published by HM Government, details of these publications are available at <http://www.communities.gov.uk> for purchase or free download. When purchasing or installing equipment, compliance with the relevant British Standard is normally taken as being adequate. Should the issues set out in this report require major changes or costs then you are advised to take professional advice before proceeding.

4. Other Legislation

It is understood that yourselves or other agencies will be responsible for the enforcement of the following legislation:

Public Health Act 1936

Caravan Sites Act 1968

Caravan Control & Development Act 1960

Gypsy and Traveller Liaison Officer

It is still my opinion that Oxen Lane, North Curry is by definition an unauthorised development in an inappropriate location.

At the present time there are no vacancies on any of the authorised Local Authority sites.

In the recent Gypsy and Travellers Accommodation Needs Survey, Taunton Deane accepted that a total of six pitches were needed immediately to relocate the families on this site.

Somerset County Council has identified to the Deane two sections of land owned by the County Council which could be leased to the District Council as possible sites. I am also informed that the applicants have identified over 20 possible locations which could be developed as sites.

Under existing legislation it is the responsibility of the District Council to address accommodation applications from Gypsies and Travellers and that both the District and the County Council are working together to address this difficult issue.

Drainage Officer

I note surface water is to be discharged to soakaways. This should be constructed in accordance with Building Research Digest 365 (September 1991) and made on condition of any approval.

I note that foul drainage is to be dealt with by means of a cesspit. I believe this nature of treatment is against Council policy and therefore a connection to the public sewer which crosses the site should be investigated. The Council's Environment Protection team should be consulted on the proposed means of sewage disposal.

Forward Plan

"In commenting on the earlier planning application for the change of use and occupation of the site at Oxen Lane as a gypsy site (24/2004/042) I drew attention to policy H16 (H14 as Adopted) of the Taunton Deane Local Plan. This remains the key Development Plan policy, although others such as Structure Plan policy 36 and TDLP policies S1 and EN12 are relevant.

Additionally, the findings and decisions of the Inspector and Secretary of State in relation to the Appeal against the refusal to grant permission for that earlier application must also be taken into account, as should new advice on Planning for Gypsy and Travellers Caravan Sites contained in ODPM Circular 01/2006.

As before, I consider that the majority of the criteria of H14 are matters of detail on which others are better able to comment. However, I do have the following views in relation to criteria (A) and (B).

In relation to criterion (A), a county-wide assessment of needs has been undertaken by consultants since the consideration of the earlier application on the site, as part of a wider housing market assessment. This concluded that the priority should be to secure sites for those households which are currently residing on unauthorised sites. In some cases, where sites are considered acceptable, this could be achieved by granting planning permission. However, where they are so inappropriate that they cannot be tolerated, alternative sites will need to be found. The Council thus accepts that there is a need to find

suitable sites for those applicants that are resident on the Oxen Lane site, but for a number of reasons including those set out below, Oxen Lane is not considered to be suitable for continued occupation.

In commenting on criterion (B) previously I indicated that I considered the distance of the site from the services and facilities of North Curry to be acceptable, but did not comment on the safety and convenience of the route. In his decision letter on the Appeal the Secretary of State judged that access could not be considered to be 'safe and convenient' and so the proposal failed to satisfy criterion H14(B).

The major issues in relation to the adverse effect of the previous application on residential amenity, visual amenity, and highway safety, which led to the dismissal of the Appeal, all appear to still be relevant considerations.

In response to the publication of ODPM Circular 01/2006 the Council has reviewed its approach to gypsy and travellers site provision. As an interim measure, pending the formal review of the relevant policy in the preparation of the LDF, it has resolved to adopt a more flexible approach to the implementation of policy H14. As a result of this, and its acceptance of the need to accommodate the needs of gypsies and travellers, six planning applications have been approved or resolution made to approve since the time of the previous application and Appeal on this site. These have authorised nine additional pitches, many of them on sites that were previously occupied on an unauthorised basis. In addition, the Council has established a Working Group of officers that is actively seeking to identify further suitable sites that can be brought forward in the short term. In the longer term if there is a remaining need for additional sites these will be identified in the Local Development Framework."

Housing Officer

No observations to make on this planning application other than to say to refer to ARK report recommendations to G & T sites.

Environmental Health Officer

The applicant should be advised that suitable and satisfactory drainage provision shall be made. With respect to the proposed use of the existing septic tank the applicant shall ensure that the septic tank systems capacity is satisfactory to provide drainage for the maximum likely numbers of occupants of the property.

Parish Council

24/2006/043 - Change of use of land for the siting of one caravan and one mobile home and the erection of a toilet block at Plot 15, Oxen Lane, North Curry.

24/2006/046 - Change of use for gypsy occupation of one mobile home, one day room and one touring caravan, No.1 Greenacres, Oxen Lane, North Curry.

24/2006/047 - Change of use for gypsy occupation of one mobile home, one day

room and one touring caravan, No.8 Greenacres, Oxen Lane, North Curry.
24/2006/048 - Change of use for gypsy occupation of one mobile home, one day room and one touring caravan, No.16 Greenacres, Oxen Lane, North Curry.
24/2006/049 - Change of use for gypsy occupation of one mobile home, one day room and one touring caravan, No.7 Greenacres, Oxen Lane, North Curry.

Each of the above plots was the subject the subject of a previous Planning Application 24/2004/042, permission for which was refused by Taunton Deane Borough Council on 16th December 2004. That decision was the subject of an Appeal resulting an inquiry being undertaken an Inspector, Mr. Roger Priestley, in June 2005. As a result of that inquiry the Inspector's Report dated 19th July 2005 recommended that the Appeal be dismissed and that the Enforcement Notice be upheld. In September 2005 the Secretary of State upheld the Inspector's recommendation.

The main grounds for the Inspector's recommendation were as follows:

1. The impact of the proposed development on the outlook from 6 Oxen Lane and its attractive rear/side garden is severe. The visual amenities of the occupants at 6 Oxen Lane have been reduced to a level far below that which ought reasonably to be expected. "The impact could be mitigated by landscaping / planting and by regulating the siting of the facilities on plots 9 to 12 inclusive. Such new planting that would be required to supplement the existing boundary growth, however, would need to be substantial and once matured this would be likely to enclose 6 Oxen Lane to such a degree as to have in itself an undesirable oppressive effect on the enjoyment of this house and its garden. This is not therefore an appropriate option. The occupants of both No.5 and No.6 Oxen Lane also raise strong objection on account of noise disturbance caused by dogs barking, music being played from vehicles, additional traffic and through shouting.
2. The development of this site amounts to a major encroachment into the countryside. Although not given any specific landscape protection this is an attractive location, open to view from the A378 / public footpaths across the valley on the slopes of the Fivehead Ridge. The impact of the enforcement development from this direction, exacerbated by the gradual slope of the appeal land up towards the west, is significant. The development even with additional planting / landscaping would be likely to remain conspicuous from across the valley.
3. There is a fundamental conflict with SP Policy 5 which seeks to safeguard the distinctive character of the countryside for its own sake, and a failure to meet TDLP Policies S1(D) and H14(C). The developments, moreover, are and would be inconsistent with the requirement under TDLP Policy EN 12 that proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas, with EN1 of RPG10 which seeks to

protect the character of the countryside and with the related national guidance in PPS7 seeking the protection of the countryside for its own intrinsic character and beauty.

4. The arrival of the original applicants on to the site in October 2004 significantly changed the position in respect of need for gypsy site accommodation in the area. On Friday 22 October before the arrival of the original applicants there was no pressing need for additional sites. There is no substantive case, however, that the applicants all need to be accommodated on the same site. Whilst many knew of other group members before coming to Oxen Lane, and many are related, they came together for the purpose of acquiring the land and dispersal would mean no more than a return to the pre-October 2004 situation.

5. The Parish Council contend that if permission is granted for even one of the applications, it would be very difficult to control any further incursions of caravans onto the rest of the site.

6. By the behaviour and conduct of the applicants, they have not helped their case for integration into the village.

7. These applications, if approved would result in a situation almost identical with that applied for in Planning Application 24/2004/042.

8. In the cases of 24/2006/043 (Mr & Mrs Small) the applicants do not even live on site so no claim of homelessness is valid. (The same applies for 24/2006/038 (Mrs Loveridge) though that application is not part of this parcel of five applications.)

The Parish Council contends that the reasons outlined above in the Inspector's recommendation to dismiss the earlier Appeal still held good in respect of this application and the other five applications under consideration.

The Parish Council wishes to reiterate its STRONG OBJECTION to these five applications on the grounds listed above.

Ward Councillor

I refer to the series of applications for gypsy sites at Oxen Lane (24/006/049 is one such). I need hardly point out the history of this site and the many reasons why the appeal by the existing residents was dismissed by the Inspector earlier last year. I do not intend to list the reasons why the Inspector considered the site unsuitable for this use but the summary the site was too large and in the wrong place.

One of the key factors in the Inspectors decision was the relatively high level of provision within the North Curry Parish which has more pitches than whole Districts in other parts of Somerset and the South West. It is recognised that making even more provision within North Curry would represent an imbalance of provision for gypsies and travellers within Taunton Deane and more widely within the County.

It is important to recognise that since the Inspectors decision last year permission has been granted for a number of additional pitches within and near the Parish of North Curry. This includes new pitches at Newport, Long Acre and at nearby West Hatch where a site for 8 pitches now has permanent consent for travellers.

The fact that the new applications for Oxen Lane have been made by individual families should make no difference to the process set in train by the Inspectors report and the subsequent court action.

These applications must be treated in the same way as the previous one and a refusal is the only logical conclusion. In the event of permission being given for just one pitch on this site it would be inevitable that the whole site would be occupied given the very obvious difficulty of enforcement once a site is established.

10.0 **REPRESENTATIONS**

Letters of objection have been received raising the following issues:-

1. The occupation has led to increased noise from children running about, dogs and cars/vans coming and going which is detrimental to the quiet rural character of the area and the amenities of the existing residents.
2. Bright lights on this site have a detrimental impact on the amenity of residents of adjacent housing and wildlife, including badgers and owls. Protected species.
3. Bright lights on this site will form a detrimental visual intrusion into this quiet, rural, Landscape Character Area.
4. The steep access into the site causes a safety hazard for traffic and pedestrians using the lane.
5. Oxen Lane is an unclassified single track Lane without a footpath and a poor junction with Greenway Road and traffic using the access is detrimental to highway safety.
6. Occupants have been stopped from emptying the septic tank onto

adjoining field in the vicinity of residential properties.

7. The location and poor drainage of the site has resulted in water, mud and ice all over the Lane and this is a danger to highway safety and the safety of residents/ pedestrians walking or driving along the lane.
8. Continued occupation flouts the existing planning laws.
9. Planning regulations must apply to everybody equally.
10. There is an underused gypsy facility at Wrantage that should be used.
11. Acceptance of the current occupants will result in an intensification of occupation, by friends and family in the future.
12. Local schools and Doctors surgery are at capacity.
13. The use sets an undesirable precedent for similar unauthorized encampments within the area.
14. Applicants have not complied with the planning regulations so are unlikely to comply with any planning conditions.
15. If the gypsies can develop countryside like this why can't existing residents?
16. I can't afford to buy a property in North Curry but I could afford a piece of land and a caravan. The gypsy exception isn't fair to the local people.
17. Whilst services remain into the site future unauthorized use is likely so it is important for them to be removed when the site is vacated.
18. Taunton's homeless people are not able to occupy this site so why should anyone.
19. North Curry already has a good provision of gypsy sites within the parish and additional sites should be spread through out the Deane and Somerset.
20. The gypsies should not have occupied the site in this illegal manner.
21. The gypsies already have sites to occupy and see this as a speculative venture.
22. Occupation has severely destroyed the amenity of nearby residents changing the area from a quiet rural haven to a noisy eyesore, out of

keeping with its surroundings.

23. The illegal occupation has had a detrimental effect on the health and well being of existing residents.
24. The impact of the proposal on the economic, social and environmental of the local area is worrying.
25. The unauthorized site has had a detrimental impact of the visual amenity of the area. The site, on high ground can be seen from the local and wider area as a detrimental incursion into this area, the continued occupation of the site is detrimental to the character of the Landscape Character Area.
26. This is a retrospective application; if everyone did this the countryside would be a mess.
27. The land is outside of the settlement and contrary to Local Plan policies including S1, S2, S7, EN12 and H14.
28. When viewed across the valley the site is an eyesore.
29. The visual impact and outlook from no 6 Oxen Lane is severe, "to a level far below that which ought reasonably to be expected" (Inspectors decision letter).
30. The occupation is detrimental to the amenity and quality of life of the existing residents.
31. The proposed tree screen would need to be very large to screen the number of caravans, dayrooms and vehicles and would be incongruous with and alter the character of the surrounding landscape from an open field to wood resulting in "hemming" in of existing residential amenity.
32. The education and medical needs of the applicants should be balanced against the statistics of the settled community where 10% of school children move schools in any one-year.
33. The existing school is now overcrowded and the large number of children requiring special attention is disruptive to all of the other school children.
34. The occupants all moved from other sites to this unauthorized site moving their children from school. Having to move schools was not a problem at that time.
35. Local schools and doctor's surgery are both at capacity.

