



## 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, TA1 1HE ON WEDNESDAY 15TH APRIL 2009 AT 17:00.

(RESERVE DATE : MONDAY 20TH APRIL 2009 AT 17:00)

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### **AGENDA**

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 25 March 2009 (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. 06/08/0057 - Change of use for mobile home for game bird rearing and pheasant rearing at Mill Field, Bishops Lydeard as amended by plans received 3 September 2008; as further supplemented by letter and plan from agent received 6 October 2008; and letter, ecological survey and management plan received 16 January 2009 and as further amended by plan received 6 April 2009
6. 34/09/0007 - Variation of condition No 5 of application 34/07/0057 at Taunton Vale Sports Club, Gypsy Lane, Staplegrove (floodlighting scheme to be submitted and approved by Local Planning Authority and thereafter monitored)
7. 38/09/0047 - Erection of ground floor rear and side extension at 20 Beadon Road, Taunton as amended by agents email dated 27 March 2007 and accompanying Plans 0109\_03 and 04 REV A, 0109\_01 REV B, 0109\_02 REV C
8. 42/09/0007 - Erection of a two storey extension to rear of Kibbear Barton, Trull
9. 43/08/0143 - Redevelopment of land to provide 16 x 2 bedroom sheltered apartments, 20 x 2 bedroom general needs apartments and 1 meeting room, 34-62 Holyoake Street, Wellington as amended by plans received 01.04.2009 (2771/PL/107 A, S771/PL/109 A AND 2771/PL/111) and plans received 03.04.2009 (2771/PL/101 B).
10. 51/09/0003 - Erection of new dwelling on site of demolished barn at Stoke Orchard Farm, Burrowbridge (retention of development already undertaken)

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|-----|--|------------------|
| 11. | E/0005/14/08 - Formation of hard standing and siting of portable storage containers, County Hardwoods, Creech Mills Industrial Estate, Creech St Michael | Enforcement item |
| 12. | E/0150/14/08 - Dog grooming business, Dapper Dogs, Unit C, Mill Lane, Creech St Michael  | Enforcement item |
| 13. | E/0151/14/08 - Dog day car business, Unit B, Mill Lane, Creech St Michael  | Enforcement item |
| 14. | Planning Appeals - appeals lodged and the latest appeal decisions received   | Appeals          |

Tonya Meers  
Legal and Democratic Services Manager  
08 April 2009

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:



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

## Planning Committee – 25 March 2009

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

Officers:- Mr T Burton (Development Manager), Mr J Hamer (Development  
Control Area Manager – West), Mr B Kitching (Area Planning  
Manager), Mrs J Jackson (Legal Services Manager) and  
Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Horsley in relation to application no 42/09/0001 and  
Councillor Coles.

(The meeting commenced at 5.00 pm)

### 28. Apologies

Councillors Mrs Floyd and Woolley.

### 29. Minutes

The minutes of the meeting held on 25 February 2009 were taken as read and were signed subject to the description of application no 26/08/0011 being amended to read "Residential development comprising 19 x 2 and 3 bedroom affordable houses with parking, access road and associated works at Nynehead Road, Poole, Nynehead".

### 30. Declarations of Interest

Councillor Mrs Smith declared a personal interest in application No 42/09/0001.

### 31. Applications for Planning Permission

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

(1) That **planning permission be granted** for the under-mentioned developments, subject to the conditions stated below:-

#### **27/08/0037**

**Erection of entrance walls and gate (retention of development already undertaken) and removal of condition (e) from planning permission 27/06/0019 (personal occupancy) at Altona Park, Hillfarrance**

Applicant was advised that notwithstanding the removal of condition (e) of planning permission 27/06/0019, the latter planning permission still subsists and the remaining conditions remain in force.

**Reason for granting planning permission:-**

It was considered that the proposal will have limited impact on the visual amenity of the rural area and furthermore the proposal was in line with Central Government advice contained in ODPM Circular 01/06. The remaining conditions ensured that the site will only be occupied by bona fide gypsies in this open countryside location, in accordance with Taunton Deane Local Plan Policy H14 (Gypsy and Traveller Sites).

**38/08/0546LB**

**Alteration of first floor layout to form wc and removal of wall section to form office at 33 Staplegrove Road, Taunton**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) 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;
- (c) Prior to the commission of the new door to the wc on the first floor, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that only those works specifically identified in the above application have the benefit of listed building consent. Should other works be undertaken to convert the building to offices (for example suspended ceilings, air conditioning, satellite dish) formal consent would be required).

