



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 19TH NOVEMBER 2008 AT 17:00.

(RESERVE DATE : THURSDAY 20TH NOVEMBER 2008 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 29 October 2008 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. North Curry - 24/08/0042
Relocation of cattery pens, new kennel pens and erection of single storey extension to provide reception area and grooming room at St Giles Kennels, Wrantage
6. Taunton- 38/08/0459
Erection of 6 detached four bedroom houses and 2 link detached 4 bedroom houses on part of rear gardens of 12-28 Stoke Road, Taunton accessed off Harp Chase, Taunton as amended by letter dated 5 November 2008 and Plans A2005 152 PL001A-008A
7. Trull - 42/08/0037
Outline application for erection of 7 affordable houses and 2 affordable flats on (amended scheme to 42/2008/002), Dipford Cottage, Dipford Road, Trull
8. 48/2005/072 and 48/2007/006 - Appeals by Redrow Homes (West Country), Persimmon Homes (South West), site at Monkton Heathfield Major Development Site, Monkton Heathfield Miscellaneous item
9. E107/08/2008 - Fence erected over 2 metres in height, 22 Hale Way, Taunton Enforcement item
10. E152/31/2008 - Erection of a retaining wall over 1 metre in height adjacent to the highway, Barrow Corner, Lower Henlade, Taunton Enforcement item
11. 0258/43/08 - Fence erected adjacent to highway, Millstream Gardens, Wellington Enforcement item
12. Planning Enforcement Progress Report (attached)

13. Planning Appeals - Appeals received and the latest decisions
(attached)

Appeals

Tonya Meers
Legal and Democratic Services Manager
12 November 2008

Tea for Councillors will be available from 16.45 onwards in Committee Room 1

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Mrs Copley

Councillor Critchard

Councillor Denington

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor D Wedderkopp

Councillor Miss Wood

Councillor Woolley



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

Planning Committee – 29 October 2008

Present:- Councillor Mrs Allgrove (Vice-Chairman) (In the Chair)
Councillors Bishop, Bowrah, Mrs Copley, Denington, Mrs Floyd, C Hill,
House, Miss James, McMahon, Watson, Ms Webber, D Wedderkopp
and Miss Wood

Officers:- Mr B Kitching (Area Planning Manager), Mr G Clifford (Area Planning
Manager, South), Mr A Pick (Principal Planning Officer, West), Mrs J
Jackson (Legal Services Manager) and Mrs G Croucher (Democratic
Services Officer)

Also present:- Councillors Beaven, Coles and Thorne

(The meeting commenced at 5.00 pm)

113. Apologies

The Chairman (Councillor Mrs Hill) and Councillor Critchard.

114. Minutes

The Minutes of the meeting held on 24 September 2008 were taken as read
and were signed.

115. Application for Planning Permission

The Committee received the report of the Development Manager on an
application for planning permission and it was **resolved** that it be dealt with as
follows:-

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

30/2008/026

Erection of two dwellings and parking following demolition of Oasis, Blagdon Hill

Reasons

- (a) The proposal is considered an overdevelopment of the site resulting in a cramped form of development that would have an overbearing impact on adjoining property contrary to Taunton Deane Local Plan Policies S1(D) and S2(A);
- (b) The developer has not adequately shown that the visibility can be provided and subsequently maintained in perpetuity and so may be detrimental to highway safety contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Reasons for refusing planning permission contrary to the recommendation of the Development Manager:-

The Committee felt that the application was an over-development of the site resulting in a cramped form of development that would have an overbearing impact on adjoining property. The Committee also felt that the visibility from the access could be detrimental to highway safety.

116. Variation of Condition 7 relating to planning application 07/2005/012 to allow the accommodation to be used in connection with the use of the existing house as a single family dwelling or rented accommodation at The Old Granary, Hele, Bradford on Tone (07/2008/013)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement ensuring the retention of the main house, The Old Granary, and the annex building, Poppy Cottage, within the same ownership, the following conditions be imposed:-

- (a) The accommodation hereby permitted shall be used in connection with the use of the existing house as a single family dwelling or rented accommodation and shall not at any time result in the creation of a separate dwelling;
- (b) Within one month of the date of approval, detailed plans showing the space to be laid out for parking and turning within the site shall be submitted to, and approved by, the Local Planning Authority. The said space shall provide space for two cars to be parked to serve the existing dwelling, together with space for one car to be parked to serve the new dwelling [space for vehicles to turn shall also be provided so that they may enter and leave the site in forward gear]. The said space shall be laid out within the site, in accordance with the plan to be approved, within three months of the date of approval unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that all other conditions in planning permission 07/2005/012 still apply).

117. Unauthorised erection of fences at various locations on the Blackbrook Estate, Taunton

Reported that it had come to the Council's attention that a number of fences had been erected at various locations on the Blackbrook Estate, Taunton contrary to Condition 14 of planning permission 48/1982/046 which was granted on 19 October 1983.

The fences, which were unauthorised due to Permitted Development rights being removed, had however been in existence for more than 4 years. In the view of the Development Manager it would not now be expedient to take enforcement action.

Resolved that no further action be taken.

118. Change of use of site to operate a private hire minibus business, 154 Bridgwater Road, Bathpool, Taunton

Reported that it had come to the Council's attention that a minibus hire business had been operating from 154 Bridgwater Road, Bathpool without the necessary planning permission. An application for permission had been submitted but this had been refused. To date, the business continued to operate.

During the discussion of this item Members took the view that a minibus hire business was acceptable at this site.

Resolved that:-

1. No further action be taken; and
2. The applicant be requested to submit a further application for planning permission to regularise the current situation.

119. Various unsatisfactory/unfinished works at Woodards (former Convent), South Road, Taunton

Reported that a number of contraventions had been reported at Woodards (former Convent), South Road, Taunton. These comprised:-

- (i) Relaying of cloister tiled floor, unsatisfactorily finished;
- (ii) Unfinished repairs to wall at south end of cloister and redundant wiring still in situ;
- (iii) New tiled floor to communal entrance of phase 5 unsatisfactory;
- (iv) Repair and consolidation of former shrine to SE of site not completed plus inappropriate modern railings erected to enclose it; and
- (v) Non reinstatement of wooden figure to east elevation of phase 4.

Resolved that:-

1. Listed building enforcement action be taken to rectify the contraventions at Woodards (former Convent), South 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.

120. Appeal against conditions imposed on planning approval 06/2008/046 for the use of land to site 3 no mobile homes and provision of septic tank for one gypsy family at Sunny Dene, Cotford St Luke

Reported that planning permission had been granted for the use of land to site 3 no mobile homes and the provision of septic tank for one gypsy family at Sunny Dene, Cotford St Luke. However, it had come to the Council's

attention that a breach of certain conditions had taken place and a Breach of Condition Notice had therefore been served on the applicant in August 2008. The applicant had subsequently lodged an appeal against all the conditions imposed on planning permission 06/2008/046.

Noted that works carried out to comply with some of the conditions had been acceptable but they had not been discharged as the fee payable had not been received.

Further reported that the variation of Condition 3 from a personal permission to a standard gypsy occupation condition would accord more closely with Government guidance and it was therefore recommended that the original wording of the condition should be varied.

Resolved that:-

1. Condition 3 attached to planning permission 06/2008/046 be varied as follows:- "the site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the current appeal be dismissed in relation to any of the conditions still outstanding which were referred to in the Breach of Condition Notice.

(The meeting ended at 6.43 p.m.)