36. The occupant's health and education needs were being provided elsewhere before moving onto this site and will continue to be provided where ever they choose to stay.
37. Families with educational needs attract additional funding for the school to enable additional support staff. This funding transfers with the child and the support remains constant. Traveller's children are well provided for in Somerset with additional support from tutors. This service is available throughout Somerset, independent of location.
38. Under Article 8 of the Human Rights Act there is an equal right to respect whose lives have been detrimentally affected by this proposal.
39. Under the Human Rights Act the rights of gypsies are no greater than those of any other person.
40. Under the Human Rights Act the rights of existing occupants need protection.
41. No person regardless of his or her ethnicity, homeless status should be allowed to flout the law.
42. Residents of Oxen Lane have had their freedoms and rights affected. Properties are unsaleable, privacy has been removed, security and safety has been endangered with: police raids on the site, fireworks through our roof, ongoing noise so that the garden is unusable and overall turmoil, tension, anxiety and stress for all the family members (including children).
43. Whilst single-family gypsy units can be integrated into the local community the larger number on this site cannot.
44. The occupants of the site have upset the balance of the existing community and the potential occupancy of the site, if allowed is much greater.
45. The local residents' views must be taken into account.
46. Having lived in the village for 50 years I have not experienced the community to be so unhappy about having gypsies in the village.
47. Incidents in the village over the last year have shown the settled community that the gypsies want to share local facilities without regard or respect for the people and property within it.
48. Walking the past the site I continually have to remove litter from the hedges and the smell from the septic tank is awful.

49. Pony and trap races have taken place through the village at great speed and is dangerous to traffic and pedestrians.
50. Crime in the area has increased since the occupation of the site.
51. There have been police raids on the site, including 2 visits from an armed response unit looking for one of the occupants of the site and this has a detrimental effect on the financial and mental well being of adjacent residents.
52. When passing the site, we have been verbally abused by occupants who make no effort to be civil to the existing community.
53. Occupants should have moved, as they have been aware of the need to vacate the site since the appeal decisions.
54. There has been no change in circumstances since the appeal therefore the applicants should be made to move.
55. The site should be vacated, cleared and returned to agricultural use now.
56. The current applications proposals to move the sites away from 6 Oxen Lane are merely an attempt to get planning permission.
57. The reduction in the number of applicants may reduce the problem but it is still the same people who cynically introduced a large site without planning permission and if allowed it is likely that further unauthorized occupation would follow.
58. The number of gypsies in the area is already high and the danger of this site is that an increased number has resulted in local tension with a significant impact on local services, schools, and health and highway safety.
59. There are sufficient sites in Somerset already.
60. Occupants of the site live closer to the site than my family and yet our children walk to school whereas the children from the site area always driven.
61. At a fair and impartial hearing an Inspector determined against this occupation and a similar decision must be taken now.
62. Plot 7 has changed occupant what is to stop the other plots changing as well and the site filling up.

63. The caravans and occupants of the site overlook the existing residential properties and this is detrimental to the privacy and amenity of existing residents.
64. The inspector and minister rejected this occupation last year and these applications should not be considered again.
65. No more taxpayer's money should be spent on considering this as the applications have been refused.
66. The site should have been vacated at the end of October.
67. This illegal encampment has gone on for a long time and should stop now.
68. People should not profit from breaking planning laws.
69. Current applications are a cynical attempt to delay the vacation of the site contrary to the planning decision.
70. Occupants of the site have made little/no attempt to fit into the community and their poor behavior has required police presence on the site.
71. Two of the applicants are not living on the site.
72. The Gypsy Liaison Officer stated that this encampment could de-stabilize the balance and planned approach to gypsy site provision within the area of North Curry.
73. South West Law's applications to move the plots to the end of the site does not take account of the other submitted applications and ignores the disturbance caused by traffic, horns beeping, occupants shouting, loud music that has continued and will continue to effect neighbouring amenity.
74. If allowed this will set a precedent for additional vans to move onto the site maybe even as a transit site with families changing all the time.
75. South west Law statement that the applications result in a reduced number of plots, 4 is already inaccurate as there are two other applications elsewhere on the site and it is fair to assume that any permissions here will result in future applications on the remainder of the site.
76. The occupation of the land has caused harm to the local, legal, community. the residents of Oxen Lane have had their rights and freedoms effected: properties are unsaleable, privacy and peace has

been removed, security and safety has been endangered with armed police raids at the site, fireworks being directed through house roofs, ongoing noise that makes it impossible to sit in the garden in the summer, overall tension/ anxiety and stress for all family members including the children.

2 Letters of support have been received raising the following issues:-

1. The applicants have not caused any trouble since moving onto the site.
2. Children have attended the local school.
3. The local community should accept the occupants.
4. The occupants if allowed to stay would turn the site into an attractive holding where stables and horses could occupy the remaining land, the children are mixing at school and are happy, and the media coverage has only represented those against the occupants.
5. We live closer to the occupants than most objectors, two fields away, and have suffered no disturbance.
6. If forced to leave the gypsies should have their money reimbursed.
7. The site should return to the pig farm as it was in recent years.
8. Other developments have been allowed in the village that are not in keeping with the rural area but this is.

11.0 **CASE FOR THE APPLICANTS**

This report covers the consideration of 6 applications for the change of use of an agricultural field for the siting of gypsy caravans and day rooms.

Four of the applications have been submitted by South West Law and two by the individual applicants. The following information is considered to be especially relevant to the consideration of the applications:-

All of the applicants are gypsies as defined in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites"

Plot 1: Charmain and Steven Packman are original occupants of the site. They have five children: Steven (11), Cheyanne (10), Joseph (9), Charmain (8) and Paris (3). Mr Packman works as a gardener and travels the country looking for work. As at 24th September 2004, the family was living by the roadside, Charmain's father having evicted the family from his land at Sunny Fields near

Strete (south-west of Dartmouth, Devon).

Medical needs

Charmain Packman has had back problems and is unable to lift heavy objects. She has had frequent hospital appointments and takes three types of medication requiring weekly visits to a doctor's surgery. Her condition prevents her from working and she requires assistance looking after the children. Joseph suffers from Attention Deficit Hyperactive Disorder (ADHD) and he takes medication to control this condition. He also lost some toes following a motorbike accident and needs to attend Frenchay Hospital (Bristol) when his skin grafts become agitated. Paris has a problem with her left eye and requires six monthly check-ups at a hospital.

Educational needs

Stephen, Cheyenne, Charmain and Joseph all attend North Curry primary School. All are below standard and receive extra help and support at the school. Joseph has particular problems due to his ADHD.

Plot 7: Mary O'Neil is a single parent with five children. Kathleen (9), Christopher (7), Billy (5) and Andrew (2) and Alice (1).

Medical needs

Mary and Billy suffer from asthma and Billy is vulnerable to chest infections.

Educational needs

Kathleen, Christopher and Billy all attend North Curry Primary School. Kathleen and Christopher are both behind for their age.

Plot 8: Mr and Mrs Holland are original occupants of the site. They have three children: Krystle (18), Sophie Marie (15) and Tracy Jane (11). Mr Holland works as a self-employed gardener and his mother lives on an approved site in North Curry.

Medical needs

Sophie Marie was born with a hole in her heart and has undergone operations to correct the position. She requires regular attendance at hospital.

Educational needs

Krystle and Sophie Marie have been educated at home. Tracy Jane has attended North Curry Primary School but has now moved to Monkton Heathfield School where she still has special educational needs.

Plot 12: Charlotte Loveridge and Steven Loveridge. They have two children one of whom is 3 years old. Mr Loveridge works as a general labourer and travels the country looking for work.

Medical Needs

Mr Loveridge is also keen to accommodate his parents on the site. His mother has severe arthritis and needs medical attention and a carer 24 / 7 and His father has angina with breathing problems.

Educational Needs

The family is keen to register their child in North Curry primary school in order to receive full-time education which they never had.

Plot 15: Leonard and Louise Small. They have two children, Henry and Ann-Marie.

Mr and Mrs Small have not argued any medical or educational needs. Their son needs a permanent address in order to be able to get a driving licence. Mr Small now has an accountant, pays all of his taxes, and asks for no help from the Government or Council. Oxen Lane is a lovely site near to the settlement and they use the post office regularly.

Plot 16: John and Sarah Smith. They have two children, Jimmy(8) and Adam(4). Mr Smith is a landscape gardener and general labourer and tours the area seeking work.

Medical Needs

Mr Smith suffers from Asthma needing regular medication. The family are registered with the North Curry Surgery.

Educational Needs

Jimmy requires a settled base to enable him to have continuity of education.

Personal circumstances

South West Law present evidence about the personal circumstances of their clients. Officers have assessed the personal circumstances of the other two applicant families. I address the relevance of this material below.

Additional Information

South West Law on behalf of four of the applicants has provided evidence to establish the importance of Health and Education in the assessment of Gypsy applications. In addition they argue that these applications represent the following changes that render them acceptable:-

- The appeal applications were for the total occupation of the site the current four applications cover a smaller site area (25% less) and taking account of the proposed landscape scheme the Impact on the area would be much less.

- The application is for four pitches not 16 as in the appeal and the impact on residential amenity is significantly reduced. Occupants on plot 9 have now moved to plot 7 reducing the impact even further. The proposed landscaping scheme would also minimise the harm to visual amenity from existing dwellings.
- On the basis of 16 pitches, the appeal decision considered that the increased use of Oxen lane junction with Greenway would pose a danger to highway safety "despite additional movements being few". The current four families would result in one quarter of traffic movements and this should be regarded as de minimims. This assertion is supported by a traffic count, undertaken by the applicants showing the low vehicular usage of Oxen Lane 28th March to the 2nd April.
- Since the appeal decision, the applicants and Local Planning Authority Officers have been in constant contact but have been unable to find any alternative land, other than a transit site.
- The applicants have submitted possible alternative sites but none has been successful.
- The Local Planning authority have received the findings of a housing need report from Ark and this states that the number of families on unauthorised sites indicates a need for further accommodation and concludes that there is an acute need for sites which is, in part, unmet.
- The Ark report suggests that unauthorised sites should be reconsidered with a view to authorising sites that could meet the required standards.

12.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. THE SECRETARY OF STATE'S DECISION
 - B. POLICY
 - C. HIGHWAYS
 - D. IMPACT ON PRIVACY AND RESIDENTIAL AMENITY
 - E. CRIME AND SAFETY
 - F. IMPACE ON THE LANDSCAPE
 - G. SUSTAINABILITY
 - H. PRECEDENT
 - I. HARDSHIP/PERSONAL CIRCUMSTANCES
 - J. GENERAL NEED/AVAILABILITY OF OTHER SITES
 - K. INTERFERENCE WITH A8 RIGHT AND JUSTIFICATION
- A. The Secretary of State's decision**

In the supporting statement SouthWest Law emphasise that the proposal they present is for 4 pitches. They overlook the fact that the Dolans occupy plot 9, that the Smalls and Loveridges aspire to live on the site and have made applications to this effect and that there are caravans etc. on most of the plots. On the other hand it is true that the Inspector/Secretary of State considered an aspiration to occupy all 16 plots and to have a mobile home and 2 caravans on each plot. However the site was not being used in this way at the time of the inquiry. In fact, the position on the site at the time of the inquiry was quite similar to that today. In detail the position at the time of the inquiry compared to the position now is as follows.

At the time of the Inquiry there were caravans stationed on all plots. Plots 1, 2, 3, 4, 5, 7, 8, 9, 12, 15 and 16 were occupied. All the applicants were resident at the time. Currently plots 1, 8, 16 and 17 are occupied by four of the applicants, and plot 9 is occupied by a family who have moved on to the land within the last year. Other than for unoccupied caravans on a few of the plots, the rest of the site remains empty.

At the time it is clear that the Inspector and the Secretary of State considered the impact of the development in existence at the time of the inquiry (i.e. the development enforced against) to be unacceptable: their conclusions were not confined to the proposed full development of the site. (In any event, officers fear that if planning permission is granted for the present plots, this will lead to further development on the site, see below).

In these circumstances officers consider that the findings of the Inspector/Secretary of State on the following matters are still relevant:

- Impact on residential amenity (it is quite clear that no. 6 Oxen Lane continues to suffer unacceptable harm to residential amenity, see below);
- Encroachment of existing development into the countryside (the degree of actual encroachment is much the same);
- Access to schools and community facilities (this remains unsafe as there continues to be no footways);
- Breach of countryside policy (see below);
- Visibility at junction of Oxen Lane and Greenway (this has not changed). The applicants make a point about the levels of traffic using the site, a point addressed below, but it is to be noted that the conclusions of the Inspector and the Secretary of State were not predicated on any particular level of usage;
- The personal circumstances of the applicants (they are much the same as they were at the time of the inquiry).

On the other hand the Secretary of State's decision was based on the absence of a quantitative assessment, a need for further sites in Taunton Deane which was difficult to quantify, no suggestion that there were alternative sites for the

occupants of the site and a recognition that if the enforcement notice were to be upheld the occupants would probably be on the roadside. To extent this position has changed in the Council's favour. The Council has carried out substantial work to assess the existing level of need and it is now clear that it is relatively small, being no more than the needs of the residents of this site. The Council has shown a preparedness to grant planning permissions for new gypsy sites (see below) and alternative pitches at Tintinhull have been identified to the occupants.

Overall officers considered that the following conclusions of the Secretary of State remain sound:

- That the planning objections to this site are so great that use by gypsies must be ended even if this means that the occupants have to live on the roadside;
- Requiring the occupants to leave the land would be a justified interference with the applicants' A8 rights;
- The objections to this site are so great that even a temporary planning permission cannot be countenance.