**Reason for granting planning permission:-**

It was considered that the proposal was in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

**48/09/0007**

**Construction of loft conversion incorporating a dormer to the rear elevation, erection of conservatory to the rear and a new porch to the front at 148 Bridgwater Road, West Monkton**

**Condition**

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 for granting planning permission:-**

The extensions were not considered to compromise the character of the property or result in harm to the street scene. There would be no adverse impact on the amenities of the occupiers of neighbouring properties or highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

(2) That **planning permission be refused** for the under-mentioned development, subject to the reason stated below:-

**48/09/0003**

**Change of use of site to private hire minibus business (amended plans to 48/07/0070) at 154 Bridgwater Road, Bathpool, Taunton**

### **Reason**

In the opinion of the Local Planning Authority the introduction of a minibus business of the nature proposed here, by reason of potential noise and disturbance and adverse visual impact, would have an unacceptable detrimental affect on neighbouring residential properties, contrary to the provisions of Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

### **32. Erection of 7 affordable cottages and 2 affordable flats at land opposite Dipford Cottage, Dipford Road, Trull (42/09/0001)**

Reported this application.

**Resolved** that subject to:- (1) the application being referred to the Secretary of State under the "Departure Procedures"; and (2) the applicants entering into a Section 106 obligation regarding the provision of affordable housing and a leisure and recreation contribution, the Development Manager in consultation with the Chairman be authorised to determine the application and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (c) (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;

- (d) 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 buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect bats, badgers and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, badgers or birds shall be permanently maintained;

- (f) None of the dwellings shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (g) The dwellings shall not be occupied until a means of vehicular access has been constructed in accordance with the drawing number 3987/08 hereby permitted and made available for use unless otherwise agreed in writing by the Local Planning Authority;
- (h) The windows hereby permitted shall be recessed in the walls by a minimum of 70mm or as otherwise agreed in writing by the Local Planning Authority;
- (i) The area allocated for parking shall be properly consolidated, surfaced, drained and marked out before the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (j) No dwelling shall be occupied until the footpath improvements indicated on the submitted drawings have been agreed with the Highway Authority and carried out;
- (k) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients,

materials and method of construction shall be submitted to the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the site must comply with the appropriate wildlife legislation; (2) Applicant was advised that 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 then the trees should be checked for nesting birds before work begins; (3) Applicant was advised 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; (4) Applicant was advised that 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 trees work must cease immediately and advice must be obtained from the Government's advisers on wildlife).

### **33. Monkton Heathfield Major Development Site, Taunton Appeal Decision**

Reported that notification had been received of the final decision reached by the Secretary of State on the Monkton Heathfield Major Development Site. The appeal had been allowed subject to a number of conditions.

Details of an application made for the award of costs against the Council were also reported. The Secretary of State had refused the application for the award of costs.

**Resolved** that the appeal decision on the Monkton Heathfield Major Development Site be noted.

### **34. Large extensions to barns to form tea room and restaurant at Nerrols Farm, Cheddon Fitzpaine, Taunton**

Reported that it had come to the Council's attention that a tea room and restaurant had been created at Nerrols Farm, Cheddon Fitzpaine without the necessary planning consent being obtained.

The owners had been contacted and advised to submit an application for planning permission but, to date, no such application had been received.

**Resolved** that:-

1. Enforcement action be taken to remove the unauthorised tea room and restaurant at Nerrols Farm, Cheddon Fitzpaine, Taunton; and

2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**35. Erection of extension to the rear of 53 Hamilton Road, Taunton**

Reported that it had come to the Council's attention that an extension had been erected to the rear of 53 Hamilton Road, Taunton without the necessary planning consent being obtained.

The owners had been contacted and advised to submit an application for planning permission. Although an application for signs and a new shop front had been received, an application for the extension to the rear had not been submitted.

**Resolved** that:-

1. Enforcement action be taken to remove the unauthorised extension to the rear of 53 Hamilton Road, Taunton; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**36. Appeals**

Reported that four appeal decisions had been recently received, details of which were submitted. Three of the appeals had been dismissed.

Also reported that one new appeal had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.25 pm)



06/08/0057

DR T WOODGATE-JONES

**CHANGE OF USE FOR MOBILE HOME FOR GAME BIRD REARING AND PHEASANT REARING AT MILL FIELD, BISHOPS LYDEARD AS AMENDED BY PLANS RECEIVED 3 SEPTEMBER 2008; AS FURTHER SUPPLEMENTED BY LETTER AND PLAN FROM AGENT RECEIVED 6 OCTOBER 2008; AND LETTER, ECOLOGICAL SURVEY AND MANAGEMENT PLAN RECEIVED 16 JANUARY 2009 AND AS FURTHER AMENDED BY PLAN RECEIVED 06 APRIL 2009**

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Full Planning Permission

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## **BACKGROUND**

Members last considered this application on 24 September 2008. At that meeting, concerns were raised over a number of issues and Members felt that they had insufficient evidence to reach a decision. These concerns revolved around three main issues: The control of pollution, the impact on neighbouring residential property and the general management of the site.

