



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 10TH DECEMBER 2008 AT 17:00.

(RESERVE DATE : MONDAY 15TH DECEMBER 2008 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 19 November 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. 10/08/0030 - Demolition of farm buildings and the erection of a residential development of 8 dwellings (5 market housing and 3 affordable housing), Newberry Farm, Taunton Road, Churchinford as amended by Plans 3961/08 and 08E received on 5 November 2008
6. E137/38/2008 - Banner signs along access road, Morrisons Supermarket, Station Road, Taunton Enforcement Item
7. 0145/44/07 - Continued occupation of mobile homes following expiry of temporary permission, Combe Farm, Ford Street, Wellington Enforcement Item
8. 47/2006/004 - Stationing of caravan outside the permitted area of the Slough Green site for residential purpose, Slough Green Caravan Park, Burnt House Copse, West Hatch Enforcement item
9. Planning Appeals - Appeal decisions received Appeals

Tonya Meers
Legal and Democratic Services Manager
02 December 2008

Tea for Councillors will 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 McMahan

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:



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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 – 19 November 2008

Present:- Councillor Mrs Hill (Chairman)
Councillors Bishop, Bowrah, Mrs Copley, Critchard, Denington,
Hayward, C Hill, House, Miss James, McMahon, Mrs Smith, Watson
and D Wedderkopp

Officers:- Mr T Burton (Development Manager), Mr G Clifford (Area Planning
Manager, South), Miss M Casey (Planning and Litigation Solicitor) and
Mrs G Croucher (Democratic Services Officer)

Also present:-Councillors Coles, Mrs Court-Stenning, Ms K Durdan, Edwards,
Ms Herbert, Stone and Williams

(The meeting commenced at 5.00 pm)

121. Apologies/Substitution

Apologies: Councillor Mrs Allgrove (Vice-Chairman) and Councillors Mrs
Floyd and Ms Webber.

Substitution: Councillor Hayward for Councillor Mrs Allgrove.

122. Minutes

The Minutes of the meeting held on 29 October 2008 were taken as read and
were signed.

123. Declarations of Interest

Councillors Bowrah, Mrs Copley and Critchard declared an interest in the
enforcement item relating to a fence at Millstream Gardens, Wellington as
members of Wellington Town Council. Although they had spoken on this item
they felt they had not “fettered their discretion”.

124. Applications 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:-

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

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**

Condition

(a) 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.

(Notes to applicant:- (1) Applicant was advised to ensure adequate noise insulation was incorporated into the construction of the kennels; (2) Applicant was advised that 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's 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).

Reason for granting planning permission:-

The proposed alterations were associated with the established use of the site and were not considered to adversely affect the character and appearance of the surrounding countryside. There would be no significant increased impact on residential amenities beyond the level currently experienced and there would be no harm to highway safety. As such, the proposal was 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.

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

38/08/0459

Erection of 6 detached four bedroom houses and 2 link detached four bedroom houses on part of rear gardens of 12-28 Stoke Road, Taunton accessed off Harp Chase, Taunton

Reason

The proposed development, by reason of the overbearing nature of Plot 1 in relation to the boundary with the Harp Chase properties (19 and 21), would be detrimental to residential amenity, contrary to Taunton Deane Local Plan Policies S1(D) and S2(F).

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.

42/08/0037

Erection of 7 affordable houses and 2 affordable flats at Dipford Cottage, Dipford Road, Trull

Reasons

- (a) 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.
- (b) The occupiers of the development are likely to be reliant on private vehicles and such fostering of 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).

125. Appeals by Redrow Homes (West Country), Persimmon Homes (South West), site at Monkton Heathfield Major Development Site, Monkton Heathfield (48/2005/072 and 48/2007/006)

Submitted for information details of the Secretary of State's provisional decision to allow the appeal at Monkton Heathfield Major Development Site.

A public inquiry had taken place in April 2008 into the non-determination of appeals. The appeals had been recovered to be determined by the Secretary of State rather than by the Planning Inspector as they raised policy issues that 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 final decision of the Secretary of State would be issued by 18 December 2008.

Resolved that the report be noted.

126. Fence erected over two metres in height at 22 Hale Way, Taunton

Reported that it had come to the Council's attention that a fence over two metres in height had been erected at 22 Hale Way, Taunton without planning permission being obtained.