B. Policy

The Development Plan contains policies at Structure and Local Plan level for the provision of gypsy sites within Taunton Deane. Policy H14 governs the development of Gypsy and Traveller Sites. The Council has decided that it is appropriate to apply this policy in a flexible manner, given the provision C1/2006 which indicate that planning permission should not be refused because gypsies do not have a local connection, that local landscape designations should not be used as the basis for refusing planning permission of gypsy sites and that a less restrictive approach should be taken to questions of access to local services etc

Policy H14 lists 9 criteria that need to be satisfied:

1. 'There is a need from those residing or passing through the area'. Circular 1/2006 accepts that changes in the working patterns of gypsies may result in a need for sites that are in different locations from those of the past. In this context the links to an area have become less important. The advice goes on to state. 'LPA should not refuse planning permission solely because the applicant has no local connection'. Of the 6 applicants only 1 family had a family link to North Curry and the immediate area and 2 others had a link to Somerset before occupation of the Oxen Lane site. The others have not listed any prior local connections.
2. 'Safe and convenient access by bus, cycle or on foot to schools and other community facilities'. Whilst the Council cannot now insist on close proximity

to such services, I do not consider that it is intended to encourage use that would be dangerous to users. In this case the site is located approximately 260Km from the settlement in Greenway and 400 m from the village hall/school. Access to the village is along unlit country lanes without any footpaths. In the previous planning appeal the Secretary of State considered that the use of the highway, which has no footpath or speed restriction "cannot be described as safe and convenient" and in this respect I consider that the current proposal is contrary to highway safety and criteria 2 of policy H14.

3. 'A landscaping scheme has been provided which screens the site from outside views and take account of residential amenity.' A landscaping scheme has been submitted with this application it seeks to reduce the impact of the proposal on the adjacent residential properties and the detrimental impact of the site on the wider landscape. The Landscape Officer has considered these plans and whilst he concedes that if there were a reduction in the site coverage this would reduce the visual impact of the current proposal and make the landscaping scheme more effective, this would require the permanent removal of the other plots including the drives, fencing, day rooms etc. As the other plots are not within the ownership or control of the current applicants this cannot be achieved. Indeed the reality is that the granting of planning permission, even with a landscaping scheme, would create the real prospect of further occupation of this site. As such the proposals are considered to have a detrimental impact on the landscape of the area. Ian Clark to advise if landscaping scheme overcomes visual impact of plots 1, 7, 8 and 16 on existing properties. Time to establish finished impact etc.
4. 'Adequate Open Space is provided'. A principal feature of this development is the huge size of the plots, extending to about 1/3 of an acre each. While the policy does not include a measure of 'adequate open space' so that the assessment has to be subjective, no-one could possibly suggest that there is inadequate open space within the plots.
5. 'Accommodation will enjoy adequate privacy and sunlight'. The site consists of plots laid out on an open agricultural field and as such there is abundant sunlight available to each plot. At present there are post and rail fences separating the plots and this would not provide for any privacy to occupants within the site. Around the edge of the site are native hedgerows forming a boundary with adjoining agricultural and highway uses. I consider that the boundary with the highway offers privacy for the occupants of the site, whereas the hedge boundary with the fields would require support planting to provide high levels of privacy. In the north-eastern corner of the site are two storey dwellings, the patio and upper windows of these properties (particularly those of No. 6 Oxen Lane) overlook the whole site. As a result of

the above considerations I do not consider that the proposed site offers adequate privacy for the occupants of the site. More to the point the development involves a severe impact on the privacy and amenity of the residents of existing dwellings.

6. 'Areas for business are provided with separation from accommodation to allow for the safety and amenity of residents'. There have been no areas of land allocated for business use on this site. I consider that business uses on the plots are likely to result in disturbance to other residents on the site and residents adjacent to the site.
7. 'The site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area'. This criterion has been relaxed due to Circular 1/2006 to allow such sites to come forward provided there is no harm to those areas. In this case the site has no specific national protection. However the site does lie within a locally designated Landscape Character Area. This character is valued for its Low Vale characteristics with a patchwork of fields typically bounded by hedgerows with standard of Oak and Ash with pockets of broadleaved woodlands and orchards. The landscape Officer has confirmed that the proposal will be obtrusive in this landscape and detrimental to those qualities.
8. 'Adequate fencing, capable of preventing nuisance to neighbouring areas, is provided'. The application does not contain details of any proposed fencing. Due to the overlooking of the site by residents of existing residential properties, exacerbated by differences in ground levels, I do not consider that adequate fencing could be provided to avoid nuisance to those existing residents. Furthermore, due to the visual prominence of the site, I consider that the erection of fencing in and around the site would be detrimental to the character of the area. In conclusion I do not consider that the proposed site conforms to Taunton Deane Local Plan Policy H14 in this respect.

In conclusion and for the reasons set out above, I do not consider that the site complies with the criteria B, C, E, H, I and J set out in Taunton Deane Local Plan Policy H14.

C. Highways

The application site is located to the west of North Curry. It is accessed from the main A378 road (that lies to the west of North Curry) via 2 country lanes. The first lies to the south west of the settlement and passes through the hamlet of Lillesden on its route to North Curry (adjacent to North Curry it is known as Windmill Hill) and the other lies to the south of North Curry passing through Newport on its route to North Curry (known as Greenway). Both of these roads are sub standard with no footpaths for pedestrians. These roads converge near

the centre of North Curry. The application site is accessed of Oxen Lane, an unclassified lane, approximately 400m to the south of North Curry that runs between Windmill Hill and Greenway. In accordance with the access requirements of the County Highway Authority, the site access should provide 4.5m x 60m visibility splays in each direction. The current site access provides a visibility distance of 60m in one direction but only 3m in the other direction. Whilst this is substandard, the County Highway Authority considers that, as Oxen Lane is only lightly trafficked; the proposed use of the site access would be acceptable from a highway point of view. In contrast the County Highway Authority considers that the visibility at the junctions of Oxen Lane with Windmill Hill to the north and Greenway to the south, are severely substandard. In their opinion, the continued occupation of the site by the 6 applicants is likely to result in several vehicle movements from each mobile home per day still resulting in significant additional traffic using those junctions which would be prejudicial to highway safety, contrary to the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1. Officers acknowledge that the Inspector and the Secretary of State found that additional usage of the junction between Oxen Lane and Windmill Hill would not be prejudicial to highway safety and so would not propose to place reliance on this as a reason for refusal.

D. Privacy and Residential Amenity

The application site shares a common boundary with an existing residential property at 6 Oxen Lane. Taunton Deane Local Plan Policy H14 criteria (c) require that existing and proposed residential privacy is adequate as the result of development and policy S1 criteria (E) and (F) requires the protection of the privacy and residential amenity of existing and proposed residents. The windows and garden area of 6 Oxen lane are raised above the application site and overlook the whole site. In his decision on the provision of 16 Caravans etc, the Secretary of State considered that the impact of the development on the outlook and visual amenities of 6 Oxen lane was severe and that additional caravans and dayrooms (i.e. from 8-16 caravans plus dayrooms) would add to that harm. I consider that, in spite of the omission of plot 9 from these current applications and the reduction in actual occupation to 6, the proposals still result in a significant reduction in the outlook, privacy and amenity of the occupants of 6 Oxen lane. I also consider that the relationship between the site and 6 Oxen Lane results in a detrimental impact on level of privacy and amenity of occupants of the caravans/mobile homes. In addition the level and type of activities carried out on the site, including noise, lighting, dogs barking and people shouting/talking has an unacceptable and detrimental impact on the amenity of other nearby properties contrary to the requirements of this policy. I therefore consider that the proposals are contrary to Local Plan Policies H14 and S1.

E. Crime and Disorder

Since the appeal decision dismissing the appeal for the provision of 16 caravans and dayrooms in September 2005 there has been a series of alleged incidents emanating from the Oxen Lane site:

2nd October - a stolen caravan was removed from the site and an occupant from the site charged; 5th November, 2006 fireworks were ignited 30 yards from the existing residential properties and "aimed" in the direction of the existing properties with one eventually hitting the roof of No. 5 Oxen Lane; 25th March, 2006 armed police closed Oxen Lane because of a suspicion of firearms being on the site; 6th July, 2006 a caravan from the site was filled with industrial waste and towed off the moor; 16th July, 2006 two women on the site were involved in a loud brawl lasting most of the evening with violent and abusive language; 29th August, 2006 a large number of police visited the site, with an overhead helicopter, looking for an occupant of the site who evaded the police; 12th September Oxen lane was closed by police while the site was visited by the police looking for the same occupant; pony and traps "racing" through the village causing traffic hazard through the summer of 2006. In addition to this list of alleged events, representations have been received from the nearby residents who have been verbally abused whilst passing the site, are frightened to leave their houses worrying if the house will be alright when they return, arrange for house sitters while they are away for a few days or more for fear that their house may be damaged while they are away etc. I consider that these are real and justifiable fears for the local residents and that continued occupation of the site would exacerbate these fears.

It is clear to me that the occupation of the site has led to crime and anti-social behaviour and that continued occupation will lead to a continuation of this. This is a material planning consideration.

F. Impact on the Landscape

The site is located in an area of open countryside whose character is recognised in the Local Plan as special and worthy of retention and protection. Taunton Deane Local Plan Policy EN12 requires this proposal to be sensitively sited and designed to respect the Low Vale character of the North Curry Ridge Landscape Character Area. As stated previously, this site lies on rising ground and is open to local and distant views. The linear formation of plots, along with the erection of fencing and the siting of mobile homes, caravans and utility blocks is completely out of character with the area. This is especially evident in views from the foothills of and road along the Fivehead Ridge, where the site stands out in contrast to its agricultural setting. The Landscaping scheme is considered to be out of keeping with the character of the area and insufficient to counter the landscape harm caused by the development. I therefore consider that the proposal is contrary to the requirements of Taunton Deane Local Plan Policy EN12.

G. Sustainability

The site is located in a location outside of the settlement limits of a recognised settlement in an area of open countryside with isolated pockets of development. The site is in walking distance of North Curry but the roads do not have footpaths and their use would be dangerous. It is therefore likely that the private car would undertake most trips to North Curry or Taunton. In this case it is accepted that gypsy sites are often in such locations and, due to the need to provide exceptional accommodation for them, non-sustainable location, such as this, are considered acceptable in principle.

H. Precedent

Officers understand that each of the 16 plots are separately owned. The site is divided into 16 plots with a central drive. Caravans remain on most of the plots. The plots in respect of which planning permission is sought are not concentrated in one part of the site. If planning permission were to be granted for these plots I think it is inconceivable that a non-gypsy use would take place on the remaining plots. Indeed I think that it is very likely that the remaining plots would be occupied by their gypsy owners. The prospect of this is a material consideration, even if it were to take place without planning permission.

I. Hardship/personal circumstances

The site provides a home for Holland, Packman, Smith and O'Neil families. Each of these families states that it has nowhere else to go and so will become homeless if planning permission is refused. Further the Council accepts that under C1/2006 each of these households has a need for a pitch and that, unless the Regional Assembly requires that this should be met in another district, the need will have to be met in Taunton Deane.

The particular circumstances of the applicants who reside on the site are as follows:

Holland, Smith, O'Neil and Packman. These four applicants have been resident on the site since October 2004 and the appeal Inspector and Secretary of State have made judgement on their educational and health needs. It was noted that children from these families attended the local schools (North Curry Primary School and now West Monkton Senior School) and all families were registered with the local doctors' surgery. The appeal Inspector and Secretary of State concluded that, if moved on from the site, the children would lose continuity of education and the typical educational problems associated with this would continue. In terms of their health needs, it was noted that the Packman and Holland families had particular health problems that benefited from a settled base and that the loss of this settled base for the Packman family would be

substantial. In terms of these families it was concluded that the education and health needs 'are a material consideration that lends support to the appellants' case'.

There is no doubt that the personal circumstances of the resident applicants are material considerations in favour of the granting of planning permission. The weight of this consideration depends on the extent to which there are or have been alternative sites available to these families. This is considered below:

Loverage. This site does not provide a home for this family. It moved on the site prior to the planning appeal and their personal circumstances were considered. The Inspector and Secretary of State accepted that they had personal circumstances that required particular care, namely that they had elderly relatives in need of care. The Loverage family have moved to their relative's temporary site in Wiltshire and are currently caring for them there but wish to provide a permanent site at Oxen Lane for their family.

Small. This site does not provide a home for this family. This family occupied the site for approximately 6 months from February 2005 and were not considered by the planning appeal. The supporting information does not argue any special education or health needs to live on the site that would weigh against the strong policy objections to the occupation of the site.

The personal circumstances of the Holland, Smith, O'Neil, Packman and Loverage families were all weighted against the objections to the development by the appeal Inspector and Secretary of State. They concluded that the appellants' personal circumstances were not of sufficient weight to overcome the substantial planning objections to the occupation in terms of the detrimental impact on residential amenity, highway safety and landscape.

The applicants now argue that the reduced number of plots currently applied for significantly reduce the detrimental impact of the unauthorised occupation of the site so that when balanced against the harm to the occupants the council should decide in favour of the applicants. I disagree for the following reasons:

As I have pointed out, the actual position on the site (as opposed to that presented in the landscaping scheme submitted by 4 of the 6 present applicants) is not very different from the position assessed by the Inspector and the Secretary of State in the enforcement notice appeal.

I consider that the reduced impact suggested by the landscape scheme could not be guaranteed, as I have explained. I note that plot 9, vacated by the original occupant Mary O'Neil, has now been occupied by Mr Dolan and the relationship between the occupation of the site and the unauthorised caravans is maintained.