24/08/0042

BAVERSTOCK

RELOCATION OF CATTERY PENS, NEW KENNEL PENS AND ERECTION OF SINGLE STOREY EXTENSION TO PROVIDE RECEPTION AREA AND GROOMING ROOM AT ST GILES KENNELS, WRANTAGE

331985:123223

Full Planning Permission

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PROPOSAL

St Giles Kennels lies in a countryside location just north of the A378 near Wrantage. There are a range of low buildings within the site, some of permanent construction and some more temporary wooden structures, providing kennels, cattery pens and a staff/office/reception area. A public bridleway passes along Sedgemoor Drove, directly to the north of the site and a scattering of residential properties surround the site. The site is generally well screened and is not clearly visible from the A378 or the country road to the west.

This application seeks permission for the relocation of cattery pens, new kennel pens and the erection of a single storey extension to provide a reception area and grooming room. The alterations involve the re-arrangement of the existing business and the design and access statement submitted states that overall only four additional pens are being created. Significant work has already commenced on site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

ENVIRONMENTAL HEALTH; 1. FOOD/HEALTH & SAFETY - No comments

MRS H HARRIS, CLERK, NORTH CURRY PARISH COUNCIL - The Parish Council whilst being in favour of any improvement to the reception staffing facilities, OPPOSES the development as a whole predominantly due to the increase in noise pollution. It would also wish it to be pointed out that the issue of flooding was raised.

RIGHTS OF WAY TEAM, SOMERSET COUNTY COUNCIL - A public right of way abuts the area of the proposed development. The health and safety of walkers, cyclists and horse riders using the bridleway should be taken into account, especially of the proposed works would result in an increase in vehicular movements. If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would result in any increased danger adjacent to a public right of way then adequate signage and fencing should be provided. Alternatively if the works would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided. This can be arranged through Sarah Hooper on 01823 483091.

COUNTY HIGHWAY AUTHORITY – No Observations

RIGHTS OF WAY OFFICER – The access track used by the kennels carried the public bridleway T17/70. Should the application be approved then the increased volume of vehicular traffic to the site will necessitate the implementation of effective health and safety measures to protect the well-being of would-be walkers, horse traffic and cyclists.

Representations

No of Representation Received: 0

In Favour: 0 Against: 0 Petition: 0

FOUR LETTERS OF OBJECTION RECEIVED on the grounds of:

- Increased noise pollution
- Increased traffic
- Fouling on grass verges
- Suggests that any increase in dogs should be limited and a condition attached to reduce noise pollution.
- Raises concern that work has already started.
- Queries whether authorised licence quota has increased

PLANNING POLICIES

PPS7 - Sustainable development in rural areas

STR6 - Development outside towns, rural centres and villages

S&ENPP5 - S&ENP - Landscape character

S1 - TDBCLP - General requirements

DETERMINING ISSUES AND CONSIDERATIONS

The proposed development involves alterations and re-arrangements to the existing well-established business. It is not proposed to expand the business significantly.

The existing reception building is a white render and corrugated sheet low linear building. The extension will replace the flat roof element. It will come forward of the existing building but is of similar design and materials and is not considered to detract from the existing building or be out of keeping with the range of style buildings within the site. The cattery pen and kennel extension are in keeping with other structures within the site. All are low structures, which are no higher than existing buildings on the site and are screened from the surrounding landscape by either existing buildings or mature trees and hedges.

A public bridleway crosses the front of the site. The extension will come close to it but will have no significant adverse affect on it. A note to the applicant is attached below concerning health and safety. As the proposals will be the re-organisation of the existing business and will not involve a significant increase in business activity or traffic movements, there should be no material increase in noise and disturbance beyond the level currently experienced. The proposed extension and new kennels are well within the site and will not come closer to any neighbouring properties. It is not therefore

considered that the proposal will result in any increased impact upon neighbouring amenities.

Whilst the site lies close to both Flood Zones 2 (medium risk) and 3 (high risk), it is actually outside of the Flood Zones, as identified by the Environment Agency and therefore there are no concerns regarding flooding.

At the time of writing the report, work on site is well underway and it is understood that aspects of the development have already been completed.

RECOMMENDATION AND REASON(S)

The proposed alterations are associated with the established use of the site and are not considered to adversely affect the character and appearance of the surrounding countryside. There will be no significant increased impact on residential amenities beyond the level currently experienced and there will be no harm to highway safety. As such, the proposal is in accordance with policy P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and policy S1 (General Requirements) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S)

1. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

Not Applicable

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468

38/08/0459

GADD HOMES

ERECTION OF 6 DETACHED FOUR BEDROOM HOUSES AND 2 LINK DETACHED 4 BEDROOM HOUSES ON PART OF REAR GARDENS OF 12-28 STOKE ROAD TAUNTON ACCESSED OFF HARP CHASE TAUNTON AS AMENDED BY LETTER DATED 5 NOVEMBER 2008 AND PLANS A2005 152 PL001A - 008A

323858:123360

Full Planning Permission

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PROPOSAL

The proposal is to erect 8 dwellings on the north side of Harp Chase, Taunton in the rear gardens of 9 properties in Stoke Road. The scheme involves 6 detached properties and a linked pair with access drives off Harp Chase. The design and layout have been revised to move the dwelling on plot 1 away from the boundary and to change the design so it is lower and there are no longer any half hip roofs to the scheme. Landscape planting is proposed including the replacement of 3 TPO cherry trees that are in poor condition.

SITE DESCRIPTION AND HISTORY

The site consists of a row of 9 back gardens of Stoke Road properties with boundary hedges and fences subdividing them including onto Harp Chase at the rear. Previous outline permission was granted in 2005 for a dwelling to the rear of 26 Stoke Road.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HIGHWAYS DEVELOPMENT, GROUP MANAGER - From the plans provided and visiting the site it is apparent that construction of new accesses would require the relocation of 3 street lights. The relocation of the light columns would have to be approved by the Highway Lighting Engineer before development commenced. The Design and Access Statement indicates surface water run-off from the site will discharge to an existing main sewer. Where an outfall, drain or pipe is discharged into an existing drain or watercourse not maintained by the Highway Authority written evidence of the consent of the authority or owner responsible for the drain will be required. Any surface water from private areas will not be permitted to discharge out onto the existing publicly maintained highway. Prior to works being undertaken a condition survey of the existing highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of the development is to be remedied by the developer before occupation of the development. Contact should be made with the Highway Service Manager to arrange for such a survey to be undertaken.

The Local Transport Plan Parking Strategy requires that 4 bedroom dwellings should

provide a maximum of 3 spaces per dwelling. In terms of the driveways provided they should be a minimum of 6m in length to allow sufficient room for a vehicle to park without impeding opening the garage door. The proposal will utilise the existing junction of Harp Chase with Shoreditch Road. The junction has good visibility in either direction. However Harp Chase currently serves 21 dwellings and a nursing home. The proposal will see nearly a 50% increase in the amount of dwellings using the Harp Chase, but due to the nature and design of the road and junction I am of the opinion that the highway will be able to accommodate this increase in traffic movements. Therefore on balance I raise no objections to this proposal and if planning permission were granted I would require conditions on surfacing the access, dropped kerbs and vehicle cross-overs, disposal of surface water and inward opening garage doors being 6m from the boundary. Note re highway construction works.

TECHNICAL SERVICES - DRAINAGE - I note that surface water discharges from the proposal are to connect directly to the mains sewers. There is no indication that SUDS techniques have been explored as a means of surface water disposal as required in PPS25. The applicant should provide details of how SUDS techniques are to be employed and these should be agreed before approval is given.

LANDSCAPE OFFICER - The existing hedgerow has some ecological and amenity value although no trees of outstanding amenity value. The group of TPO trees in the western corner of the site provide an important amenity break but would be felled to meet the requirements of the layout.

NATURE CONSERVATION & RESERVES OFF. - Through the proposals I am concerned that protected species and a UK BAP species will be affected because of the proposed removal of all trees and shrubs and established garden habitat on site.