The owners of the property had been contacted and they had explained that the fence had been increased in height to compensate for the raised ground level which had been created by the developers of adjoining land.

In the view of the Development Manager the fence was not detrimental to visual amenities such as to warrant enforcement action being taken.

Resolved that no further action be taken.

127. Erection of retaining wall over one metre in height adjacent to the highway at Barrow Corner, Lower Henlade

Reported that it had come to the Council's attention that a retaining wall had been constructed at Barrow Corner, Lower Henlade without planning permission being obtained.

The owner of the property had been contacted and an application for planning permission had been made but this had been refused under delegated powers.

During the discussion of this item Members took the view that the retaining wall would be acceptable if suitable planting to "soften" the impact of the wall was undertaken.

Resolved that:-

1. No further action be taken; and
2. A planting scheme be submitted by the owners of the wall for approval of the Landscape Officer.

128. Fence erected adjacent to highway at Millstream Gardens, Wellington

Reported that it had come to the Council's attention that a fence had been erected adjacent to the highway at Millstream Gardens, Wellington without planning permission being obtained.

The fence had been erected to prevent the use of a lane that had been used for many years as a short cut. However, a gate had been provided within the fence to allow access if required.

Although the owners had declined to submit a planning application, in the view of the Development Manager it would not be expedient to take enforcement action.

Resolved that no further action be taken.

129. Planning Enforcement Progress Report

Submitted for information the latest update report giving details of the scope of activity undertaken in the enforcement of planning control. Also presented details of the number of complaints received by the Enforcement Officer to date, together with information as to how many had successfully been resolved.

Resolved that the report be noted.

130. Appeals

- 1) Reported that 17 new appeals had been lodged since August 2008.

- 2) Reported that 8 appeal decisions had been received. Six appeals had been dismissed and 2 appeals allowed.

(The meeting ended at 8.34 p.m.)

10/08/0030

WEST OF ENGLAND DEVELOPMENT LTD

DEMOLITION OF FARM BUILDINGS AND THE ERECTION OF A RESIDENTIAL DEVELOPMENT OF 8 DWELLINGS, (5 MARKET HOUSING AND 3 AFFORDABLE HOUSING), NEWBERRY FARM, TAUNTON ROAD, CHURCHINFORD AS AMENDED BY PLANS 3961/08 AND 08E RECEIVED ON 5 NOVEMBER 2008

321296:112668

Outline Planning Permission

PROPOSAL

The proposal is an outline application to erect 8 dwellings on the northern edge of Churchinford, partly within and partly outside the settlement boundary as identified in the Taunton Deane Local Plan. The scheme includes 3 affordable dwellings which are located on the site of existing farm buildings to the north of the settlement boundary, whilst the 5 market houses replace an existing barn and provide an infill plot to Church Road. A wildlife report and landscape assessment has been submitted with the proposal.

SITE DESCRIPTION AND HISTORY

The site consists of a farm yard and barns on the edge of the village. The buildings to the north of the settlement boundary include a modern block and render farm building and a large timber clad stock building. A bank and hedge around 2m high run along the roadside boundary to Taunton Road while a stone wall runs along the Church Road frontage. To the south lies a two storey stone barn and lean-to while there are two single storey buildings on the Church Road frontage. Permission was granted in 2001 for the conversion of the stone barn to 3 cottages.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HIGHWAYS DEVELOPMENT, GROUP MANAGER - The village of Churchinford, has limited services and facilities, and the public transport services within the village are very limited, (bus services no. 98, 98a and 387). 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 provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

Notwithstanding the aforementioned comments, it is noted that the site is located partly within and partly outside of the development limits of Churchinford as a consequence, there may be a presumption in favour of small-scale development and/or affordable housing in this location. Therefore, it must be a matter for the Local Planning Authority to decide whether the principal of development on this site outweighs the transport

policies that seek to reduce reliance on the private car.