Occupation of the site over the past year by the present applicants has continued

to have an unacceptable impact on the residential amenity and privacy of residents of Oxen Lane. Noise and disturbance from the site has continued to affect the residents who now have an additional fear of crime and disorder from the site. Whilst the pitches are further away from 6 Oxen Lane the differences in the levels of the sites are such that I consider the overlooking is still at an unacceptable level. Four of the applicants have submitted a landscaping scheme that provides planting within plots 1, 7, 8 and 16. Whilst this would have a limited effect on direct overlooking it would not affect the level of general disturbance, to Oxen Lane residents, from the site and would in itself have a discordant effect on the character of the area.

I have dealt with the question of the usage of the junction between Oxen Lane and Greenway

In conclusion I do not consider that the personal circumstances of the current applications outweigh the strong planning objections to the proposal.

J. General need/availability of other sites

The position in summary is that the district has a high level of existing provision, that the council has shown a willingness to grant planning permission for additional pitches, that apart from the occupation of the Land the need for additional pitches is low and that the present applicants are apparently unwilling to move into a public site. The position now is more favourable to the Council than at the time of the inquiry.

Present level of proviso/unlawful development

In January 2006, the County of Somerset had 366 gypsy caravans, a mixture of privately/ publicly owned/run sites. Of these, 134 are within the Taunton Deane Borough and 40 of these are within the parish of North Curry (including a transit site with 16 caravans). I include a list of sites within Taunton Deane showing both the number of caravans permitted under the relevant planning permission and the number of caravans actually observed on the count day in January 2007

<u>With permission on site January 2007</u>			<u>On Site</u>
1.	Stoneyhead	25 permanent caravans/mobile homes; 20 transit caravans and 16 transit	6
2.	Longacre	2 pitches permissions now 5 caravans	New
3.	Lords Wood	4 mobile homes ownership now 6 vans with permission	New
4.	Newport	Gypsy family (2 mobile homes/2 caravans)	5
5.	Greenway	1 family caravan	1
6.	West Hatch	Up to 8 mobile homes caravans (resolution to grant permission)	21
7.	Fosgrove	2 mobile home	1

8.	Dodhill	2 mobile homes	1
9.	Park View, Milverton	1 mobile home	1
10.	Pitt Farm	5 caravans	3
11.	Highview	2 caravans	4
12.	Ford Street	2 caravans	
13.	Lodge Copse	3 caravans	3
14.	Upcott	2 caravans	3
15.	Otterford	29 caravans	27

It can be seen that there is planning permission for a total of 50 caravans. Of these planning permission for 8 caravans has been granted since the Oxen lane inquiry, as follows West Hatch (2 extra), Long Acre (2 extra) and Otterford (3 emergency pitches, unoccupied at present) and Hillfarance (one caravan). This illustrates that, as an authority, Taunton Deane are keen to enable private provision of sites wherever possible. These planning permissions were granted to gypsy families already unlawfully in Taunton Deane so as to enable their needs to be met and are the result of the more flexible application of H14 referred to above.

Unlawful development

Apart from the occupation of the site at Oxen Lane there are relatively few unlawful gypsy caravans in Taunton Deane. Leaving aside Oxen Lane, on the January count day there were no caravans unlawfully stationed in Taunton Deane. Figures provided by the Enforcement Officer show that, in addition to these, there has been 1 incident of unauthorized camping in the last 12 months. This was a trespass by a group of New Age Travellers encamped at Culmhead. These were moved on by the landowner and have now moved out of Taunton Deane although one is on the housing waiting list looking for a pitch within the Borough.

Oxen Lane is currently the only unauthorised site within the Taunton Deane area.

Work currently being undertaken

Consistently with the general approach of seeking to meet the needs of gypsies in Taunton Deane, the Council has set up a working group to look at the allocation of sites to provide accommodation for gypsies and travellers and their priority has been to find sites for the current identified need. This work is on going but to date no sites are available.

However the County Council has agreed that any land in its ownership which becomes surplus to requirements will be referred to the borough Council for assessment as a potential gypsy site.

During the course of 2006 SouthWest Law, solicitors for Packmans, Mrs O'Neil,

the Hollands and the Smiths sent details of land that was on the market to the Council, inviting the Council to indicate what attitude it would take to the occupation of these sites by gypsy caravans. The Council indicated that two of the sites might be acceptable. However no application for planning permission has been received in respect of any of these sites and the Council has not received any indication that the occupants of the Land have acquired any of these sites.

Applicants' attitude to County Council sites

It is not said that the applicants have been unable to get onto a County Council site and the basis of the applications seems to be that planning permission should be granted for the occupation of Oxen Lane even if spaces area available on public sites. Thus the supporting statement states that planning permission should not be refused for a private site because spaces are available on public sites. Likewise paragraph 70 state that applications for private sites will release pitches on public sites for those unable to afford to buy their own land.

The applications are all for permanent planning permissions. In the last paragraph of the supporting statement it is said that, if the council is not minded to grant permanent planning permission, it should grant temporary planning permissions 'on understanding that County Council and Taunton Deane are trying to find alternative pieces of land to which applicants could eventually move.

Officers have ascertained that none of the applicants has ever sought a pitch on a public site in Somerset.

Members will know that on 27th September 2006 this committee decided to resume injunction proceedings to secure compliance with the enforcement notice.

On 2nd October 2006 the Council's Senior Solicitor wrote to SouthWest Law informing them of the Committee's decision and of the availability of 4 pitches at the county Council's site at Tintinhull. Tintinhull is in South Somerset and is about twenty miles by road from the Land. There was no response to this letter and the present occupants of the Land have made no attempt to secure a pitch on any public site at any time.

Had the occupants taken up these pitches, they would have been able to leave Oxen Lane without becoming homeless and would have been able to remain at Tintinhull either indefinitely or until a proper private site for them could be identified. The pitches at Tintinhull became available after the present applications for planning permission were submitted. The fact that the applications are still being pursued indicates to officers that the applicants are not interested in pitches on a public site. Officers consider that this factor; has an important bearing on the weight that can be attributed to the personal circumstances of the applicants.

Interference with A8 right and justifications

The site provides a home for the resident applicants but not the non-resident applicants. A refusal of planning permission will involve an interference with the A8 rights of the former but not the latter. Members will need to consider whether this interference is justified within A8(2). The Secretary of State considered that the interference was justified because of the public interest in ending the harm caused by the development. Officers have presented their analysis of the continuing harm caused by the development and consider that the public interest in ending this provides ample justification for the interference.

Temporary planning permission

The applications are for permanent planning permission, but the supporting statement invites the Council, as an alternative, to grant a temporary planning permission. Members will therefore need to consider whether this is a situation where such a planning permission can be granted consistently with paragraphs 45 and 46 of C1/2006, quoted above.

Officers consider that the harm caused by the development cannot be overcome by the imposition of conditions and that this rules out a temporary planning permission. Officers note that the Secretary of State considered and rejected the idea of granting a temporary planning permission in September 2005.

12.0 **CONCLUSIONS**

The Secretary of State refused the principles of the change of use of this field to 16 pitches for the stationing of caravans on appeal in September 2005. The current applications represent a reduction in the level of accommodation on the field and this will lessen, to a degree, the detrimental effects of the development on the environment. It is important that the planning objections against the 6 applications are weighed against the benefit of providing accommodation that is needed for the gypsies living on the site. In this case I consider that the relationship between the existing dwellings along Oxen Lane and the caravans, that are the subject of this application, is poor resulting in unacceptable levels of disturbance and overlooking for existing residents that is detrimental to the amenity and privacy of residents. Taunton Deane Borough Council have shown, through their granting of permissions since circular1/2006, that they are prepared to regularise unauthorised encampments where possible but on this occasion, I consider that this the impact on the neighbours is of sufficient weight to override the need for the gypsies to occupy the site. In addition the activities that have taken place on the field since the unauthorised occupation, have left the residents with a real fear for their safety and security that has worsened over time and reflects the reduced level of occupation of the site over the past year. Circular 1/2006 emphasises the desire to create good community relations, the history of the occupation of this site and the manner of the occupation appear to make this difficult if not impossible in the future.

In terms of the impact of this proposal on highway and landscape, the reduced numbers do lessen the impact the continued occupation of the site by the 6 applicants and their families but the Highway Authority and Landscape Officer still raise objections to the 6 plots. They consider that the occupation results in unacceptable harm to the Highway safety and Landscape Character Areas.

In the above report I have referred to the precedent that granting permission on part of the field may have on the use of the remainder of the field in the future. Recent Case Law has established that it is appropriate to consider this matter. In this case the history of the field and the land ownership of the field are such that in considering the applications for these 6 plots it is important to consider the likelihood that any permission will be likely to attract further applications for the remainder of the 16 plots in the future contrary to the strong planning objections, upheld on appeal. In this respect I have given some weight to the impact of an intensification of the use of the field on the residents of Oxen Lane, Landscape and Highway Safety.

03/2006/006

MR & MRS N JUNKER

FORMATION OF ACCESS TRACK, ERECTION OF TIMBER IMPLEMENT STORE AND TWO POLYTUNNELS AT LAND AT HIGHER COBHAY, MILVERTON, AS AMENDED BY PLAN RECEIVED 19TH JANUARY, 2007

309416/125067

FULL

PROPOSAL

Permission is sought for the formation of a new access track, erection of a timber implement store and the provision of two poly tunnels. The proposed development seeks to establish a small-scale specialist horticultural nursery to produce specialist plants and trees. The surface water is proposed to be drained into a storage area and extracted for irrigation purposes. The site was formerly part of a dairy farm, part of Cobhay Farm. The site has been chosen following tests on the soil type. The site has an elevated position in an area of undulating countryside dominated by open fields and woodland.

A previous Agricultural Notification application could not be accepted due to the proximity of the proposed access track to a classified highway. As such express planning permission is now sought.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development is unsustainable given its isolated location in transport terms. In addition a formal objection is raised to the inadequate visibility of the proposed modified access. If permission were to be granted it is recommended that no retail sales or public visits are permissible

LANDSCAPE OFFICER subject to details of hedge species, size, etc and bank details of the hedgerow and shelter belts it should be possible to integrate the proposals within the local landscape within five years.

PARISH COUNCIL no objection in principle. The Parish Council raise questions regarding the necessity of such a large polytunnel; the assessment of the soil conditions; highway safety – works should be carried out prior to commencement; if local people employed a water supply and foul drainage should be included. The Parish Council also confirm the amended location plan is now correct.

ONE LETTER OF OBJECTION has been received raising the following issues:- the location plan is misleading as shows are outside of applicants ownership included (the location plan has subsequently been amended); woodland is a sanctuary for wildlife; woodland would be adversely affected by the access track; requirement for planting of trees/hedges; ditch excavated could prejudice stability of woodland; danger of mud, fallen trees etc onto the adjacent highway; area shown for parking of vehicles etc could further impact upon environmental impact to the woodland.

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development.

PPS7 – Sustainable Development in Rural Areas.

PPS9 – Biodiversity and Geological Conservation

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

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

ASSESSMENT

The primary issues in the determination of the application concern the visual impact of the proposed development on the rural character and appearance of the area, wildlife implications and the revised access arrangements.

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

The requirements of agricultural needs are changing and priority must be to ensure that any new agricultural building is of a good quality functional building to satisfy modern agricultural practices, whilst ensuring the building is so sited as to have limited impact upon the visual appearance of the countryside. The proposed building would be viewed below the skyline, with the woodland providing a backdrop, which would help to reduce the visual impact.

The proposed building and polytunnels are considered to be acceptable in their siting and design in an agricultural setting. The main elevation of the building that would be seen would be finished in traditional timber boarding. The landscape officer considers that the proposed building and polytunnels subject to suitable landscaping can be assimilated into the landscape without being unduly prominent or intrusive in this location. In addressing the concerns of local residents with regard to wildlife the views of the Council's Nature Conservation Officer have been sought and will be relayed to Members on the update sheet.

There is already an existing access which serves the field, however a new access track along the boundary of the field is proposed. The access would be constructed of recycled crushed stone from re-development at Cobhay Farm. At the entrance to

the site a new roadside hedge will be curved and extend along both sides of the visibility splay to prevent a direct sightline.

The proposal seeks to utilize an existing agricultural field gateway. However, the proposed development would lead to an intensification of this access. The approach roads leading to the site are narrow and poorly aligned and access from/into the site is from a classified highway, subject to the national speed limit. Visibility at the point of access is currently restricted and it is imperative that visibility splays that are commensurate with vehicle speeds are incorporated, to ensure highway safety for all road users. The Highway Authority estimate that vehicle speeds are in the region of 40 mph and recommend splays based on 2.0 m x 120 m would be appropriate. The land to the north west of the access is outside of the applicant's ownership; hence it would appear the required splays cannot be achieved. As such the Highway Authority has raised a formal objection to the proposed development.

As such it is recommended the application be refused for the reason outlined below.

RECOMMENDATION

Permission be REFUSED for the reason that the proposed development would lead to an intensification of an existing access and as such the modified access to the site does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As such the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Policy 49.