Bats - My concern is that bat flight lines identified in the report may be affected through the removal of existing trees and shrubs. The report recommends an evening survey undertaken in May-June to determine flight lines and any necessary mitigation. I note the results of such a survey have not been submitted and I advise that we need to see further comment on this from the ecological consultant before the application can be determined.

Hedgehogs - The report identified that the gardens are suitable hedgehog habitat. Hedgehogs are a UK BAP priority species and I therefore support the report recommendations for careful work.

Breeding birds - Habitat will be lost and the timing of works will be an issue.

Reptiles - The report identifies areas of rough grass in some gardens that are suitable habitat for reptiles and I support the report recommendations for a safe capture and removal programme to be undertaken and this should be conditioned.

THE PLANNING LIAISON OFFICER, WESSEX WATER - The development is in a sewered area with foul and surface water sewers. The developer proposes disposal of surface water to the main sewer and the Development Engineer should be contact to discuss an acceptable discharge rate. It will be necessary to agree points of connection to our system, including for water supply and this should be agreed with Wessex Water prior to commencement. The developer should check with Wessex Water to ascertain whether there are sewers or mains that may be affected by the proposal.

WARD COUNCILLOR: Supports objections of residents on basis of parking issues, damage to vehicles and tightness of access. It is important that unobstructed access to the nursing home is maintained and any increase in on-street parking would be detrimental to the safety of the home. The property at plot 1 will detrimentally impact on the neighbours at 17-21 Harp Chase with overlooking making the gardens almost unusable. Number 19 will have their boundary filled with the side wall of the proposed house which will cause the garden to be without sunlight until lunchtime due to the

closeness of the proposal.

Representations

No of Representation Received:	24		
In Favour: 0	Against: 22	Petition:	0

22 LETTERS OF OBJECTION raising the issues of additional parking on the road, traffic increase, pollution, congestion, road too narrow, will lead to parking on the pavement, problem for deliveries, servicing of nursing home, ambulances and refuse collection lorries, affect emergency access, access to drives, loss of trees, impact on pedestrians, children play in road, cramped form of development, size, nature and location will adversely affect the character of the area, housing out of character, visual intrusion, noise impact, loss of quality of life, loss of property value, unacceptable impact on public safety, increase accidents at Shoreditch road junction, proposal an ill-fated business venture, loss of amenity, privacy and loss of green aspect of the area, loss of mature cherry trees and hedge and wildlife potential, TPO trees not replaced, overshadowing and overlooking of private gardens and rooms, noise and pollution from driveway, hedges will obstruct driver's views, loss of long garden properties, loss of privacy of existing gardens, loss of trees and cul de sac not suitable as an access.

PLANNING POLICIES

STR1 - Sustainable Development

STR4 - Development In Towns

S&ENPP1 - S&ENP - Nature Conservation

S&ENPP33 - S&ENP - Provision For Housing

S&ENPP48 - S&ENP - Access and Parking

S&ENPP49 - S&ENP - Transport Requirements Of New Development

S1 - TDBCLP - General Requirements

S2 - TDBCLP - Design

C4 - TDBCLP - Standards Of Provision Of Recreational Open Space

M4 - TDBCLP - Residential Parking Provision

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the design, the amenity impact of the dwellings on existing residences, the wildlife and landscape implications and access and parking.

The proposal is to erect 8 dwellings on the ends of the rear gardens of 12-28 Stoke Road with accesses out onto Harp Chase. The current properties have 50m plus long rear gardens and the proposal will still maintain rear garden lengths of over 25m for the existing properties. The new plots proposed are approximately 10m x 25m and are considered to be of an appropriate size to accommodate the dwellings proposed. The scale of two storey development is also considered appropriate and in keeping with the character of the area.

Concern was raised in terms of the design of the half hipped properties and impact of plot 1 on the existing properties to the west in Harp Chase. A number of neighbour objections have also been received raising these issues. The scheme has since been

revised to change the design so as to delete the half hip roof design from the proposal. The design of plot 1 has thus been changed to give a full hipped roof. This has meant a reduction in the height of the ridge from 8.4m to 7.9m. In addition the dwelling has been set a further 1m away from the boundary so the building is 10m away from the rear wall of the existing property in Harp Chase. These amendments are considered sufficient to render the proposal acceptable in terms of its impact on the adjacent properties, subject to an obscure glazed condition in respect of the window serving the ensuite in the side elevation.

The proposal involves the re-use of existing garden areas and the removal of trees and shrubs will be required to provide the development. A wildlife report has been submitted with the proposal and no loss of protected habitat has been identified. Mitigation measures have been suggested in terms of site clearance and reptile safeguarding and the conditioning of these matters together with a suitable landscaping condition to secure replanting of trees and hedges is considered necessary to secure habitat replacement in accordance with PPS9 as the submitted landscaping scheme is not considered adequate.

The site lies within the existing built up area of the town and the site is served by an adopted highway that is considered suitable by the Highway Authority to serve as a means of access to the proposed site. The junction onto Shoreditch Road is considered suitable to cope with the traffic created and parking for 2 vehicles for each property is provided within each plot. This is more than required in the Local Plan policy M4. Whilst a considerable number of objections have been made on access and parking grounds, in light of the Highway Authority comments and policy it is considered that the access and parking provision is acceptable and there are no grounds to object to the proposal on this basis. Conditions with regard to drive surfacing, access provision and removing rights to convert garages are considered appropriate.

The scheme provides for 8 new dwellings and a requirement for leisure and recreation provision is therefore triggered. The provision for the necessary contribution will need to be secured through a Section 106 agreement and it may be possible to agree to secure this by condition if necessary.

RECOMMENDATION AND REASON(S)

Subject to no further representations raising new issues by the 22nd November the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and subject to a S106 for Leisure and recreation contributions being signed by 24th November Permission be granted with conditions of time limit, materials, landscaping, boundary treatment, meter boxes, obscure glazing, site clearance, reptile mitigation, access surfacing, dropped kerbs, retention of garaging without conversion to habitable accommodation, no extensions to plot 1 and note re Highway construction works and wildlife.

Subject to no Section 106 being signed by the 24th November authorisation be given to refuse the application on the basis of a lack of leisure and recreation provision in compliance with Taunton Deane Local Plan policy C4, unless the applicant agrees an alternative grampian condition.

The proposed development is considered an appropriate use of brownfield garden land in a sustainable location and the design and layout is not considered to significantly

adversely impact neighbours' amenity or access and traffic in the area and the proposal is considered to comply with Taunton Deane Local Plan policies S1, S2, M4 and C4 and material considerations do not indicate otherwise.

RECOMMENDED CONDITION(S)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990, (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s)

is/are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Prior to the occupation of the development hereby permitted, all drives and turning areas shall be surfaced in materials to be agreed in writing by the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To safeguard the local character of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

6. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) and upper-floor windows installed in the east and west elevations of Plots 1 and 8 shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

8. No site clearance works or development (or specified operations) shall take place between 1st March and 31st July without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

9. Development shall not commence until details of a scheme designed to avoid killing or injuring slow worms has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard species which are specially protected by law. Adders, grass snakes and slow worms are all protected under Section 9(1), (9)(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in PPS9.

10. The buildings shall not be occupied until a means of vehicular access for each plot has been constructed including the provision of drop kerbs at the carriageway edge and a vehicle cross over constructed across the footway fronting the site for the width of the accesses in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and shall not be converted to additional habitable accommodation.

Reason: To ensure that there are satisfactory parking facilities available off street in the interests of highway safety in accordance with Somerset & Exmoor National Park Joint Structure Plan Review policy 49.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part 1 Classes A to E of the 1995 Order other than that expressly authorised by this permission shall be carried out on Plot 1 without the further grant of planning permission.