In detail, given that the proposal is located in what is considered an unsustainable area, I would recommend that the maximum parking standard is provided otherwise it is likely that vehicles will end up parking on the access road or public highway. The Somerset Parking Strategy sets out the following provision:-

1 bedroom unit	1 car space per dwelling
2-3 bedroom units	2 car spaces per dwelling
4+ bedroom units	3 car spaces per dwelling

The proposal will be derive access from/onto Taunton Road, which is one of the main routes through the village, and is a classified unnumbered highway that is subject to a speed restriction of 30mph. It is essential that visibility splays are incorporated where the private access meets the public highway, with splays based on co-ordinates of 2.4m x 43m either side of the access to the nearside carriageway edge being appropriate for this development. It would appear that such splays might be difficult to achieve, as the land to the south appears to be outside of the ownership/control of the applicant. It is noted that Plot 1 will be provided with vehicle access directly onto Church Road, and will not benefit from any onsite turning, limited visibility and the gates are not set back from the highway. I would therefore seek that vehicular access for this unit is from within the site, unless it can be demonstrated that the appropriate parking, turning and visibility splays can be provided.

The following highway related comments have been made, by our Estate Roads Team, as a result of looking at submitted drawing numbers **3925/08/D**, **3926/08** and the 'Design and Access Statement.'

1. The new access onto Taunton Road shall incorporate visibility splays based on 2.4m x 43m in each direction (based on a 30mph speed limit). This is in accordance with Manual for Street. It may be necessary to rebuild a section of an existing boundary wall to the back of the splay on the southern side of the access. The full extent of the visibility splays shall be clearly shown within all future copies of the engineering layout drawing.
2. The proposed internal access road could take the form of a 5.0m wide block-paved shared surface carriageway, bearing in mind that no footway provisions have been made within the site. Longitudinal gradients of shared surface roads shall be no slacker than 1:80.
3. Drawing number 3925/08/D indicates planting within the margin surrounding the turning arm between plots 2 and 3. As the margin will be adopted, it will be necessary for all planting within this area to be removed. A grass margin would be acceptable.
4. The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Taunton Road.
5. Rather than having block-paved shared surface roads abutting the existing highway and increasing the possibility of the blocks becoming dislodged, it would be preferable to lay a 6.0m bitumen macadam carriageway up to the commencement of the block-paved road.
6. Tie into Taunton 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.
7. Drawing number **3925/08/D** indicates that the internal access road will have a longitudinal fall out towards Taunton Road. The applicant must ensure that

adequate surface water drainage measures are in place to prevent the discharge of surface water onto Taunton Road. Surface water from private areas will not be permitted to discharge onto the prospective publicly maintainable highway.

8. Grass margins should not be laid up to vertical faces. The last 200mm (mowing strip) should be of a hardened material. Grass margins should not taper off into nothing. The last 500mm should be bitmac.
9. 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 of the Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning him on 01823 356011. Applications should be made 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 granted for commencement of works on the highway.
10. It has been noted that the surface water run-off from the application site will be taken to a sustainable drainage system and soakaways. Which body will be approached with regards to adoption/maintenance of such drainage systems? Somerset County Council would not wish to adopt. The use of soakaways will be dependent upon the proven existence of highly permeable strata below the surface.
11. Any sections of private access paths that are to be located within the prospective publicly maintainable highway must be constructed as per typical Somerset County Council footway specifications.
12. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
13. 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 developer is advised to contact the Highway Services Manager (Taunton Area 0845 3459155) to arrange for such an inspection to be carried out.
14. Any retaining structure over 1.4m high or within 1.40m of the highway will require a technical audit to be undertaken on it to ensure its structural integrity.
15. Any proposed works immediately adjacent to Taunton Road, shall not result in the narrowing of the carriageway.

TECHNICAL SERVICES - DRAINAGE - I note the surface water is to be disposed of by either soakaways or sustainable drainage systems. Under PPS25 SUDS techniques have to be explored for a development of this size. Therefore a condition should be attached to any approval given that no works commence until a satisfactory SUDS scheme has been designed and agreed with the Authority.

LEISURE DEVELOPMENT TEAM MANAGER - Awaiting comments.

ENVIRONMENTAL HEALTH OFFICER - It is recommended that a contaminated land condition and note be applied as well as a note concerning private water supply.

LANDSCAPE OFFICER - My main concerns are the loss of roadside hedgerow to meet highway visibility requirements and poor countryside to development interface and change of character from rural farm to village/suburban character. In my view the proposals would be contrary to EN12.