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:

20/2006/037

MILLFIELD NURSERIES LIMITED

**AMENDMENT TO WORDING OF CONDITION 5 OF PERMISSION 20/2005/005 AT
MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON**

322202/129034

FULL

PROPOSAL

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2005/005, relating to the erection of five log cabins for tourism/education accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the April 2005 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

The revised wording would replace the existing standard holiday occupancy condition, which is reiterated as follows:- The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN the revised wording seems to follow the proposed wording of the Best Practice Guide and recognises that they must be reasonable, fair and enforceable. Whilst I support the aim to prevent the accommodation being used as a main residence I am not sure that I fully support the proposed wording. I am concerned that as worded, they could perhaps operate or become a second home for family members and thus are restricted occupancy for holiday purposes. This would be contrary to the aim of allowing such development – to help diversify the rural economy – in an area where development would not otherwise have been permitted for residential use. Whilst supporting the proposed wording I would strongly request that a time limit is added to any one rental period. This would assist in ensuring a wide range of properties are available to encourage visitors to holiday in area (as set out in bullet 3, Annex 3 of the Tourism Best Practice). I don't think that

would be unreasonable as people would not be looking to stay on holiday for more than say one month at a time.

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings; applications only allowed to bring 'tourism' benefits to the area; chalets to be sold on; considerable objections from residents and now conditions are being diluted; is this really what the planning committee had in mind with the original applications; applicant has sought through a small tourist development, and further applications, establish a residential development outside any settlement limits contrary to policy.

ONE LETTER OF SUPPORT

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The main issues raised by residents and the Parish Council is considered to centre primarily on the omission of a specified time period to any one rental which, it is argued, could result in the chalets being let for longer periods, albeit this would still need to be for holiday purposes to comply with the revised wording. The time period for an individual length of stay for holiday purposes would be a matter of fact and degree. However, the additional stipulations of the condition would ensure that the use is for holiday use; the owners/occupiers would need to produce documentary evidence of their primary residence; and the holiday accommodation shall be made available for rent by various groups or individuals for leisure and recreational purposes. In addressing concerns relating to the register this should include the names of all owners and the occupiers of individual chalets who will use the chalet for holiday purposes. The Council's enforcement team is satisfied that the revised wording would be acceptable and are satisfied that measures would be in place to ensure the condition is enforced.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance. The example identified that if planning conditions are to be stronger, they should require documentary evidence of occupiers maintaining a primary residence elsewhere to be provided.

To conclude, it is considered for the reasons outlined in the report the revised wording is considered acceptable and would be compatible with current national guidance on holiday occupancy conditions.

RECOMMENDATION

Permission be GRANTED for the revised wording.

REASON FOR RECOMMENDATION:- The amended wording is considered acceptable in light of recent government guidance contained within 'Good Practice Guide on Planning for Tourism' and as such does not conflict with the provisions of Taunton Deane Local Plan Local Plan Policy EC24. Moreover, the condition would ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

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

20/2006/038

MILLFIELD NURSERIES LIMITED

AMENDMENT TO WORDING OF CONDITION 6 OF PERMISSION 20/2005/022 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON

322202/129034

FULL

PROPOSAL

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2005/022, relating to the erection of thirteen log cabins for holiday accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the November 2005 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

The revised wording would replace the existing holiday occupancy condition, which is reiterated as follows:- The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN the revised wording seems to follow the proposed wording of the Best Practice Guide and recognises that they must be reasonable, fair and enforceable. Whilst I support the aim to prevent the accommodation being used as a main residence I am not sure that I fully support the proposed wording. I am concerned that as worded, they could perhaps operate or become a second home for family members and thus are restricted occupancy for holiday purposes. This would be contrary to the aim of allowing such development – to help diversify the rural economy – in an area where development would not otherwise have been permitted for residential use. Whilst supporting the proposed wording I would strongly request that a time limit is added to any one rental period. This would assist in ensuring a wide range of properties are available to encourage visitors to holiday in area (as set out in bullet 3, Annex 3 of the Tourism Best Practice). I don't think that

would be unreasonable as people would not be looking to stay on holiday for more than say one month at a time.

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings; applications only allowed to bring 'tourism' benefits to the area; chalets to be sold on; considerable objections from residents and now conditions are being diluted; is this really what the planning committee had in mind with the original applications; applicant has sought through a small tourist development, and further applications, establish a residential development outside any settlement limits contrary to policy.

ONE LETTER OF SUPPORT has been received.

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The main issues raised by residents and the Parish Council is considered to centre primarily on the omission of a specified time period to any one rental which, it is argued, could result in the chalets being let for longer periods, albeit this would still need to be for holiday purposes to comply with the revised wording. The time period for an individual length of stay for holiday purposes would be a matter of fact and degree. However, the additional stipulations of the condition would ensure that the use is for holiday use; the owners/occupiers would need to produce documentary evidence of their primary residence; and the holiday accommodation shall be made available for rent by various groups or individuals for leisure and recreational purposes. In addressing concerns relating to the register this should include the names of all owners and the occupiers of individual chalets who will use the chalet for holiday purposes. The Council's enforcement team is satisfied that the revised wording would be acceptable and are satisfied that measures would be in place to ensure the condition is enforced.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance. The example identified that if planning conditions are to be stronger, they should require documentary evidence of occupiers maintaining a primary residence elsewhere to be provided.

To conclude, it is considered for the reasons outlined in the report the revised wording is considered acceptable and would be compatible with current national guidance on holiday occupancy conditions.

RECOMMENDATION

Permission be GRANTED for the revised wording.

REASON FOR RECOMMENDATION:- The amended wording is considered acceptable in light of recent government guidance contained within 'Good Practice Guide on Planning for Tourism' and as such does not conflict with the provisions of Taunton Deane Local Plan Local Plan Policy EC24. Moreover, the condition would ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

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

20/2006/039

MILLFIELD NURSERIES LIMITED

**AMENDMENT TO WORDING OF CONDITION 3 OF PERMISSION 20/2006/026 AT
MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY**

322202/129034

FULL

PROPOSAL

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2006/026, relating to the conversion of an existing building into two units of holiday accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the November 2006 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

The revised wording would replace the existing standard holiday occupancy condition, which is reiterated as follows:- The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN the revised wording seems to follow the proposed wording of the Best Practice Guide and recognises that they must be reasonable, fair and enforceable. Whilst I support the aim to prevent the accommodation being used as a main residence I am not sure that I fully support the proposed wording. I am concerned that as worded, they could perhaps operate or become a second home for family members and thus are restricted occupancy for holiday purposes. This would be contrary to the aim of allowing such development – to help diversify the rural economy – in an area where development would not otherwise have been permitted for residential use. Whilst supporting the proposed wording I would strongly request that a time limit is added to any one rental period. This would assist in ensuring a wide range of properties are available to encourage visitors to holiday in area (as set out in bullet 3, Annex 3 of the Tourism Best Practice). I don't think that

would be unreasonable as people would not be looking to stay on holiday for more than say one month at a time.

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings;

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The main issues raised by residents and the Parish Council is considered to centre primarily on the omission of a specified time period to any one rental which, it is argued, could result in the chalets being let for longer periods, albeit this would still need to be for holiday purposes to comply with the revised wording. The time period for an individual length of stay for holiday purposes would be a matter of fact and degree. However, the additional stipulations of the condition would ensure that the use is for holiday use; the owners/occupiers would need to produce documentary evidence of their primary residence; and the holiday accommodation shall be made available for rent by various groups or individuals for leisure and recreational purposes. In addressing concerns relating to the register this should include the names of all owners and the occupiers of individual chalets who will use the chalet for holiday purposes. The Council's enforcement team is satisfied that the revised wording would be acceptable and are satisfied that measures would be in place to ensure the condition is enforced.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance. The example identified that if planning conditions are to be stronger, they should require documentary evidence of occupiers maintaining a primary residence elsewhere to be provided.

To conclude, it is considered for the reasons outlined in the report the revised wording is considered acceptable and would be compatible with current national guidance on holiday occupancy conditions.

RECOMMENDATION

Permission be GRANTED for the revised wording.

REASON FOR RECOMMENDATION:- The amended wording is considered acceptable in light of recent government guidance contained within 'Good Practice Guide on Planning for Tourism' and as such does not conflict with the provisions of Taunton Deane Local Plan Local Plan Policy EC24. Moreover, the condition would ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

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

30/2006/050

MR & MRS D PERRATT AND MR & MRS J KELLY

RETENTION OF USE OF LAND AS GARDEN TO REAR OF FLINTSTONES AND GLENGARRY, BLAGDON HILL (AMENDED DESCRIPTION)

321072/118047

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is to retain an area of land to the rear of two existing properties, formerly paddock, as grassed garden area, together with landscape planting to the boundary with the Area of Outstanding Natural Beauty. This is a resubmission following the Committee's consideration of a similar proposal in November 2006 which was refused due to the siting of garden sheds.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER subject to details of landscaping it should be possible to integrate the proposals into the local landscape (EN12). POLICY UNIT the proposal is described as retention of a use (as domestic garden). However there is no record of planning consent for the change of use from agricultural land so the use as garden is unauthorised. Therefore the proposal is retrospective for this change of use, which would extend the gardens of each of the two dwellings Flintstones and Glengarry, onto land lying outside the settlement limits of Blagdon Hill as defined in the adopted Taunton Deane Local Plan. The extended gardens would adjoin the Blackdowns AONB. The existing sheds harm the setting and character of the area. Conditions should therefore be imposed to relocate the sheds to the original curtilages of the houses and permitted development rights removed. Any development on the extended garden would adversely affect the landscape setting of the village adjoining the AONB, contrary to policies S1, S7 and EN10 of the Local Plan. Therefore while the proposal includes hedgerow planting which would help screen such structures, permitted development rights should be removed as an additional safeguard. Subject to the addition of conditions to remove permitted development rights and relocate the sheds to existing curtilages, the Forward Planning Unit has no objection to the proposal.

PARISH COUNCIL the site lies on the slopes of the Blackdowns escarpment and can be viewed from many directions. It has been suggested by the Planning Authority that subject to planting condition and restriction of no buildings without permission use of the area as garden outside the AONB may be acceptable. The Parish Council objects for the following reasons: Once granted changes would gradually take place to alter the native setting. You only have to view the area east of Blagdon Hill village where gardens granted planning with conditions of no buildings now have swings, slides, greenhouses etc. Council lose control once granted. A new owner of either of the properties would not be aware of any conditions. A similar piece of land in Pitminster has been subject to a gradual change of use but has been resisted. If granted it will send a signal to that owner and refusal would be difficult.

Retention will set an undesirable precedent and will be likely to encourage similar proposals for other land in the vicinity which might be difficult to resist and the cumulative affect would further detract from the character and appearance of the AONB. The development would constitute an undesirable extension of residential development beyond the recognised limits of existing settlement, and this has had a detrimental impact on the character and appearance of the open countryside and on the setting of the adjoining AONB. This is contrary to Taunton Deane Local Plan policies S1, and EN10 and Somerset and Exmoor National Park Joint Structure Plan Review policies 3 and STR6. If allowed it would send a strong signal to this Parish and other communities that carrying out development that has been refused and applying for retention will reverse the decision. This would have the effect of degrading the planning system. The applicants were aware when purchasing their dwellings that an application had been made and refused for change of use from agricultural land to residential land.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, S7 – Outside Settlement Limits, EN9 – Tree Planting, EN10 – Areas of Outstanding Natural Beauty, EN12 – Landscape Character Areas.

ASSESSMENT

The proposal is to retain an area of land as garden to the rear of two new properties granted permission in 2004. Previous permission for change of use of the land was refused in 2005 on the basis of detrimental impact on the appearance of the countryside and AONB and precedent. Permission for the use and timber sheds was also refused last November with enforcement authorised against the sheds.

The current application is for the retention of the garden use only and proposes additional native landscape planting to the boundaries to provide a natural buffer between the site and the AONB. The current site lies outside the AONB but also outside the village settlement limit. The proposed planting would secure a native planting boundary to the site and it is not considered that the proposal would cause harm to the character of the rural area or the adjacent Area of Outstanding Natural Beauty and it is considered in line with Policies EN10 and EN12 of the Local Plan. The Landscape Officer considers the landscape impact acceptable.

The area of land concerned is adjacent to a paddock area which lies outside the settlement boundary but also outside the AONB. It is the only area of land with this status on the western side of the village and the applicants are willing to accept a condition preventing further built development on this land. This would protect the character of the area and the proposal is not considered to cause any harm despite the objection from the Parish Council and the proposal is not considered contrary to policies of the Development Plan. Concern has been raised over the paddock land to the south. However this is in separate ownership and lies outside the village boundary whereby any form of built development will require planning permission. The approval of the current application is therefore not seen as a precedent for allowing future built development in this location.

RECOMMENDATION

Permission be GRANTED subject to conditions of landscape planting and removal of rights for further buildings or enclosures on the land. Note re enforcement action.

REASON(S) FOR RECOMMENDATION:- The proposal is not considered to adversely harm the setting of the village, the AONB or the amenity of neighbours and is considered to comply with Taunton Deane Local Plan Policies S1, EN10 and EN12 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

34/2006/045LB

MR & MRS L TAYLOR

ERECTION OF TWO-STOREY AND SINGLE-STOREY EXTENSIONS AT THE REAR, ERECTION OF DOUBLE GARAGE, AND INTERNAL ALTERATIONS AT SLAPES, STAPLEGROVE, TAUNTON

321038/127572

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Slapes is a detached cottage in a remote location in the countryside. It is a listed building. Proposed works include:- 1. Removal of single storey rear lounge and rear store/toilet/porch and erection of 2 storey extension. (For details see planning application 34/2006/046LB). 2. New covered access along rear of dwelling to link to outbuilding. 3. Internal alterations. Remove staircase in lounge. Remove wall between dining room and hall. Remove kitchen fittings and make room into study.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER cannot recommend approval. The extension is hugely oversized in relation to the host building, will cause an imbalance in its form and introduce a significant amount of clutter to the rear elevation. It will clearly compete with the host building and destroy its simple form and character. Concerned about impact upon both the roof and wall structures. Composition of the latter is not determined, but if cob, the attachment of an extension of this kind may be structurally harmful. Inadequate detail is provided in the application. The current single storey extension is not of major concern and in no sense competes with the simple form of the host building. Removal of this building cannot be considered a justification for the proposed extension. Proposals for internal alterations are insufficiently supported. Prior investigation of internal walls will be necessary, also of the staircase. The addition of a garage parallel or virtually so to the front elevation is not appropriate. It will compete and conflict with appreciation of the Listed Building. It is conventional to position service buildings to the rear and preferably out of site. There is adequate space here to make this possible.