Reason: To prevent over development and any adverse amenity impact on the adjacent housing in Harp Chase in accordance with Policy S1(D) of the Taunton Deane Local Plan.

NOTES:

1. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

HEDGEHOGS. As hedgehogs have been seen in the survey area it is recommended that the development site be carefully checked prior to work commencing. Any individuals found should be safely caught and removed to a safe location nearby. (Given their life cycle this hedgehog check is best made in the spring or autumn immediately prior to work commencing.)

2. The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager at Somerset Highways, Burton Place, Taunton (0845 3459155). He will be able to advise on and issue the relevant licenses necessary under the Highways Act 1980 (Section 184).

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

OUTLINE APPLICATION FOR ERECTION OF 7 AFFORDABLE HOUSES AND 2 AFFORDABLE FLATS ON (AMENDED SCHEME TO 42/2008/002), DIPFORD COTTAGE, DIPFORD ROAD, TRULL

320754:122181

Outline Planning Permission

—

PROPOSAL

The proposal seeks outline planning permission for the erection of nine affordable units with associated parking and access. As the application is for outline permission, indicative plans have been submitted to show how the proposed development is envisaged. The layout is for a pair of semi-detached cottages, a group of two flats and a 3 bedroom cottage and a row of four terrace houses. The dwellings are all two storey with a simple design, with 2/3 bedrooms. The proposal is for 2 x 2 bed flats, 1 x 2 bedroom house and 1 x 3 bedroom house for renting and 2 x 2 bedroom and 3 x 3 bedroom houses for sale at a discounted rate capped at 70% market value. Access is proposed to run from the west of the frontage of the site, perpendicular to the rear of the site, where two car parking spaces per dwelling are proposed. There is amenity space to the front and rear of each house plot, and each dwelling has a pedestrian access at the front.

A housing needs survey was submitted with the application, which was carried out by Trull Parish Council and the Community Council for Somerset's Rural Housing Enablers. In summary the survey found that 18 households have a need for affordable housing in Trull Parish. There has been a follow up survey carried out by Falcon Rural Housing which identifies a specific need of 9 units within the parish from the earlier survey. An assessment has also been made assessing the suitability or availability of 25 other sites.

SITE DESCRIPTION AND HISTORY

The site is approximately 0.3 hectares and is located to the west of Trull, and 3km south west of Taunton Town Centre. The site is currently vacant and was previously probably an orchard. The nearest settlement is Trull, which has a limited range of facilities and the local public transport services are infrequent. Previous permission for 8 affordable houses was refused in May this year on grounds of sporadic development in the countryside contrary to policy and detrimental to the character and appearance of the area, overdevelopment out of keeping with the properties in the area and reliance on the use of private vehicles fostering the growth in the need to travel contrary to policy.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE OFFICER: The proposed development will have a detrimental impact on the rural character of the area contrary to EN12. If however the proposal is recommended for approval the suggest further reinforcement of the northern boundary to maintain a strong countryside edge to the development. The existing proposals have a two non hedgerowed areas to the east and west of the northern hedgerow that should be filled. Otherwise detailed landscape proposals and protection of existing trees should be provided.

NATURE CONSERVATION OFFICER: The ecology report identified apple trees that are suitable for bats to roost; badgers traverse the site and although no setts were found it is possible there are setts concealed within scrub; birds may nest in vegetation on site. Other protected species have been discounted due to lack of suitable habitat and connectivity. I support the recommendations in the executive summary and in addition advise that any trenches on site are covered or have ramps to allow animals such as badgers to escape. In applying PPS9 and because potential bat roosts may be lost I recommend future provision for birds to nest and bats to roost should be a requirement planning permission - eg. appropriate boxes.

DRAINAGE OFFICER: I note SUDS techniques are to be employed in the proposal. A condition should be attached to any approval given that no works commence until a comprehensive surface water drainage system has been approved by the Authority. With regards to foul drainage I note a private sewage treatment plant is proposed. The EA should be consulted on this matter as their consent to discharge to an underground strata is required and this again should be a condition of any approval given.

HOUSING OFFICER: The Housing Enabling Manager fully supports this application for 9 affordable homes. As a result of the housing need survey the need is established. Whilst it is difficult for some to accept new development in a rural area these homes are for local people who are already there or have a close local connection. This development will go some way towards reducing the current need.

LEISURE DEVELOPMENT MANAGER: In accordance with Policy C4 provision for play and active recreation must be made. A contribution of £1023 for each dwelling should be made for the provision of facilities for active outdoor recreation and a contribution of £1785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked and spent in locations accessible to the occupants of the dwellings.

FORWARD PLAN UNIT: This proposal involves the development of an unallocated greenfield site beyond the defined limits of a settlement, where there is strict control of new development.

New housing is not normally permitted unless it meets one of the limited number of exceptions to the policy of strict control. One of those exceptions is in relation to affordable housing needed to meet local needs (TDLP policy H11). The policy only applies to villages and rural centres, and although Trull is a village, in planning terms it is an 'associated settlement' in view of its being linked to the built-up area of Taunton. However, for the purposes of the current proposal policy H11 provides an appropriate starting point for the consideration of its merits. The policy contains a set of criteria against which proposals for exception sites for affordable housing should be considered. However, it also states categorically that such sites should be either within or adjoining the identified limits of a village or rural centre. The application site does not do so, as it is located several hundred metres from the nearest point of any settlement limit. It therefore fails to meet this basic requirement, which is designed to ensure that such proposals are well-related to existing development and local facilities.

If the proposal were to be considered against the five criteria of the policy:

- (A) Requires evidence of local need for affordable housing. This appears to have been met by the Housing Needs Survey which has been conducted in Trull parish.
- (B) The applicant's supporting statement contains an analysis of alternative sites, which suggests that a large number of potentially more appropriately-located sites are either not suitable or not available, although issue could be taken with some of the assumptions made.
- (C) Should be satisfied, through the involvement of Falcon Housing Association on the social rented units and suitable arrangements secured through a S106 Agreement for the discounted market homes.
- (D) No high value housing included.
- (E) An issue for detailed consideration by the Development Control case officer.

In summary, the proposed location is inappropriate in relation to the delivery of sustainable development, in that it is remote from local services and facilities and does not enjoy convenient access to public transport facilities. It is likely, therefore, to result in increased travel which is more likely to be made by private car. However, the delivery of affordable housing to meet the substantial and increasing scale of local need is a high priority in planning terms, and for the Borough Council from a corporate perspective. Some evidence has been submitted to demonstrate the difficulty in finding sites for such housing in the locality in the short term. In reaching a decision, due weight should be given to this factor, and a careful assessment made of how this compares to the degree and scale of conflict with planning policy.

COUNTY ARCHAEOLOGIST: There are no archaeological implications to this proposal and we have no objections on archaeological grounds.

WESSEX WATER: The site is not in a Wessex sewered area and the developer has indicated disposal to a package treatment plant. The disposal of surface water is to sustainable drainage system and soakaways. It is advised you be satisfied with the arrangement for the disposal of foul and surface water flows generated by the development. There is a water main in the vicinity and a point of connection can be agreed at detailed stage. The developer should check with Wessex Water concerning uncharted sewers or mains.