BLACKDOWN HILLS AONB - Churchinford is an attractive settlement with strong historic and rural character that contributes significantly to the character and distinctiveness of the Blackdown Hills AONB. The site is close to the historic centre and will be easily seen from roads within the village and on the approach from Taunton. The BHAP has issues with the following:

1. The style of the development is not rural. The proposals show little conservation of agricultural character of the site and although the buildings style is appropriate, the layout of buildings, the space between them and the street pattern are not in character with the patterns found in Churchinford where houses form terraces straight on to the street. This is exacerbated by the character of the road layout within the site and the poor definition between public and private space.
2. The need to remove the existing roadside hedge to form the visibility splay is damaging the rural character of the approach to the settlement.
3. The rear boundary of the site facing onto the countryside is weak. This boundary needs to be simpler, in character with the other field boundaries in the area and not so tight to the buildings, roads and parking areas.

The BHAP is conscious of the need for rural housing and particularly local needs housing within the AONB, however it believes the current proposals will result in loss of rural character and be contrary to policy EN12.

THE PLANNING LIAISON OFFICER, WESSEX WATER - The proposal is not located in a Wessex Water sewered area. We believe South West Water is responsible for water supply in the area. The Council should 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 will need to be agreed at detailed stage and prior to commencement. The developer should check with Wessex to ascertain whether there are unchartered sewers or mains within or close to the site.

CHURCHSTANTON PARISH COUNCIL - The Parish Council supports the application but insists the number of units permitted is not allowed to escalate beyond the number stipulated.

SOUTH WEST WATER SERVICES LTD - South West Water have no objections subject to foul flows only being connected to the public sewer.

HOUSING ENABLING - The Housing Enabling Manager supports this application. There is a local need for affordable housing and the affordable homes will go some way to satisfying the need. Whilst I strongly support the need for affordable housing my comments do not reflect its planning merits.

Representations

2 LETTERS COMMENTING on the desire for privacy and for retention of hedges, banks and trees. There should be no overlooking windows in flank elevations.

5 LETTERS OF OBJECTION on grounds of noise, pollution, loss of privacy and light and loss of quality of life, overlooking of roadside windows, no off road parking for existing properties, loss of roadside parking and location of drive and proximity to bus stop for safety of users including children. Any permission should ensure good fencing for security and privacy. Plot 1 should be moved away or lowered in height. Fencing should be replaced with stone walls and planting limited to 2m high. Concern over blocking of pedestrian access from Newberry House to Church Road.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,
STR1 - SUSTAINABLE DEVELOPMENT,
STR5 - DEVELOPMENT IN RURAL CENTRES AND VILLAGES,
STR6 - DEVELOPMENT OUTSIDE TOWNS, RURAL CENTRES AND VILLAGES,
S&ENPP1 - S&ENP - NATURE CONSERVATION,
S&ENPP3 - S&ENP - AREAS OF OUTSTANDING NATURAL BEAUTY,
S&ENPP33 - S&ENP - PROVISION FOR HOUSING,
S&ENPP35 - S&ENP - AFFORDABLE HOUSING,
S&ENPP48 - S&ENP - ACCESS AND PARKING,
S&ENPP49 - S&ENP - TRANSPORT REQUIREMENTS OF NEW DEVELOPMENT,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
H11 - TDBCLP - Rural Local Needs Housing,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN4 - TDBCLP -Wildlife in Buildings to be Converted or Demolished,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is to provide for 5 market houses and 3 affordable ones on land at the northern edge of the village. The main considerations are the need, the amenity impact of the scheme on neighbours, the visual/landscape impact of the development on the character of the village and highway safety.

The proposal is in outline but specifies the scale of development proposed to be 5 market houses and 3 affordable ones. The market housing is illustrated as being 3 detached units, one accessed off Church Road and two within the development while the remainder are 2 semi-detached units. The 3 affordable units are located on the northern side of the access road on the area clearly beyond the settlement boundary. As an exception site this is considered to be suitable. The Housing Officer is fully supportive of the development in terms of housing need. Subject to a Section 106 agreement to secure this provision the development is considered to meet the tests of Policy H11.

The impact of the provision of 8 units on the amenity of existing dwellings needs to be considered at this stage, although the submitted layout plan is illustrative only. The impact of windows in the side elevations of plot 1 on adjacent properties need to be considered to ensure no adverse overlooking occurs. The distance between proposed and existing plots is considered adequate. A similar consideration in respect of the southern elevation of plot 2 and the side of plot 3 has also to be considered. However, conditions in respect of potential elevations in these locations are considered necessary. A cross section through the site has been provided to show the distance and heights of the new properties in respect of the rear of existing units. The plots 3-5 are a minimum of 23m from the residential boundary to the east and while they will be just over 2m higher there will be proposed garages in between. The previous permission for conversion of the stone barn on site was approved with a significantly reduced separation distance. In the layout proposed the distances are considered sufficient to safeguard the amenity of the existing cottages. The development will clearly result in more noise than the current situation, however the development is not considered to result in such noise and pollution to warrant an objection to the scheme.