PARISH COUNCIL does not object/supports.

POLICY CONTEXT

Planning Policy Guidance 15 – Planning and the Historic Environment.

Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 - The Built Historic Environment.

Taunton Deane Local Plan Policies EN16 and EN17 - Listed Buildings and Changes to Listed Buildings.

ASSESSMENT

The policies relating to Listed Buildings seek to protect the setting and features of such buildings and alterations and extensions will not be allowed unless the integrity of the building is maintained. Criteria D of Policy EN17 (Taunton Deane Local Plan) requires that the design of an extension should be sympathetic to the age, character and appearance of the building and Criteria E requires that it should be limited in scale so as not to dominate the original building or adversely affect its appearance. The Conservation Officer considers that the design of the proposed extensions are of an irregular, cluttered form and the size and scale do not respect the character of the existing building. He is also concerned about the internal works and insufficient supporting information has been submitted. The proposal therefore, does not meet the policy criteria for Listed Buildings.

RECOMMENDATION

Consent be REFUSED for the reason that the design of the proposed extensions is not sympathetic to the appearance of the listed building by reason of the excessive size and scale and cluttered form. Insufficient supporting information has been submitted for the proposed internal works which are likely to be inappropriate to the building. The proposal is therefore contrary to the policies which seek to protect the integrity of listed buildings. These are set out in PPG15, The Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and the Taunton Deane Local Plan Policies EN16 and EN17.

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:

34/2006/046

MR & MRS L TAYLOR

ERECTION OF TWO-STOREY AND SINGLE-STOREY EXTENSION AT THE REAR, ERECTION OF DOUBLE GARAGE TO THE EAST, OF SLAPES, STAPLEGROVE, TAUNTON

321038/127572

FULL

PROPOSAL

Slapes is a detached cottage in a remote location in the countryside. It is a listed building. It is a 2 storey dwelling with a single storey extension at the rear. Materials are white, rough render, with a thatched roof on the main part and clay pantile roof at the rear.

Proposed development includes:- 1. removal of single storey rear lounge and erection of 2 storey extension at rear to include new entrance hall with porch, w.c., staircase, family dining room, kitchen and store, with en-suite bedroom above. Attached to the side of the extension at right angles is a conservatory. It is also proposed to construct a new covered way along the rear of the house to link to an outbuilding. Dimensions are 7.6 m x 5.8 m x 6.8 m high for the 2 storey extension with a rear chimney stack up to 7.9 m. The conservatory is 3 m x 3.6 m x 3.3 m high. Materials are render for the walls, thatch for the main roof and clay pantiles for the single storey part and the covered way, and brick for the chimney. 2. Double Garage – alongside the road to the north east of the entrance. Dimensions are 5.6 m x 5.1 m x 3.8 m to the ridge. Materials are timber boarding for the walls and clay pantiles for the roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY OFFICER Recommends refusal. The garage is in close proximity to the highway and this will inevitably result in excessive manoeuvring leading to an increased likelihood of vehicles reversing onto the highway from an access with extremely restricted visibility to the east.

CONSERVATION OFFICER cannot recommend this proposal be approved. The extension is hugely oversized in relation to the host building, will cause an imbalance in its form and introduce a significant amount of clutter to the rear elevation. It will clearly compete with the host building and destroy its simple form and character. Concerned about impact upon both the roof and wall structures. Composition of the latter is not determined, but if cob, the attachment of an extension of this kind may be structurally harmful. Inadequate detail is provided in the application. The current single storey extension is not of major concern and in no sense competes with the simple form of the host building. Removal of this building cannot be considered a justification for the proposed extension in any way. The addition of a garage parallel or virtually so to the front elevation is not appropriate. It will compete and conflict with appreciation of the listed building. It is conventional to position service buildings to

the rear and preferably out of sight. There is plenty of space here so that is quite possible.

PARISH COUNCIL does not object/supports.

POLICY CONTEXT

Planning Policy Guidance 15 -Planning and the Historic Environment.

Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 -The Built Historic Environment and Policy 49.

Taunton Deane Local Plan Policies EN16 and EN17 - Listed Buildings and Changes to Listed Buildings.

ASSESSMENT

The policies relating to Listed Buildings seek to protect the setting and features of such buildings and alterations and extensions will not be allowed unless the integrity of the building is maintained. Criteria D of Policy EN17 (Taunton Deane Local Plan) requires that the design of an extension should be sympathetic to the age, character and appearance of the building and Criteria E requires that it should be limited in scale so as not to dominate the original building or adversely affect its appearance. The Conservation Officer considers that the design of the proposed extensions are of an irregular, cluttered form and the size and scale do not respect the character of the existing building. He also considers that the proposed garage would detract from the appreciation of the listed building. The proposal therefore, does not meet the policy criteria.

RECOMMENDATION

Permission be REFUSED for the reason that the design of the proposed extensions is not sympathetic to the appearance of the Listed Building by reason of the excessive size and scale and cluttered form. The proposed double garage has a poor relationship with the listed building and will compete and conflict with appreciation of the listed building, and it is in close proximity to the highway where it would be likely to lead to vehicles entering and leaving the highway in a forward gear. The proposal is therefore contrary to the policies which seek to protect the integrity of Listed Buildings and ensure highway safety. These are set out in PPG 15 C7, The Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 and 49, and the Taunton Deane Local Plan Policies EN16 and EN17.

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:

38/2006/461

BLAGDON VILLAGE PARTNERSHIP

ERECTION OF REPLACEMENT COACH HOUSE BUILDING AS TWO UNITS AND 3 ADJACENT COTTAGES AND PARKING AT FORMER PRINCESS MARGARETS SCHOOL, MIDDLEWAY, TAUNTON, AS AMENDED BY WILDLIFE REPORT

322350/123658

FULL

PROPOSAL

The proposal is for the erection of a new building following demolition of the Coach House, provision of a similar design of building but split into two units and the erection of 3 adjacent cottages rather than two. In addition 5 parking spaces are to be provided in lieu of 3 garages previously approved.

A serious structural crack within the Coach House has been identified and a Structural Engineer has identified that considerable repair works are required. Further investigation has taken place and inadequate foundations found to exist on a site where there are nearby trees and poor ground conditions. Movement in the roof structure has also been identified. The extent of works to address the structural problems and convert would affect the appearance of the building and it would be simpler and more effective to demolish and rebuild the building to meet current legislation in terms of structural stability and thermal insulation. The Coach House reconstruction includes stonework and brick quoins to match the existing building with timber windows and a tiled roof. The proposal includes shutters and windows to recreate the image of the original Coach House main doors and the boundary wall at the front is designed to reflect this. A single storey rendered link is proposed to give a visual break between the Coach House and the cottage terrace.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY: On the basis that the existing permission is for 3 dwellings(including the Coach House) with 3 garages and the proposal is for 5 dwellings with 5 parking spaces and no other alterations there is no highway objection. I recommend previous highway conditions are attached. WESSEX WATER: The development is in a sewered area with foul and surface water sewers. The site is subject to a sewer agreement under S104 of the Water Industry Act. Points of connection will need to be agreed at the detailed design stage. NATURAL ENGLAND: Thank you for consulting Natural England on the planning application to demolish the coach house in the grounds of the Blagdon Lodge development. I have downloaded the bat survey from your website that was undertaken by Michael Woods Associates on 6 November 2006. This is not an ideal time of the year to carry out bat surveys as bats are less active during October to April, but evidence of bats was found in the building. Bats and their roost sites are protected under the Conservation (Natural Habitats &c.) Regulations 1994 (the Habitat Regulations) and under these regulations it is an absolute offence to destroy a bat roost. As evidence of a brown long eared roost was found, this planning proposal will mean the

demolition of a building that is protected by law. The bat roost is protected even if bats are absent. The licensing of development, which involves European Protected Species is administered by Natural England in Bristol. This licence enables developers etc to undertake work that would otherwise be illegal such as the destruction of a bat roost. Natural England will issue licences for work of this kind providing that certain criteria are met including: Detailed planning permission has been granted. Adequate bat surveys have been undertaken so that the impact of the development proposals upon the bats can be assessed properly. Suitable the development to ensure that it does not adversely affect them "that the action authorised will not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range". Natural England will expect to see a detailed method statement clearly stating how the bats will be protected through the development process; brown long eared bats are known to roost in buildings during the winter months, often hidden beneath the ridge tiles. We need to be provided with a mitigation proposal that will maintain favourable status for the bats that are affected by this development proposal.

LANDSCAPE OFFICER: Subject to protection of trees during construction and agreed details of path construction to avoid root damage it should be possible to retain the amenity of TPO trees. CONSERVATION OFFICER: No comments. BUILDING CONTROL: A Building Regulations application may be required for the work.

WILTON AND SHERFORD COMMUNITY ASSOCIATION: The Association want evidence that repair of the building is not possible and cause for problems before demolition is allowed. This should be carried out by a different structural engineer. If the only option is to demolish then in addition to matching the existing building the new units should be finished in the same style and form to maintain the visual impact on the street scene as the additions will be visible from Middleway

2 LETTERS OF OBJECTION on basis of increase an already intensive development, more traffic, pollution and road safety issues, concern that design is in keeping, stone wall should be extended at the front of the Coach House, landscaping should be improved and parking is inadequate.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing in Settlements, M4 – Parking, EN4 – Wildlife in Buildings, EN5 – Protected Species

ASSESSMENT

The proposal is to erect a replacement Coach House building subdivided into two units and 3 cottages adjacent on a site with a previous approval for 3 dwellings and garages. The works would result in an increase of two units and the main considerations with the scheme are the scale, design, parking and ecological impact.

The existing Coach House building has structural problems and the proposal seeks to demolish and replace the building with one of a similar design. The new Coach House building will be constructed in stone and tile to match the existing and will incorporate elements to reflect the original openings. In some respects this design is better than the conversion scheme previously approved. Building Control has indicated that the option put forward is an appropriate one. The existing building is not listed nor is it in a Conservation Area. It is considered to have merit in the street scene but the replacement building is designed to reflect the existing character of the building and in design terms this is considered to be acceptable. The proposal also includes an additional dwelling unit to form a terrace of 3 of a design in keeping with the design of the buildings previously approved. This is possible as garages previously approved have been removed. The terrace of three is considered acceptable in design terms and is not considered to be an overdevelopment of the site.

The proposal provides 5 units of accommodation and the parking provision has been amended to reflect this. The parking can be provided without adversely affecting the trees on the site. A landscaping scheme in relation to the revised layout of this part of the site is considered appropriate.

The wildlife survey undertaken has identified bats roosting in the building on the site and the proposal would require the need to provide adequate mitigation if approved in order to ensure bat habitat was not lost. The previous approval for conversion of the building would also have required a licence to be sought to carry out the approved works. A Licence has been applied for in relation to the works and there is considered a need to impose a condition to ensure the necessary mitigation works are carried out as part of the scheme in compliance with policy EN4 and EN5.

In summary the proposal is considered to be an acceptable design on a brownfield site with adequate parking and the imposition of a condition can address the necessary bat mitigation required.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, sample stone panel, reuse of tiles, landscaping, tree protection, bat mitigation and parking. Note re S106 relating to the site.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan policies S1, S2, H2 and M4 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/582

GADD HOMES LTD

CHANGE OF USE OF FOUR ALLS TO A2 OFFICE USE AND A3 FOOD AND DRINK, ERECTION OF 4 GROUND FLOOR RETAIL UNITS AND 50 FLATS WITH CYCLE STORAGE AT THE FOUR ALLS/CASTLE MOAT CHAMBERS, CORPORATION STREET, TAUNTON

322539/124453

FULL

PROPOSAL

An initial proposal to demolish the former Four Alls Public House and replace it with a modern five storey building accommodating 21 flats and two office suites was withdrawn in March 2004 following a recommendation of refusal. A second application retaining the Four Alls frontage with a large extension to the rear of a more traditional design was refused in September 2004 on the grounds of its scale in relation to existing buildings in Bath Place and highway safety. A third proposal reverted to a more modern design whilst retaining part of the Four Alls. This comprised 17 flats, and both A2 (financial and professional services) and A3 (restaurant) uses. The building proposed was primarily four storeys in height with part fifth storey accommodation in the roof space. The application was considered by this Committee on 18th May, 2005 and refused for the following reason:- "The proposed building by reason of its scale, form, bulk and general design will be over dominant in the street scene at variance with the established character of the area contrary to Taunton Deane Local Plan Policies S1(D), S2 and EN14."