CIVIC SOCIETY: The Civic Society object and do not consider the changes improve the scheme in any significant way and they make no difference to our reasons for objection. This greenfield site is outside the settlement boundary. Car use is very likely to increase. The development proposed is quite intensive for a rural setting and will harm the character of the area. As it does not adjoin the settlement of Trull it cannot be justified under policy H11. Despite the claim of the Design and Access Statement we consider that Appendix 3 of the document simply illustrates that much more suitable sites may become available and that this site is one of the least suitable. Residents would drive to and from the site not only for convenience but for safety reasons: the site is near a bend, a road on which traffic can be quite fast, unlit for much of the way into Trull with an inadequate footway. This footway is not safe now and hedge trimming would not make sufficient difference to its width to make it safe. In any case it cannot be widened where it runs along the garden wall of Dipford House and the last sentence of 9.2 in the Design and Access Statement is patently untrue. The site thus fails policy H9(C). The unsustainable proposal is exactly what RPG10 (and the RSS now approaching completion) and current central government guidance seeks to avoid - a development that will generate additional traffic. In fostering the growth in the need to travel it is in direct conflict with Somerset & Exmoor National Park Structure Plan saved policy STR6. Quite simply the site is inappropriate.

COUNTY HIGHWAY AUTHORITY: The proposed development site is located outside of any development limit, remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

It has been indicated within the Design and Access Statement, that the development will only be occupied by families already resident in Trull, the Planning Officer may wish to confirm if this can actually be imposed and subsequently enforced. Irrespective of where the occupiers currently live or come from, the location of the development and the lack of services, facilities outside of the recommended distances would mean that the occupiers will be reliant on private vehicles, therefore fostering growth in the need to travel. Just because an individual or family may have local links, this will not necessarily mean that the need to travel will be reduced as a result of family connections. I therefore disagree with these statements and consider that little weight should be given to them.

Notwithstanding the aforementioned comments, Policy 35 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy H11 of the Taunton Deane Local Plan, state that there are exceptions whereby small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centre providing they meet the appropriate criteria. Therefore its acceptability from a planning perspective must be a matter for the Local Planning Authority, and whether the proposal meets this criteria set out by Policy H11. According to the application form, this is an outline proposal with all matters reserved apart from access. In detail, the proposal derives access from/onto a classified unnumbered highway which is subject to the national speed limit. No information has been submitted regarding traffic speeds in this location, however the observed speed of traffic would appear to be in the region of 40mph. Therefore the Highway Authority, would recommend that visibility at the point of access where the private access meets the public highway should be based on minimum coordinates of 2.4m x 90m in each direction to the nearside carriageway edge. There shall be obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level. Therefore it will be necessary to construct the 850mm high boundary wall fronting plots 3 and 4 behind the splay. The new footway can be widened up to the back of the splay. I would also recommend that a 2.4m back and parallel splay across the site frontage to the west given the curvature of the highway and to avoid any blind spots. This is in addition to the 90m.

It would appear that the required splay to the east may be difficult to achieve, as it will encroach onto third party land. Re-siting the access as part of this application, does not appear to have resolved this issue. Given that the proposal is located in what is considered an unsustainable area, I would recommend that the maximum parking standard be applied in this location for this development, which would equate to 2 spaces per dwelling. This provision has been set out on the submitted plan together a turning area to enable vehicles to enter and exit the site in a forward gear.

For information there is a footway (located on the opposite side of the carriageway) that links the site to the site to Trull, the nearest bus stop, local shop and school and are all in excess 400m away and outside of the target distances set out in RPG10. It has been stated under 9.4 of the Design and Access Statement, that: *"it is acknowledged the*

footpath is not of a width which would be acceptable in a new residential estate. It is however comparable to footpaths in many village and urban locations and are often used much more intensively than here. Given that it is part of the existing public highway network, if it were to be inherently unsafe as was suggested by the objectors, then it is the responsibility of the Highway Authority to address this, regardless of any development proposals”.

The footway is narrow in places making it difficult for wheelchairs or users of prams/pushchairs etc, in addition it is unlit and therefore not considered to be an ideal pedestrian route, and it is maintained to an appropriate level for its current use. Whilst the maintenance of the footpath may be the responsibility of the Highway Authority, as part of new development if sustainable transport initiatives are to be encouraged, and people are going to be expected to walk, the existing facilities need to be of a suitable standard if they are expected to be utilised or contributions made by developers to bring them up to an suitable standard. I have spoken to the Area Highway Office and there are no plans for improvements to this footpath other than surfacing works.

The following highway related comments have been made as a result of looking at submitted drawing number **3943/08**.

1. The new footways fronting the site shall be constructed to Somerset County Council specifications.
2. The proposed footway construction along the site frontage shall not impinge upon the existing carriageway width through Dipford Road, an extract of highway record is enclosed for information.
3. A Section 38 Agreement will not be required here as the site is to remain within private ownership. The Highway authority would be willing to adopt the footway fronting the site together the first 5.0m of the access road and associated visibility splays under a Section 171 Agreement.
4. Where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.
5. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. The applicant/developer is encouraged to contact the Highway Service Manager on 08453459155 and make arrangements for such a survey to be carried out.
6. It has been noted that soakaways are to be used for draining storm water from this site. The use of soakaways is dependent upon the proven existence of highly permeable strata below the surface. In-situ percolation tests should be undertaken in accordance with the BRE Digest 365.
7. Due to the fact that the internal service road is to remain private, no surface water from the site will be allowed to drain out onto the existing public highway and vice-versa. This will depend upon finished carriageway levels. This comment also applies to the private access paths.
8. Can the applicant please advise as to how future maintenance operations of the site will be carried out?
9. The internal private footway has been widened to 1.5m as part of this proposal, which

will enable the movement of disabled pedestrians, and is in accordance with 'Dept. of Transport - A Guide to Best practice on Access to Pedestrian and Transport Infrastructure'.

10. It has been noted that private access paths will provide a direct link out onto Dipford Road. The provision of such paths sometime result in/encourage 'on street' parking within Dipford Road, however the maximum parking standards are being applied therefore there should be no cause not to use this provision.

11. Tactile paving will be required across the site entrance set out in direction of travel in accordance with 'Guidance on the use of Tactile Paving Surfaces - Dept. of the Environment and the Regions 1998'.

12. Tie into Dipford Road - Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm.

13. The proposed 850mm high boundary wall fronting plots 5-8 can be set at the back edge of the visibility splay. Drawing **3874/07** currently shows a thin length of verge between the wall and the back of the visibility splay.

14. 'Estate Roads in Somerset - Design Guidance Notes' recommends the use of 6.0m junction radii for access roads, this has been shown for this latest proposal.

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

Taking the above points into consideration I would request further information is submitted addressing the issues raised above.

PARISH COUNCIL: Trull Parish Council supports the application and suggest TDBC review the access onto the highway and SCC review the speed limit in Dipford Road and consider an extension of the enforcement area.

Representations

No of Representation Received:	18		
In Favour:	3	Against:	14
		Petition:	0

15 letters of objection on grounds of Dipford lies some distance outside the settlement limit of Trull, on a dangerous bend, speed of traffic, road is very busy, road used by emergency services at high speed for access to the M5, large vehicles mount the pavement, it is particularly dangerous during rush hour and after dark, cycling is dangerous, there have been accidents here in the past, pedestrians would have to cross the road to reach the pavement, narrow footpath with no space for prams and totally inadequate for 2 people, a buggy or wheelchair, the access will not be visible to traffic from the west, the site is not near shops, the Parish school is full to capacity, flooding in the winter would be exacerbated, drainage is bad and the site is too remote from centre of the village. The planning statement is misleading as the site is outside the settlement area of Trull and there is not safe pedestrian access and no way to make it safe. There will be an increase in traffic. It would marginalise occupiers on low incomes and unable to integrate fully in the community, traffic problems at junction of Dipford and Honiton Roads; all original survey respondents did not comply with needs definition and dwelling mix does not reflect need; if occupants are already in Trull they could walk to services, however moving to this site would mean a 600 yards walk to a bus stop and services, vehicles for 9 families would be concentrated in a small area outside the village rather than scattered around the village, the road floods within 100m of the proposed site, unclear why in appendix 3 the centre is chosen when the village centre is further away. The proposal will have a landscape impact on 3 properties

across the road. It is contrary to policy H9(C), there is no pedestrian crossing to shop, post office or school, Policy H11 does not apply as Trull is not a rural village, suitable sites are conveniently dismissed, the hamlet is not in need of 9 dwellings, it will destroy the character of the area with suburban development in a rural setting. It would result in the loss of peace, privacy and cause overlooking. The previous reasons for refusal are still valid.