The access and scale are the elements not reserved for approval and the visual and landscape impact of the scheme in respect of these elements therefore has to be considered in detail. The access off the Taunton Road alters an existing farm access and has to be the main access to serve the site. Otherwise development would not occur. The submitted scheme indicates the replacement of some 21m of hedge to allow for the necessary roadside visibility to the north. Both the Landscape Officer and the AONB Partnership raise concern over the impact of this on the rural character on the approach to the settlement. It is accepted that the visibility splay will alter the hedge line at this point. However, given the location of the development, which is only a relatively short distance from the centre of the village and the intention to reinstate the wall and hedge, the impact of this on the character of the village is considered an acceptable one and essential to ensure safe access to much needed housing. Other trees will also be affected by the proposal, however a landscaping scheme to ensure replacements and effective boundary planting is being proposed.

The impact of the development on the countryside due to the weak boundary treatment illustrated is also raised as a landscape concern by the AONB Partnership and the Landscape Officer. This has been taken up with the developer and a wider planting area on land to the north can be provided within the applicant's control to help screen the site and improve the setting. The loss of rural character due to the proposed layout is noted as a concern. However, the layout is only illustrative and whilst terraces fronting the road are a character of the village there are also detached properties set back from the road. It is considered that the principle of the development is an acceptable one here and the nature of the detailed layout is one that can be addressed further in any reserved matters application.

The Highway Authority has raised issues concerning the access to serve the site. The location is largely within the settlement boundary and the affordable units lie adjacent to the village. The village is on a bus route and the location is one that is considered suitable for small scale development such as proposed. Two parking spaces are proposed for each unit and whilst this does not strictly accord with the Highways Parking Strategy, which requires 3 spaces for 4 bed units, it is considered more than necessary to comply with the Local Plan policy M4.

The visibility proposed at the main access onto Taunton Road is 2.4m x 43m to the north and 2.4 x 30m to the south. This is less than the standard required by the Highway Authority. However the reduced visibility is in the direction of the village centre and is down hill from the site. The visibility to the south could be improved by moving the access further north. However this would result in further hedge loss and impact on the approach to the village. It is therefore considered that the access as proposed is one that can be supported, although the further views of the Highway Authority on this specific issue are awaited. The access onto Church Road would serve a single dwelling. There is already an access onto this road serving the site and there are other properties with vehicular access onto this road. Whilst the access visibility again would be limited, reduction in wall height would improve the situation and preventing gates would also be of benefit. The access would lie close to the bus stop position but this is not considered to be a reason for refusal of the scheme.

In summary the need for housing in this village location is supported and the impact on the character of the area and residential amenity is considered to be an acceptable one. Detail in respect of the layout and landscaping are reserved for subsequent approval and the access proposed is considered an acceptable one. Further improvements at the expense of hedgerow are not considered appropriate here given the location within the AONB.

RECOMMENDATION AND REASON(S)

Subject to a Section 106 Agreement to secure Affordable housing and leisure and recreation contributions Permission be Granted subject to conditions of time limit, reserved matters, materials, sample panel, landscaping, boundary treatment, drainage, timber windows, windows recessed, meter boxes, services underground, contamination, visibility, parking, site clearance, swallow mitigation, access roads, highway surfacing, no gates, GDO windows and notes re landscaping, design, hedge translocation, contamination and private water supply.

The proposal, for residential development, is partly located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan review Policy 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H11 (Affordable Housing), C4 (Leisure and Recreation Provision), M4 (Residential Parking Provision) and EN10 (Area of Outstanding Natural Beauty).

Should the S106 Agreement not be completed by 24 December 2008 the Development Manager in consultation be authorised to refuse permission for reason of lack of contribution towards leisure and recreation and affordable housing (Policies C4 and H11).

The proposal, for residential development, is partly located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H11 (Affordable Housing) C4 (Leisure and

Recreation provision), M4 (Residential Parking Provision) and EN10 (Area of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S)

1. Approval of the details of the layout, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of [three] years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

3. 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.