A fourth application, planning reference 38/2005/299, which was fundamentally different from the earlier proposals was considered and approved by this Committee in September 2006. The scheme represented a comprehensive mixed use redevelopment incorporating Castle Moat Chambers, and retaining the former Four Alls building in its entirety, to be used primarily as a restaurant. The remainder of the ground floor to be a mix of office and retail space with parking for 18 vehicles from a single access onto Corporation Street. The application also incorporated an arcade with pedestrian access from Corporation Street to Bath Place at the eastern end of the site. The upper three storeys (the top floor being recessed) comprised a total of 14 flats.

A revised scheme has now been submitted to that approved, which includes a change of use of Four Alls to A3 Café and Restaurant on the ground floor with A2 use above, with the new development on the Castle Moat site comprising Use Class A3 Food and Drink use on the ground floor facing Corporation Street and Bath Place, with residential apartments (50) above on the upper three floors. The main changes to the scheme are the relocation of the offices to the first floor of the Four Alls with the first floor of the Castle Moat site now comprising of 22 small apartments, and provision for communal outside amenity space. The second storey incorporates an additional 20 apartments, with a further 8 larger apartments at third storey. The amended scheme has omitted any car parking from the project. There is provision

for the storage of 50 cycles within the centre of the development. The actual footprint of the building is slightly reduced from the approved scheme.

CONSULTATIONS AND REPRESENTATIONS

HIGHWAY AUTHORITY have comments to make and they will be reported on the update sheet. COUNTY ARCHAEOLOGIST the applicants have submitted an archaeological Desk Top Assessment in support of this application. It concludes that there is reason to believe archaeological remains will be impacted by this proposal. The DTA also supports the idea that there is a level of disturbance of these remains. I believe an archaeological investigation should take place as part of the development process. This should be secured by the use of model condition 55 attached to any permission granted. "No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority." I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it. ENVIRONMENT AGENCY the proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the agency should not have been consulted on this application. WESSEX WATER the plans have been forwarded to our engineers and are awaiting further comments. CHIEF FIRE OFFICER (1) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. (2) Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000. (3) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards. ENGLISH HERITAGE we have considered the application and do not wish to make any representations on this occasion. We recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally. CABE we are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme.

CONSERVATION OFFICER No objection to minor changes to footprint, from that previously approved. Section C-C an improvement to that previously approved, as 1st, 2nd and third floors stepped further back from Bath Place. Sections A-A and B-B, less satisfactory, as 2nd floors nearer and introduced onto Bath Place respectively. New build elevation to Bath Place i.e. Castle Moat Chambers, shown in isolation. Need for full elevation to Bath Place, so impact on adjacent cottages can be more fully assessed. ENVIRONMENTAL HEALTH OFFICER – No response to date. However, as the development is of a similar scale to the previous development the response of the Environmental Health Officer has been reiterated here, and any amendment to this will be advised to Members through the update sheet. Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises: Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays No noisy working. 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 meter above the roof eaves level. Reason: To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties. Prior to occupation of dwellings to which this permission relates, the developer should ensure that residential flats should not be exposed to internal noise levels of 40 dB(A) LAeq 16 hour in all rooms during the day (07:00 - 23:00) and 30 dB(A) LAeq 8 hour during the night. In addition a 45 decibel LAmax applies in all bedrooms during the night. DRAINAGE OFFICER an open surface water channel passes through the majority of the site. It enters from just behind Bath Place via a short culverted section and eventually exits by way of outer culverted section in Corporation Street. I cannot find any details of any proposed treatment to this open section of channel. At previous meetings with the applicants (May 2006) it was agreed that details would be forwarded in due course, to date I have not received these. I therefore object to this proposal till such time as the developer provides the requested information and agreement is reached. LEISURE DEVELOPMENT OFFICER in accordance with Policy C4 provision for active recreation should be made. It is therefore requested a contribution of £859.00 per each dwelling towards active recreation. TAUNTON TOWN CENTRE COMPANY LTD having looked at the plans forwarded my response is that the planned change of use for this area fits well with the strategic plan for this part of Taunton. The linkages through to Bath Place will encourage greater pedestrian circulation in the area and help the businesses as the Southern end of Bath Place. My criticism of the plans as seen is that the front elevation on to Corporation St is rather bland and unimaginative for a key gateway to the town centre. It would have been good to have seen some really innovative and exciting architecture here that would signal an entry point into the town centre.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- requirement to provide a future cycle lane out of town outside the Four Alls; a previous response to this stated that 'due to the width of the road and pathway there it would not be possible to provide a cycle lane whilst retaining the buildings; cycleways are mentioned first in the Taunton Vision objective 'A New Transport Infrastructure'; 11.1.2 of the Somerset Local Transport Plan states Cycling issues will be seamlessly integrated into all aspects of transport and land-use planning policies; advantage will be taken of every opportunity to secure cycle facilities; page 9 of the TTSR document states as Strategy to promote cycling and walking for short journeys under 3km; remove unnecessary traffic from the town centre; create continuous convenient safe networks for cyclists and pedestrians throughout the town centre and on key corridors throughout the town; 4.3 states that the delivery of the aims and objectives of the transport vision will require a co-ordinated effort by the different agencies and through different delivery bodies: it will be necessary to look beyond transport policy in achieving the objectives, with a key role for future land use planning in town; the application seeks to retain the building in its entirety; I think that the ability to create a future continuous cycle lane from the town centre westwards towards Musgrove Hospital and Somerset College; mirroring the cycle route eastwards is a greater priority than retaining a relatively significant architectural feature; the indirect cycle route towards French Weir is narrow, unfenced from the

water and dangerous; I am sure a structural and architectural solution can be designed allowing the future cycle lane to occupy the existing footpath and a new footpath created across the corner of the proposed development; the town is certainly not cycle friendly apart from North Street; on street parking near the Four Alls creates new hazards for cyclists; the hard bits are also dangerous bits, but they need to be tackled or the aims of policy above should be deleted; it only needs one dangerous part on an otherwise safe route to cause less assertive cyclists to use their cars; there is lots more work to do on cycling and this is an opportunity; as such an objection is raised and any approval document should contain a statement by the Development Control Manager that a cycle lane to current design standards is possible at this point.

POLICY CONTEXT

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG13 (Transport), PPS25 (Development and Flood Risk).

RPG10 – Regional Planning Guidance for the South West Policy HO 5: (Previously Developed Land).

Somerset & Exmoor Joint Structure Plan Review 1991-2011 STR1 (Sustainable Development), STR4 (Development in Towns), Policy 33 (Provision of Housing), Policies 48 & 49 (Access and Parking).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H1 (Phasing Strategy), H2 (Housing in Settlements), H3 (Residential Conversions in Town Centres), EC18 (Upper Floors of Shops), EN14 (Conservation Areas), EN15 (Demolition in Conservation Areas), M4 (Residential Parking Requirements), C4 (Open Space Requirements).

ASSESSMENT

The proposed comprehensive redevelopment of this important site is to be supported. The site is located in a prominent position and any development should reflect the character and appearance of the area and provide a scale of development appropriate to the townscape. The former Four Alls building makes an important contribution to the character of the area. The retention of the building in its entirety is a significant and positive factor in favour of this scheme. The scale and proportions of the building are considered to be acceptable and would make a positive contribution to the local streetscape and to important views across the site. The main changes to the make up of the scheme are to ensure the project remains viable and is bought forward. The main building has been stepped back significantly, with the main alteration being an additional storey on the Bath Place side, which would however be set back from the street elevation which would remain at the same height as approved. The Conservation Officer now has no objection in principle, subject to the submission of additional elevation drawings for further assessment.

In terms of impact upon the amenity of adjoining residents, the proposed development is not considered to be significantly different from the approved scheme and as such would not harm the amenity of adjoining residents. The site is a town

centre location and as such any overlooking would not be dissimilar to that of the general high density character of the area. It is noted that the Corsetry Cottage site has been granted permission, planning reference 38/2006/368, for a change of use and conversion into three dwellings and construction of one new dwelling, situated adjoining Bath Place. Whilst the main outlook from Corsetry Cottages is towards Bath Place in order to ensure that there is no undue overlooking a condition requiring details of screening from the communal amenity area at first floor level of the proposed scheme would be imposed.

The provision of pedestrian access at the eastern end of the site is another positive feature of this proposal. There have also previously been requests to provide a cycle lane along Corporation Street. The request from a local resident is noted, however, this is not considered possible if the Four Alls building is to remain due the existing narrow width of pavement in this location. Furthermore, the applicants have a current permission which did not include such a requirement and is therefore not considered reasonable to require this element.

The provision of 50 apartments requires a contribution towards off site play and open space provision in compliance with policy C4 of the Local Plan. In accordance with standard provisions this equates to £859 per one bed unit. There was a provision previously for such contributions, however, as the previous application did not incorporate any affordable housing contributions it is considered in line with the corporate aims of the Council that any contributions should be directed towards affordable housing provision rather than play contributions due to viability. The developer following negotiations with the Council's Housing Officer has agreed to make contributions to affordable housing within the scheme. This would allow three shared ownership and four discounted market houses to be made available within the scheme where none were previously to be provided.

To conclude, it is recognised that national planning guidance seeks to make the best use of brownfield land, especially in sustainable locations such as the town centre. Furthermore, the proposed scheme is considered to be a positive design approach (as required by PPS1) and would not harm the residential amenities of local residents. The proposal is considered to be of an acceptable scale and would be a further positive take over and above the existing approved scheme. As such it is recommended the application be approved.

RECOMMENDATION

Subject to the submission of revised drawings taking into account issues raised by the County Highway Authority and the Conservation Officer, and the completion of a Section 106 Agreement in relation to affordable housing by 18th March, 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, cycle parking, details of agreement for works to the culvert through the site, flood risk mitigation measures, meter boxes, aerals, odour, noise, archaeology, tree protection, covered refuse storage, arcade surfacing, screening. Notes re noise during construction, Wessex Water systems and infrastructure, fire safety requirements, compliance, S106 agreement, Part M and CDM Regs.

REASON(S) FOR RECOMMENDATION:- The mix of uses proposed is considered appropriate for this town centre location in accordance with Taunton Deane Local Plan Policies H1, H3 and S3. The proposed design will respect the character and form of both Corporation Street and the Bath Place Conservation Area to the rear. The proposal therefore complies with the requirements of Taunton Deane Local Plan Policies S2 and EN14.

Should the Section 106 agreement not be completed by 18th March, 2007 the Development Control Manager be authorised to REFUSE permission for the following reason of inadequate provision has been made for the provision of affordable housing requirements facilities in accordance with Taunton Deane Local Plan Policy H9.

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:

43/2006/175A

LLOYDS TSB

DISPLAY OF SIGN AND ILLUMINATED SIGN AT LLOYDS TSB, 27 FORE STREET, WELLINGTON

313824/120537

ADVERTISEMENT

PROPOSAL

The proposal comprises the display of illuminated inn style sign and the display of letters and logo on the front, southeast façade of Lloyds TSB, 27 Fore Street, Wellington.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations.

CONSERVATION OFFICER looks acceptable.

TOWN COUNCIL object to the proposal because it is out of keeping with this fine building.

POLICY CONTEXT

The policies relevant to this application are S1 (general requirement), S2 (design), EN14 (conservation areas) and EN34 (control of external lighting) of the adopted Taunton Deane Local Plan.

ASSESSMENT

The building is not listed, and the next couple of buildings either side of the property are not listed either. Adjacent buildings also currently have similar signs displayed, therefore the proposal is considered to be of appropriate scale, colour and design in relation to the surroundings. The proposal will not have a detrimental impact on visual amenity, or road safety.

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 amenity, residential amenity or road safety, is in keeping with the surroundings, and is therefore considered acceptable and does not conflict with Taunton Deane Local Plan Policies S1, S2, EN14 and EN34.

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:

46/2006/040

DAVID & LINDA FRY

CHANGE OF USE OF LAND TO A 40 CARAVAN TOURING SITE BETWEEN 1ST APRIL AND 30TH SEPTEMBER, WITH ACCESS IMPROVEMENTS, ANCILLARY TOILET AND SHOWER BLOCK AT LAND AT GREENACRES CARAVAN PARK, WEST BUCKLAND ROAD, CHELSTON, WELLINGTON (RESUBMISSION OF 46/2006/004).

315605/120524

FULL

PROPOSAL

The site is located some way to the south of the Chelston roundabout, adjacent to Chelston Nurseries, and on the eastern side of the road, nearly opposite Little Jurston Farm. It is proposed to use an existing certificated site for a 40 caravan touring site with additional facilities and improved access. There has been vehicular access onto West Buckland Road, but this is currently unused, and it is proposed to permanently close this access. The new amenity building would be stained timber cladding to match the existing stable, it would contain disabled washroom, male and female washroom/WC and showers. The point of access to the site would be increased in size to achieve a 6m width and a 12m depth up to the gates. The site is well screened by means of a hedge/trees around the site. The amended details indicated the acceptance of a condition relating to details of a new sewerage treatment plant. The site has had rallies of the application size and there has apparently been no history of problems. The site had a certificate of lawful use issued in April 2002 for the stationing of up to three touring caravans for use as a single family group between 1st April and 31st August in any year.

The applicant submitted the same proposal in April 2006, but did not include a transport statement which was required by the County Highways Authority. The current application does include a Transport Statement, which concludes inter alia that the proposed development will not generate a significant volume of traffic on the local roads. On the given assumptions, there will be a total of 13 - 14 caravan trips undertaken daily, with 81 - 82 other trips by car only to reach outside facilities, the proposed development would generate 3 trips in and out in the AM peak and 10 during the PM peak, these figures represent a 0.2% and 1% increase in traffic in the AM and PM peak hours respectively.