3 letters of support on the basis of meeting need, the site is the most suitable available, there is good access, it is adequate, while the footpath is narrow most roads don't have a footpath at all, the road could be made safer with a speed restriction.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS7- Sustainable Development in Rural Areas

Regional Planning Guidance for the South West

HO3 - Affordable Housing

TRAN1 - Reducing the Need to Travel

Draft RSS

SD1 - The Ecological Footprint

SD2 - Climate Change

H1 - Affordable Housing

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development Outside of Towns, Rural Centres and Villages

Policy33 - Housing

Policy35 - Affordable Housing

Policy48 - Access and Parking

Policy49 - Transport Requirements of New Development

Taunton Deane Local Plan

S1 - General Requirements

S2 - Design

S7 - Outside Settlements

H11 - Rural Local Needs Housing

M4 - Residential Parking

C4 - Provision of Recreational Open Space

EN12 - Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in considering this proposal are the policy considerations, need for affordable housing, amenity impact, access and sustainability in terms of the location. The site was considered by Members in May this year when it was refused.

The site is located in open countryside, outside of the designated settlement limits of Trull and Taunton, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure Plan (STR6) and Local Plan Policy (S7 & H11) allow as an exception for the development of affordable

local needs housing sites, where there is clear evidence of local need and providing the site is within or adjoining the village. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

In order to demonstrate the requirement for affordable housing provision to accord with the exceptions policy a rigorous local needs survey is required. The local needs assessment that was carried out to justify the type and number of dwellings proposed was carried out by the Community Council and this was further assessed by Falcon Rural Housing's own assessment. Planning Policy Statement 3 - Housing makes it clear that proposals for affordable housing should reflect the size and type of affordable housing required (paragraph 23). Whilst the support of the Housing Enabling Officer is noted and the provision of 'affordable housing' is a Corporate priority, provision of exception housing must accord with the tests set out in Policy H11 and the aforementioned policy does not allow indiscriminate development of dwellings in the open countryside.

National Planning Guidance endorses that new houses away from existing settlements should be strictly controlled. Policy H11 clearly states that exception housing should be located within or adjoining settlement limits. In this respect the proposal fails at the first hurdle in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. The provision of exception housing must also be accommodated satisfactorily on site without compromising the form and character of the settlement or surrounding landscape to accord with the provisions of the policy. The proposal would represent an isolated and unwarranted intrusion into the predominantly rural surroundings.

The applicant has undertaken a survey and claims the proposed site is the most suitable available of 25 other sites looked at. Other sites identified adjoin the settlement limit and are ruled out on grounds of restrictive policies such as 'green wedge'. If affordable housing need is to override policy considerations it is my view that such sites should be looked at in preference to the current scheme. Even if the proposed site were considered to be the best available, it still has to not harm the character and landscape setting of the area. The site has a frontage of over 80m along this rural road and is well outside the settlement limit and is not considered to be an infill site. It would lead to more of a ribbon form of development in this rural location thereby detracting from the character of the area which is of sporadic housing. The harm to the area's character and the sustainability issues of the location are considered such to outweigh the housing need to be met in this instance.

The proposal would provide for 9 new dwellings sited in a row set back from the road frontage. The illustrative plan shows the properties set back approximately 16m from the wall of the properties opposite. The new properties would be set at a lower level than the existing and while there will be a loss of outlook and an impact on the amenity of the existing properties. However loss of view is not a reason to object and it is not considered that this relationship would cause such as loss of amenity through overlooking and loss of privacy to warrant refusal.

The proposal has been submitted with a wildlife survey of the site and the Council's Nature Conservation Officer recommends mitigation conditions for birds and bats as well as for badgers during construction. The Leisure Manager has identified a need for play and recreation facilities as a result of the development in accordance with policy C4 and has requested the provision of a contribution as part of a Section 106

Agreement should a permission be granted.

The County Highway Authority expresses a concern over the sustainability of the site, as occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs – such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10. The footway that links the site to Trull, the nearest bus stop, local shop and school are all in excess of 400m away and outside the target distances set out in RPG10. Furthermore the footway is narrow in places making it difficult for wheelchairs and prams/pushchairs etc, and it is unlit and therefore not considered to be an ideal pedestrian route. The Highway Authority also raise concern over the achievability of the visibility splays.

To conclude, it is considered that development does not accord with the provisions of Policy H11 for the reasons outlined in the report and should also be regarded as unacceptable from a landscape viewpoint and on sustainability grounds and in policy terms and it is not considered that the objections to development here are outweighed by the affordable housing need.

RECOMMENDATION AND REASON(S)

Permission be REFUSED for reasons of development in the countryside not adjoining the settlement and harming the rural character of the area contrary to Taunton Deane Local Plan policies S1(D), S2(A), S7, H11 and EN12 and unsustainable location fostering the growth in the need to travel contrary to advice in PPG13, RPG10, Somerset & Exmoor National Park Joint Structure Plan Review policies STR1 and STR6 and Taunton Deane Local Plan policy S1(B).

The proposed development does not immediately adjoin the settlement of Trull and as such would create a form of unacceptable sporadic development in the open countryside. The proposal would harm the rural character and appearance of the area and be contrary to the provisions of Taunton Deane Local Plan policies S1(D), S2(A), S7, H11 and EN12.

The occupiers of the development are likely to be reliant on private vehicles and such fostering the growth in the need to travel would be contrary to advice in PPG13, RPG10, Somerset and Exmoor National Park Joint Structure Plan Review policies STR1 and STR6 and Taunton Deane Local Plan policy S1(B).

RECOMMENDED CONDITION(S)

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

MISCELLANEOUS REPORT

PLANNING APPLICATIONS:

48/2005/072 AND 48/2007/006

APPEALS BY REDROW HOMES (WEST COUNTRY), PERSIMMON HOMES (SOUTH WEST) – SITE AT MONKTON HEATHFIELD MAJOR DEVELOPMENT SITE, MONKTON HEATHFIELD.

Members will recall that a public inquiry was held on 1st, 2nd, 3rd and 8th April 2008 into the appeals against non-determination. The appeals were recovered to be determined by the Secretary of State rather than by the Planning Inspector because they raised policy issues which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

The Secretary of State's provisional decision to allow the appeals was received on 22nd October 2008. (The Secretary of State's letter is attached). (The Inspector's Report is available in full on the Council's website). The final decision is dependant upon the appellant's making amendments to their unilateral undertaking.

In allowing the appeals the Secretary of State accepts the Inspector's conclusion that the alignment of the Eastern Relief Road (ERR) into the Green Wedge means that the Consortium's argument that the proposal in accordance with the development plan was a flawed one. The proposal is not only contrary to the development plan, but the impact upon the Green Wedge is identified as the key consideration. However, whilst accepting that the proposal does not accord with the plan, the Secretary of State agrees with the Inspector's initial view that (contrary to the evidence presented by the Council and the views of the Local Plan Inspector), the adverse impact of the Consortium's ERR alignment on the Green Wedge, compared with the Local Plan alternative, is likely to be "at worst slight". In the absence of demonstrable harm there is therefore no reason not to allow the development to proceed.

Both the Inspector and the Secretary of State address the issue of the Committee resolutions to grant permission in respect of applications that accord with the Local Plan alignment. Whilst, they consider that to dismiss the appeals may not have significantly affected the delivery of the scheme, the Secretary of State has given significant weight to the current shortfall of Housing Land Supply against the increased EIP figures in respect of the emerging Regional Spatial Strategy.