4. No development, excluding site works, shall begin until a panel of the proposed stone has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, 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.

5. (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.

6. 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 or [in accordance with a timetable agreed in writing with the Local Planning Authority] 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.

7. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.
Reason: In the interests of the character and appearance of the building in accordance with policies S1 and S2 of the Taunton Deane Local Plan.
8. The windows hereby permitted shall be recessed in the wall a minimum of 80mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character and appearance of the buildings in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

9. 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).

10. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

11. No structure or erection exceeding 0.9metres in height shall be placed within the visibility splay identified on the layout drawing and the visibility splay of 2.4m x 43m to the north and 2.4m x 30m to the south shall be provided prior to occupation and thereafter maintained

Reason: To preserve sight lines at a junction and 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.

12. No dwelling shall be occupied until space has been laid out within the site for 2 cars to be parked in respect of each dwelling and for vehicles to turn so that they may enter and leave the site in forward gear.

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.

13. The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath and details of the surfacing materials shall be agreed in writing by the Local Planning Authority prior to the surfacing being laid .

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

14. 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 modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review

15. The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed

phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

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

16. The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath unless otherwise agreed in writing by the Local Planning Authority and details of the final surface finish of any road or footway shall be agreed in writing prior to the surface being laid.

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

17. Development shall not commence until details of a scheme for the retention of swallow nest site(s) and its accesses, (or the provision of alternative new sites or accesses) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the swallow/house martin nest site(s) being undertaken between March and August inclusive. 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 the nesting sites of species which are specially protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with Taunton Deane Local Plan Policies EN4 and relevant guidance in PPS9.

18. No site clearance works or development (or specified operations) shall take place between 1st March and 31st August 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.

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

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of

the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

- (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.
- (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

20. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window/dormer windows shall be installed in the first floor side elevations of plots 1, 2 and 3 of the development hereby permitted without the further grant of planning permission.

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

Notes for compliance

1. You are advised that a landscaping area of 8m should be provided to the northern boundary area to soften the countryside/development interface. The proposed layout should consider lessening the highway impact on the character of the scheme with buildings abutting the highway.
2. You are advised to consider the translocation of the existing roadside hedge if possible to limit the initial visual impact of the new access to the scheme.
3. Re potential ground contamination. Commercial/agricultural buildings are often used for storage of material and fuels that could have led to contamination of the ground in and around the buildings. There is also a potential risk from areas of filled ground (eg. old ditches/ponds or slurry pits) as the fill could contain hazardous materials, or could generate gases as any waste breaks down.

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

4. The applicant should be aware that the property is served by a private water supply and any increased usage from the proposal should be notified to the Environmental Health Department.

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

Planning Committee – 9 December 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E137/38/2008
2. **Location of Site** Morrisons Supermarket, Station Road, Taunton
3. **Names of Owners** W M Morrison Supermarkets PLC
Property & Developemnt Division
Hilmore House
Thornton Road,
BRADFORD
BD8 9AX
4. **Name of Occupiers** W M Morrison Supermarkets PLC
5. **Nature of Contravention**

Banner signs along access road

6. **Planning History**

The signs were brought to the Council's attention in May 2008. The banners were advertising a promotion across the store which suggested it would be for a short period of time. However, the banners remained although their content has changed. A letter was sent in October 2008 stating that the signs required Advertisement consent but should an application not be submitted the banners must be removed within 10 days. This did not happen and the banners remain displayed.

7. **Reasons for Taking Action**

The signs/banners are in excess of the permitted size as stated in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It is considered that the position of the banners are inappropriate at this location and is prejudicial to the safety of vehicular and pedestrian traffic and is contrary to Taunton Deane Local Plan Policy EC26.

8. Recommendation

The Solicitor to the Council be authorised to commence Prosecution proceedings to secure the removal of the signs.