CONSULTATIONS AND REPRESENTATIONS

HIGHWAYS AGENCY – does not propose to give a direction.

COUNTY HIGHWAYS AUTHORITY - The site is outside the development boundary for Wellington, in an area where development is strictly controlled. From a transport point of view, it is an unsustainable location outside settlement limits; there will be a dependence on private transport; however as this is for tourism, it must be a matter for the Local Planning Authority to determine if the planning merits and tourism policy outweighs the sustainability issues raised. The proposal will use an existing access from Hayward's Lane, which is in close proximity to West Buckland Road (A38,

which is a busy and fast stretch of highway. The previous application was recommended for refusal due to the highway safety implications arising from the increase in traffic from this proposal. The traffic report indicates that the proposed development will not generate a significant volume of traffic and this impact will be negligible, this has been agreed with the Somerset County Council Traffic Analyst. Thus it is considered to be unreasonable to raise a highway objection and conditions are recommended.

COUNTY ARCHAEOLOGIST – limited or no archaeological implications and so no objections. ENVIRONMENT AGENCY - needs details of the septic tank, soakaway to be of sufficient size. May require consent to discharge. WESSEX WATER - there appears to be a public water main running through the site. FIRE BRIGADE – Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards. According to our records the Fire Authority responded to an application for a Caravan Site Licence under the Caravan Sites & Control of Development Act 1960 on 25 June 2002 and our observations on this matter are unchanged. I enclose a copy of the Guidance for Fire Precautions at Caravan Sites sent to the applicant at this time.

LANDSCAPE OFFICER - subject to retention and management of the existing hedgerow with tree planting it should be possible to soften the impact of the proposal, no servicing toilet block through the hedge. DRAINAGE OFFICER – The applicant should be advised that suitable and satisfactory drainage provision shall be made. With respect to the proposed use of the existing septic tank the applicant shall ensure that the septic tank systems capacity is satisfactory to provide drainage for the maximum likely number of occupants of the sit at any one time. ENVIRONMENTAL HEALTH OFFICER - drainage details/septic tank facility details needed.

PLANNING POLICY – Policies EC25, and S1 apply, it should not harm the landscape, be adequately screened, has good access, being in close proximity to the A38, and not in a floodplain. The County Highways Authority views on highway safety should be sought, subject to this, it appears there are no policy objection subject to details.

WELLINGTON TOWN COUNCIL – supports the proposal.

WELLINGTON WITHOUT PARISH COUNCIL - no objections or comments.

ONE LETTER OF OBJECTION, fear the site may become a gypsy site and a permanent residential site; such use would affect property values; increase in traffic on the road in a location close to Foxmoor nurseries where there is already significant level of traffic; this is a fast road, and the junction is on a bend.

POLICY CONTEXT

S1 General Requirements, S2 Design, M1 and M3 Transport access and circulation requirements of new development, EC25 Touring caravan and camping sites will be permitted provided that the proposal would not harm the landscape and be adequately screened, has good access to the main road network and is not situated in a floodplain or an area at high risk of flooding.

ASSESSMENT

The site is well screened by existing high hedges. There have been objections from one neighbour; it is considered that the area is in the midst of substantial change, with the applications with Committee resolution to approve for the cattle market and Business Park, and this scheme is relatively small in comparison. The Local Planning Authority is encouraged to support tourism, and this site is ideally suited given its location close to a motorway junction, proximity to all the facilities in Wellington, and the site being in a location, which would have minimum impact on any neighbours. Potential traffic impact has been an issue, and until the require transport assessment was submitted, this was potentially a major issue. The submitted assessment suggested that the proposed scheme was acceptable giving little increase in traffic. In conclusion the proposed development is considered to be acceptable and a positive development for tourism.

RECOMMENDATION

That permission is GRANTED, subject to conditions

Time, landscaping, buildings not over sewer or safeguarded area, former access permanently closed, visibility, surfacing, percolation test, details of foul and surface water drainage, touring caravans only with no permanent residential habitation. Notes from Environment Agency, Fire Brigade and Wessex Water.

REASON(S) FOR RECOMMENDATION:-

The proposed development is considered to be in accordance with the Taunton Deane Local Plan Policies S1, S2, M3, M5 and EC25 as it will provide a suitable location for touring caravans in a location close to the Motorway and the local amenities in Wellington and is not considered to have any adverse effects on the local character or amenities of the locality.

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:

52/2006/044

QUEEN'S COLLEGE

ERECTION OF TELESCOPIC LIGHTING COLUMNS TO FLOODLIGHT HOCKEY PITCH AND WARM UP AREA AT QUEENS COLLEGE, TRULL ROAD, TAUNTON

321524/123085

FULL

PROPOSAL

This application is for the erection of 6 telescopic lighting columns around the main hockey pitch and 4 non-telescopic lighting columns around the knock up area. The 6 columns around the main pitch would be 5 m high when retracted and 15 m high when in use and the 4 columns around the knock up pitch would be 6 m in height.

CONSULTATIONS AND REPRESENTATIONS

LIGHTING CONSULTANT I am concerned that the light sources/reflections may be visible and there should be a condition to ensure that the luminaries are shielded after the commissioning but before the lighting is used.

LANDSCAPE OFFICER Given the retractable nature of the lighting columns, other than when in use the proposals will have very little landscape impact.

PARISH COUNCIL support the application provided the lights are retracted when not in use; a time limit of 9.30 is placed upon them similar to the Civil Service club next door.

6 LETTERS OF OBJECTION have been received raising the following points:- the lights will cause high level light pollution; the lighting will be unsightly and result in noise lasting all evening and possible later, the level of lighting will intrude into the rural area and impact on the entrance to Ferndale Drive, the Honiton Road and beyond.

POLICY CONTEXT

Taunton Deane Local Plan Policy S1 (E) General Requirements EN34 Control of External Lighting.

ASSESSMENT

The proposed telescopic flood lighting and poles are situated along the west and east boundaries of the pitch. This will result in lights 43 m from and facing the rear of residential properties in Ferndale Drive. The lighting poles will interrupt the views of the valley from those residential properties and, to reduce this impact, Queen's School are proposing telescopic lighting poles for the main pitch that will be retracted to 5 m in height when not in use. In order to control the impact of the illumination on Ferndale Drive and other surrounding residential properties, conditions are

recommended to ensure that the lights are switched off at 9.30pm and that the luminaires are shielded so that the light source/lens is not visible from the properties. The 4 floodlights for the knock up pitch will be fixed at 6 m in height. This will provide a lesser degree of illumination and their impact on the surrounding area will be less than those of the main pitch. The school will use the lights during sport lessons and for practices and matches throughout the week. They have confirmed their agreement that the lights will be retracted in periods when they are not in use.

RECOMMENDATION

Permission be Granted subject to conditions of time limit, floodlighting to be erected in accordance with submitted details, telescopic floodlights to be kept in the retracted position when not in use, floodlights shall not be illuminated other than between the hours of 9.00 am and 9.30p m, following their commissioning but prior to operation the lights shall be inspected by the Local Planning Authority to ensure that the luminaires are cowled such that the light source and lens are not visible from Ferndale Drive or other residential properties, such lights shall be maintained as such thereafter.

REASON(S) FOR RECOMMENDATION:- The proposed lighting will enable full and safe use of the school sport pitch in accordance with Taunton Deane Local Plan Policy EN34

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:

Planning Committee – 28 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Creech St Michael

1. **File/Complaint Number** E12/14/2007
2. **Location of Site** Theats Farm, Creech Heathfield, Taunton.
3. **Names of Owners** Mr J Miller, Outwood Farm, West Lyng, Taunton.
4. **Names of Occupiers** Vacant
5. **Nature of Contravention**

Unauthorised works to barn including raising the roof structure and formation of access and track.

6. **Planning History**

It was brought to our attention that works were being carried out to a barn at Theats Farm, Creech Heathfield. The barn is situated away from Theats Farmhouse, which it is understood to be occupied by persons not connected with the farm. A site visit was made on 15 January, 2007 where it was found that elements of the walls to the barn were in the process of being rebuilt and it appeared that additional internal load bearing walls were being constructed. The original roof structure had been removed and new roof trusses, of the attic type to facilitate rooms in the roof, were being erected. The height of the new roof structure was considerably higher than the former, which from evidence obtained was of single storey construction. On closer inspection of the site it was noticed that a large mobile home was sited in a dutch barn. The mobile home appeared to be connected to the services and was being occupied. A new access has also been formed onto the road leading to Creech Heathfield together with a track across the field to the barn. This road is a Class 3 classified unnumbered road and any access formed requires planning permission. The owner was contacted on 26 January, 2007 but his representative was informed on 16 January, 2007 that the works being carried out would not appear to be designed for the purposes of agriculture and therefore a planning application needs to be submitted. To date no application or reasons for carrying out the development has been received.

7. **Reasons for taking Action**

The building by reason of its design, size and appearance is considered to be tantamount to a new dwelling in the countryside which is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policies S7 and EN12.

The building is considered, by reason of its size in this prominent rural site, to be contrary to Taunton Deane Local Plan Policies S1 (D) and S2. The occupation of the mobile home sited within an existing barn is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policy S7 and EN12. The provision of the access is considered to have a detrimental impact on the roadside amenity and character of the area and contrary to the requirements of Taunton Deane Local Plan Policies S1, S2, EN6 and EN12.

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice and to commence prosecution proceedings subject to sufficient evidence 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 – 28 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Bishops Hull

1. **File/Complaint Number** E200/05/2002
2. **Location of Site** 55 Mountway Road, Bishops Hull, Taunton.
3. **Names of Owners** Mr & Mrs Hicks
4. **Names of Occupiers** Mr & Mrs Hicks
5. **Nature of Contravention**
Erection of a fence adjacent to the highway.

6. **Planning History**

It was brought to the Council's attention that a fence had been erected along the frontage of 55 Mountway Road. As the fence was sited on an elevated part of the garden fronting the road and 1.8 m in height the fence required planning permission. The owners were requested to submit a planning application to retain the fence or reduce the height of the fence to 1 m. No application was submitted and the fence remained at the same height. On 16 June, 2003 an enforcement notice was served requiring the fence to be reduced in height or removed completely. The notice took effect on 17 July, 2003 and had a 4 week compliance period. Soon after the notice was served a planning application was submitted for the retention of the fence but to a height of 1.35 m. This was approved on 1 September, 2003. Attached to the permission was a condition requesting that the fence be reduced to the approved height of 1.35 m within 3 months of the date of the permission. To date the fence has not been reduced in height and now has substantial planting to the front and back of the fence.

7. **Reasons for taking Action**

It is considered that over the time that has elapsed the fence has softened with the maturity of the planting provided and does not now have a detrimental effect on the visual amenities of the street scene and adjacent properties.

8. **Recommendation**

Members resolve to take no further action over the fence.

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 – 28 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E272/38/2003
2. **Location of Site** Kiddi Caru Nursery, Blackbrook Business Park, Taunton.
3. **Names of Owners** The Child Care Corporation, 6 Lanchesters, 162-166 Fulham Palace Road. Hammersmith, London.
4. **Names of Occupiers** Taunton Kiddi Caru

5. **Nature of Contravention**

Display of advertisement on rear of building.

6. **Planning History**

The building opened in Spring 2003 and various signs were displayed on the building. One sign was displayed on the rear of the building facing onto Blackbrook Way. This particular sign was positioned at a height exceeding the permitted 4.5 m from ground level. Also a security light was positioned in the proximity of the sign and when lit the sign was effectively illuminated. In view of this the sign required advertisement consent. The owners were informed that if the sign was repositioned lower on the building and away from the light consent would not be required, however, the sign was not repositioned. Over 3 years have elapsed and the boundary planting to the development has matured thus making the sign far less visible when viewed from Blackbrook Way.

7. **Reasons for taking Action**

It is considered that as the sign is not now such a prominent feature along Blackbrook Way it would not be expedient to request an application to regularise the sign as consent would be likely to be forthcoming.

8. **Recommendation**

Members resolve to take no further action over the sign.

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 – 28 February, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Tolland

1. **File/Complaint Number** E161/41/2002
2. **Location of Site** The Ranch, Church Lane, Tolland, Lydeard St Lawrence.
3. **Names of Owners** Mrs P M Howe, Longrun Farm, Wellington Road, Taunton
4. **Names of Occupiers** Not occupied
5. **Nature of Contravention**
Carrying out of extensive engineering operations.
6. **Planning History**

In July 2002 it was reported that extensive earth works were being carried out on land known as The Ranch. The land in question is a County Wildlife Site comprising of a series of riverside fields with marshy grassland and natural grassland on steep banks. Due to the importance of the site and the degree of unauthorised work being undertaken an Enforcement Notice and Stop Notice was served with the Chairman's agreement. Members will no doubt recall that on 2 October, 2002 they were recommended to endorse the action taken by the Solicitor to the Council in serving an Enforcement Notice and Stop Notice. All activity ceased on the land and it transpired that the person who appeared to own the fields was not the title owner. Over the last 3 years there has been no activity on the land. The requirement of the notice was to reinstate the land to its original state which would include re modelling the land and applying grass seed to stabilize the land. This was not done but over the years the land has self seeded and it is considered that to carry out the requirements of the notice at this stage would cause more harm to the visual amenities of the area than if it were left.

7. **Reasons for taking Action**

It is considered that the land has recovered from the extensive works carried out in 2002 to such an extent that it would not be expedient to require the Enforcement Notice to be fully complied with

8. **Recommendation**

Members to resolve to take no further action

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