The Secretary of State was not satisfied with the Consortium's proposal in respect of affordable housing and has therefore requested an amendment to the S106 obligation removing the provision relating to discount market housing to be replaced by a mechanism for reaching agreement on the final split of tenures in the event of insufficient demand for the shared ownership units.

A number of conditions have been imposed including one requiring at least 10% of the energy supply of the development to be secured from decentralised or low-carbon energy sources.

Following the necessary amendments to the planning obligation the Secretary of State will issue her final decision, which she indicates will be on or before 18th December 2008.

MEMBERS ARE REQUESTED TO NOTE THE CONTENTS OF THE SECRETARY OF STATE'S LETTER DATED 22ND OCTOBER 2008.

Planning Committee – 19 November 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E107/08/2008
2. **Location of Site** 22 Hale Way, Taunton
3. **Names of Owners** Mrs S Hillburn & Mr R Wills. 22 Hale Way, Maidenbrook, TAUNTON. TA2 8PU
4. **Name of Occupiers** Mrs S Hillburn & Mr R Wills
5. **Nature of Contravention**
Fence erected over 2 meters in height

6. **Planning History**

The fence was first brought to the Councils attention in May 2008. Contact was made with the owner in June and an application was requested for the retention of the fence at the varying heights between 2.1m and 2.4m as measured from their side. In July a telephone call was received by the Senior Enforcement Officer who advised the owner that he would discuss the matter with the Planning Enforcement Officer on her return. Following this and from the information that was discussed regarding the increase of land on the adjoining properties the Senior Enforcement Officer wrote to the owners explaining Planning permission was required. A response was received in August 2008 setting out the reasons for the increase in height and in November 2008 a further letter was received saying they were not prepared to submit an application for the increase in height of the fence.

7.

When the owners first moved in to the property a native hedge was in situ with the boundary of Maidenbrook Farmhouse. This hedge was removed by the developers and the owners of 22 Hale Way therefore felt it necessary to erect a boundary fence. Over a period of time the developers and the owners of Maidenbrook Farmhouse have raised the ground level to their side. As a result earlier this year the owners felt the necessity to raise the existing fence to compensate for the ground level being raised in order to retain their privacy. A natural hedge has been planted on the owners side and is establishing very well. It is anticipated that in the future this will cover the fence and thus encourage wild life to return. It is not considered that the fence is detrimental to visual amenities of both properties such as to warrant taking enforcement action.

8. **Recommendation**

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:

Mrs A Dunford 01823 356479

Planning Committee –19 NOVEMBER 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E152/31/2008
2. **Location of Site** Barrow Corner, Lower Henlade
3. **Names of Owners** Mr & Mrs M Groves
4. **Name of Occupiers** Mr & Mrs M Groves
5. **Nature of Contravention**

The erection of a retaining wall over 1meter in height adjacent to the highway.

6. **Planning History**

The construction of a wall was first brought to the Councils attention in June 2008. A site visit was made and contact was made with the builder who was unaware that Planning permission was required. Discussions took place and it was agreed that the builder would submit a retrospective application for consideration to retain the wall. A telephone call was made to the builder at the beginning of July reminding him about the application and he advised that he just needed to complete the forms and they would be submitted. On the 16th July a letter was sent to the builder because the application had not been received and a copy of the letter was also sent to the owner. The owner was unhappy that the builder had not submitted the application, but was unaware that Planning permission was required. Prior to works commencing the owner had made enquires from the Highways department who visited the site and a local councillor and was advised everything was in order and no further permission were required. Once the owner was aware that Planning permission was required he submitted a Planning application at the end of July for the retention of the boundary wall but this was subsequently refused on 23rd September 2008 under delegated powers.

7. Reasons for Taking Action

The wall due to its scale and design, constitutes an undesirable intrusion into the rural area, to the detriment of the visual amenities of the locality. As such, the wall is considered contrary to Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). Also the erection of the wall will reduce the adequate visibility for vehicles turning right from the residential access and turning left at the T-junction, therefore it is prejudicial to road safety. The proposal is contrary to Taunton Deane Local Plan Policy S1 (General Requirements).

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the full removal of the unauthorised wall and reinstate the earth bank and take Prosecution proceedings, subject to satisfactory evidence being obtained that the notice has not been complied with.

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

CONTACT OFFICER:

Mrs A Dunford 01823 356479

Planning Committee – 19 November 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 0258/43/08
2. **Location of Site** Millstream Gardens, Wellington
3. **Names of Owners** Mr and Mrs Spurway, The Orchard, Hamfield, Tonedale, WELLINGTON TA21 0AD
4. **Name of Occupiers** Mr and Mrs Spurway
5. **Nature of Contravention**
Fence erected adjacent to highway
6. **Planning History**

A complaint was received on 30th September 2008 stating that gates had been erected at the entrance to The Orchard and posts were provided across the entrance to the lane which runs to the side of the property. The owners were contacted and informed that a planning application was required for the gates as they were over 1m in height adjacent to the highway. A further visit was made on 17th October 2008 when it was noticed that the fencing had been provided across the lane. The situation was discussed at length with Mrs Spurway and her contractor. Mrs Spurway stated that the new gates replaced existing gates that had become rotten. The new gates are of a slightly different design and height of those they replace. The fence across the entrance of the lane was erected to prevent it being used as a short cut. This access way is not a public right of way but has been allowed to be used for many years by Mr and Mrs Spurway as a short cut. However, a gate has been provided within the fence to allow access if required. As stated the works require planning permission but in principle the provision of a fence and gates of this design in this location would be acceptable. Mr and Mrs Spurway have declined to submit a planning application.

7.

It is considered that due to the design, scale and materials used for the fence and gates an application, if submitted is likely to be approved. In view of this Government guidance suggests it would not be expedient to take enforcement action over development that is acceptable to the Local Planning Authority.

8. **Recommendation**

No further action be taken

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

CONTACT OFFICER: Mrs J Hardy 01823 356466

PLANNING ENFORCEMENT PROGRESS REPORT

1 SUMMARY

- 1.1 This report presents information on the scope of activity undertaken in the Enforcement of Planning Control from the period January 1995 to date.

2 BACKGROUND

Context

- 2.1 As the Local Planning Authority (LPA) we have discretion to take enforcement action when we regard it to be expedient to do so in the public interest. In Planning Policy Guidance note 18: Enforcing Planning Control, the Government sets out the view that the integrity of the development control process:

- Depends on the readiness of LPAs to take effective enforcement action when it is essential, and
- Public acceptance is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the LPA to intervene before serious harm to amenity results from it.

Staffing

- 2.2 At present we have 3 members of staff within the Enforcement section. 2 Full time Officers and 1 part time support officer

- Senior Enforcement Officer (John Hardy)
- Enforcement Officer (Ann Dunford)
- Enforcement Support Officer (Rebecca Staddon)

- 2.3 Planning enforcement is a technically complex component of the development control regime. To be effective it requires cooperation between people with experience in a range of disciplines. In particular we work closely with:

- Solicitors
- Area Planning Managers
- Development Control Officers
- Conservation Officer
- Ward Councillors
- Parish Councils

Overview of Activity

- 2.4 We investigate potential breaches of planning control and take steps to resolve breaches, which are identified. We also check compliance with Planning Conditions and now under the new Government regulations, which came into force on 1st April 2008, collect fees payable for the discharge of Planning Conditions. This also involves Rebecca in receiving details of the conditions and liaising with Planning Officers together with other statutory consultees and finally discharging those conditions.