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 – 9 December 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 0145/44/07
2. **Location of Site** Combe Farm, Ford Street, Wellington, TA21 9PD
3. **Names of Owners** Mr A Barratt, Combe Farm, Street, Wellington, TA21 9PD
4. **Name of Occupiers** Mr and Mrs A Barratt
5. **Nature of Contravention**

Mobile homes continue to be occupied following expiry of temporary permission

6. **Planning History**

Planning permissions were granted for the stationing of a mobile home at the farm on a temporary basis since 1985. The last permission expired on 30th January 2000. A planning application was submitted in 2000 for an agricultural workers dwelling but this was subsequently refused. No further planning application for retention of the mobile home has been received. In May 2007 the owner was contacted requesting that a renewal application must be submitted in order to regularise the unauthorised mobile home. The owner decided to apply once more for a permanent dwelling and instructed an agent to act on his behalf. Delays occurred due to the need for an agricultural appraisal but eventually an application was submitted on 12th June 2008. On 24th July 2008 the owner's agent withdrew the application having been advised that the Council's independent appraisal did not support the applicant's case. To date no further application has been submitted and the mobile home remains on site and occupied.

7. Reasons for Taking Action

The mobile home is intended to serve an agricultural enterprise for which there is no existing functional need and does not relate to a full time worker. The business is not considered to be profitable or financially sound and does not have reasonable prospects of becoming so. The tests outlined in Planning Policy Statement 7, Annex A are considered to be failed and as such, the proposal represents an unjustified dwelling in the open countryside and Area of Outstanding Natural Beauty, contrary to policy S7 of the Taunton Deane Local Plan, policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statement 7.

8. Recommendation

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

Should authorisation be granted, due to the length of time the mobile home has been on site it is recommended that a reasonably long compliance period be agreed to avoid undue hardship to the occupant.

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

CONTACT OFFICER: Mr John Hardy – 01823 356466

Planning Committee – 9 December 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 47/2006/004
2. Slough Green Caravan Park, Burnt House Copse, West Hatch
3. **Names of Owners** Mr J Penfold, Paddock Farm, Peak Lane, Compton Dundon, Somerton TA11 6PE
4. **Name of Occupiers** Miss R Cathcart
5. **Nature of Contravention**

Stationing of caravan outside the permitted area of the Slough Green site for residential purposes.

6. Planning History

It was brought to the Council's attention in September 2008 that the owner of the above site had allowed a family to occupy land that falls outside the approved site area. The owner was contacted and sent a letter on 22nd September 2008 requesting that he removes the family from the land within 21 days from the date of the letter. After the expiry of the 21 days the owner contacted the Authority and stated that the occupier had seven children, one of which had recently been involved in a serious accident and had no where else to go. The owner of the site has recently submitted an application for a Gypsy/Traveller family on other land he owns.

7. Reasons for Taking Action

The permission granted on 14th August 2007 was for named persons only and was restricted to an area indicated on the approved plan. The area occupied by Miss Cathcart falls outside the area and is adjacent to a County Wildlife site and Thurlbear Wood SSSI. It is considered that the occupation of a plot within this area may damage the ecological character and therefore contrary to Taunton Deane Local Plan Policies EN2 and EN3. It is not considered that any personal circumstances associated with this case are such as to outweigh this strong objection on substantive planning grounds.

8. Recommendation

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

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

CONTACT OFFICER: Mr J A W Hardy – 01823 356466

Appeal Decisions for November 2008

Five appeal decisions – 4 dismissed and 1 allowed. 80% Dismissed.

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

Appeal	Proposal	Reason/s for initial decision	Application Number	Decision
Mr Simon Nicholls	Conversion of outbuilding to annexe The Old Forge Pleamore Cross Wellington	TDLP H7, S7, S1, S1(B) SENP Policies 49 STR1	44/2008/008	Dismissed 27 November 2008
Mr J Callow	Change of use of barn for holiday letting to a dwelling, Netherclay Farm, Thurlbear	TDLP EC6, EC8, S7, H7, H7(B) and EN10, S1(B) SENP Policy TRAN1 of RPG10, STR1 and STR6	28/2008/002	Dismissed 28 November 2008
Wellington District Conservative Club	Emergency storm water drain in front elevation, 19 High Street, Wellington	SENP Policy 9, TDLP S!, S2 and PPG15	43/2007/188LB	Dismissed 18 November 2008
Barrington Services	Erection of 2 no two bedroom houses at 43 Pickeridge Close, Taunton	TDLP S1(E)	38/2008/037	Allowed 5 November 2008 Cost Awarded
Rolamstone Ltd	Non Determination Extension of 33 Cheddon Road to provide 4 flats with demolition of ground floor flat	N/A	38/2008/105	Dismissed 6 November 2008