BREAKDOWN OF COMPLAINTS RECIEVED AND RESOLVED (JAN – DEC per year)

Year	Complaints Received	Complaints Outstanding
1995	512	0
1996	443	1
1997	388	0
1998	308	0
1999	317	0
2000	340	0
2001	343	1
2002	330	1
2003	456	4
2004	454	13
2005	386	31
2006	427	65
2007	379	88
2008	303 as at 5/11/08	154

2.6 As can be seen by the above table it can take a considerable time to resolve some of the more complex cases. An additional delay can occur when the applicant submits an appeal against either the Refusal of Planning permission or the Enforcement Notice.

2.7 This is of course only one aspect of Planning Enforcement. Set out below is a table indicating the number of Notices that have been served and the number of Planning Applications received following investigations.

These figures are taken over the last 5-year period starting from April 2003

Year	Complaints Investigated	Enforcement Notices served	Stop Notices	Planning Contravention Notices	Breach of Condition Notices	Injunctions	Planning Applications received
2003/2004	401	9	-	7	2	-	128
2004/2005	462	10	3	12	4	-	116
2005/2006	376	7	1	-	2	-	96
2006/2007	420	13	-	2	5	1	90
2007/2008	370	31	3	2	9	-	178
2008/2009	184	2	1	-	3		62

2.8 The only records available in respect of the discharge of conditions are the number of letters sent out to each applicant reminding them that they need to submit details. This is set out below and is from 1st April 2008.

April	2008	259
May	2008	159
June	2008	217
July	2008	227
August	2008	132
September	2008 (to date)	233

Our Approach

2.9 In carrying out investigations and enforcement we:

- Acknowledge the complaint, investigate the current facts, including a site inspection and check the planning history.
- Provide advice and attempt to resolve the matter by negotiation or by submission of a retrospective planning application where appropriate.
- Ensure that action is commensurate with the breach of control to which it relates.
- Seek to keep interested parties informed.

Procedures

2.10 We have reviewed and improved procedures where necessary:

- Enforcement is included within the new Plantec computer system shortly to be implemented.
- Case records will be improved, cases are regularly reviewed and digital photography utilised within the new system.
- Weekly reports of complaints received are made to the Development Manager and Area Planning Managers.
- All authorised enforcement cases are discussed at a six weekly meeting with The Development Manager, Area Planning Managers, Solicitors and Enforcement Officers.
- It is intended that Members will be updated at Planning Committee on a six monthly basis on the progress of Enforcement matters.

Monitoring Development

2.11.1 The traditional approach to planning enforcement is to confine activity to mainly responding to complaints received. We have moved from this reactive approach to one of pro action. An example of this is that we contact each applicant following the issuing of a planning approval. An initial letter is sent to the applicant and requests information on the anticipated start date of the development. A further letter is sent following receipt of that information reminding the applicant that all pre commencement conditions must be discharged. This has resulted in approved developments being undertaken in full compliance with the approval. Closer links with Building Control have also assisted in the monitoring of developments whilst under way.

We also contact all applicants with temporary planning permissions prior to the permissions expiring. This is a time consuming exercise and has an affect on the already stretched resources of the Support Officer

Illegal Advertisements

2.12 Although certain advertisements can be displayed without the need for an application, other advertisements can be controlled in the interests of amenity and public safety. This is a large area of work. However, we have secured the removal of many illegal advertisements without the need to refer the matter to the Magistrates Court. This has lead to many Advertisers seeking our advice before displaying an advertisement and due to our robust approach has put many would be contraveners off from displaying an unauthorised advertisement.

3 POLICY CONTEXT

- 3.1 In February 2003 the Authority adopted an Enforcement Policy. This sets out target response times for dealing with complaints etc. An on line complaints form is also available which has proved successful. It is intended to make available copies of all Enforcement Notices served on line

4 RECOMMENDATION

- 4.1 **That members note this report**

Contact Officer

John A W Hardy 01823 356466

Appeal	Start Date	Application Number
Mr Sean Carr – 15 Parkfield Road, Taunton	13 Aug 2008	38/08/0145
Mr P Tomlin – Tapp Cottage, West Bagborough	21 Aug 2008	45/08/0002
Mr Richard Little – The Stores, Wrangcombe Road, Wellington	21 Aug 2008	44/07/0027
Wellington & District Conservative Club	27 Aug 2008	43/07/0188LB
Mr Wicks – 26 Ashbourne Crescent	09 Sep 2008	38/08/0160
Mr & Mrs Taylor – 24 Silver Street, Wiveliscombe	16 Sep 2008	Enforcement
Mr N Truby – The Tower, Combe Florey	22 Sep 2008	11/07/0014LB
Mr Ian Wright – Rosewood, Creech St Michael	24 Sep 2008	14/08/0017
Sainsburys Supermarkets – Hankridge Farm Retail Park	24 Sep 2008	48/08/0034 & 48/08/0035A
Mr N Truby – The Tower, Combe Florey	24 Sep 2008	11/07/0013
Mr Henry Small – Sunnydene, Cotford St Luke	29 Sep 2008	06/08/0046
Mr & Mrs Bown – 50 Hamilton Road, Taunton	29 Sep 2008	38/08/0124
L Keyte – Eastbrook House, Trull	03 Oct 2008	42/07/0051
Mr & Mr Dunn – Willows, Broom Lane, Oake	08 Oct 2008	07/08/0004
Mr RL Van den Broek – Great Herswell Farm	13 Oct 2008	42/08/0024
Mrs Hilda Williams	14 Oct 2008	05/08/0040
Mr Mott – Handycross Farm	22 Oct 2008	22/08/0006

Appeal Decisions for September 2008

1 Appeal Decision = 100% Dismissed

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

Appeal	Proposal	Reason/s for initial decision	Application Number	Decision
Mr Colin Page - 1 Parkfields, Wellington Road	Erection of garage to side.	Garage in prominent position & unsatisfactory design/materials.	38/08/0040	Dismissed 29 Sep 2008

Appeal Decisions for October 2008

Eight appeal decisions – 6 dismissed and 2 allowed. 75% Dismissed.

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

Appeal	Proposal	Reason/s for initial decision	Application Number	Decision
Mr G Hunt – Fideoak Mill	Retention of residential timber framed lodge	Contrary to Policies EN28, PPS25 & S7 of TDLP & STR6 of SENP	05/07/0051	Dismissed 1 Oct 2008
Mr Andrew R Johnson – 3 Silver Street, Wiveliscombe	Change of use from office to takeaway	Appeal against conditions attached to approval	49/07/0074	Allowed 1 Oct 2008
A & J Raucki – 26 Church Street, Bishops Lydeard	Erection of 2 no detached houses at rear	Conflicts with TDLP Policies S1, S2, EN14 & PPG15	06/08/0029	Dismissed 21 Oct 2008
Mr Alan Jenkins – Dairyhouse Barn	Erection of single storey front extension	Contrary to TDLP Policies S1, S2 and H17	51/07/0012	Dismissed 16 Oct 2008
Mr & Mrs Gallagher – White Street, North Curry	Erection of detached dwelling and garage with access	Contrary to TDLP policies S7 & EN8. Also SENP policies STR6, 11, STR5 & EN12	24/08/0015	Dismissed 21 Oct 2008
Mr & Mrs Gibbs – Hatch Court	Opening up of two blind windows and installation of sash windows to match existing	SENP Policies 9 & PPG15	19/08/0001LB	Allowed 02 Oct 2008
Loadace Ltd – The White Hart Inn	Demolition of public house and erection of a terrace	H9 of TDLP	24/08/0021	Dismissed 10 Oct 2008
Miss Fiona Quick – Frog Lane Barn	Conversion of barn to dwelling	TDLP S1, S2 & H7 & EN12	36/07/0019 & 36/07/0020LB	Dismissed 17 Oct 2008