In terms of pollution, there were concerns regarding the control of effluent from the site in normal operation and during cleaning, the disposal of manure and used bedding, and the prevention of pollution to the adjoining watercourse. In terms of neighbouring impact, concerns revolved around the control of smell, noise and vermin. In respect of general management, concerns revolved around the disposal of dead birds, the movement of the rearing pens, the continual re-use of the same sites for the pens, the storage of gas bottles and the housing of the incubator.

The applicant has responded to these concerns by providing further information and the Environment Agency and the Council's Environmental Health Officers have been re-consulted in respect of the new information. Subsequently, neighbouring residents have identified the presence of otters in the stream, and the investigation and resolution of this matter is the main cause of the delay in returning this application to committee. Finally, the applicant has decided to move the access further to the south, closer to the neighbouring dwellings and the position of the existing access.

This report seeks to update members, explaining and assessing the new information received.

The previous report is attached to this agenda for reference.

## **NEW INFORMATION RECEIVED**

Since the previous consideration of this application, a considerable amount of new information has been submitted and discussions have taken place. An initial response to members' concerns from the applicant's agent provided the following information:

### *Pollution related issues:*

Confirmation that wood shavings were used in the brooder huts to absorb droppings, which were then swept out and moved to a dedicated composting heap near to the western site boundary. This compost was then spread in the spring. Within the shelter pens, droppings fell to the ground and were naturally absorbed. The applicant suggests that there would be no pollution from surface water run-off as the lack of hard surfacing on the site meant that there was no significant run-off.

### *Neighbouring impact related issues*

The applicant's agent has suggested that noise generating activities on the site are minimal, relating to the collection of gas bottles once or twice a year and occasional repairs to the pens. It is suggested that the potential smell generation would be no worse than for other livestock and that there was no evidence of vermin on the site, with no stock having been lost to vermin. That said, feed is stored within vermin proof containers and poison bait has been laid below the wooden floors of the brooder huts as a precaution.

### *Management related issues*

The agent has confirmed that the pens each comprise a 9x6 metre timber framed enclosure, covered with chicken wire, a shelter and a brooder hut. It is planned to disassemble the pens at the end of each rearing season and erect them in a different area of the field each year. Dead birds would be removed and stored on site in air tight, vermin proof containers and then removed for destruction at a licensed incinerator. Gas bottles out of use would be stored in a permanent enclosure near to the site entrance, and those in use would be placed on pre-cast paving slabs and strapped to the huts to prevent toppling. It is proposed to house the metal chest incubator in the refurbished barn, within the site.

Following receipt of the above information, the Environment Agency and Environmental Health were re-consulted. The Environmental Health Officer confirmed their previous position that an enterprise of this scale, in this location should not give rise to unacceptable impacts in terms of noise, odour or vermin. However, it is clear that the position of no objection is based upon the assumption that the site would be well managed. Given the claimed history of problems, it seems that the proposed use will only be acceptable if adherence to the management principles can be enforced.

Your officers, therefore, requested that a management plan was submitted for the enterprise. This submitted plan covers the following key aspects:

- The rearing pens to be set up in April, day old poults introduced in late April and reared for 7 weeks on site. A second batch is then introduced in June and the rearing process repeated.
- The rearing pens to be dismantled in August and stored on the site.
- Vehicle movements and service delivery to be restricted to hours between 08:00 and 17:00.
- Waste to be collected from pens and moved to an onsite composting facility. It would then be spread on the land or bagged for off site use.
- Pens would be inspected daily for dead animals. Any dead animals would be collected and placed in sealed, vermin proof containers and then sent to a

licensed incinerator.

- The dismantled pens and huts would be power washed and disinfected.
- Feed would be stored in vermin proof containers and vegetation around the pens would be regularly trimmed. Poison bait would be placed below the wooden floors of the brooder huts and traps placed where rats are discovered.
- A pest control record would be maintained.
- Gas bottles would be stored on a level base adjacent to the pens and once used would be transferred to the secure compound.

Following the identification of otters in the area, the applicant submitted a full ecological assessment for the site. This confirmed that the site was not used for otter 'holts' and as such there were no protected otter habitats. However, their use of the stream was confirmed. The report also revealed that there could be implications for dormice and reptiles stemming from works to the hedgerow when the new access is formed.

The proposed location of the new access is some 14 metres to the south of the original point, involving the removal of fewer trees and allowing the visibility splay to be accommodated entirely along the slip-road before its junction with the A358 Bishops Lydeard bypass.

## **SUMMARY ADDITIONAL CONSULTATION RESPONSES**

Note: responses not included where there has been no change in response since the original report.

**ENVIRONMENTAL HEALTH:** No objection, subject to compliance with the submitted management plan.

**ENVIRONMENT AGENCY:** No objection. Recommends a condition that no more than two batches of pheasants are raised in one year. Also suggests informatives.

**SOMERSET COUNTY COUNCIL TRANSPORT AND DEVELOPMENT GROUP:** This amended layout is seeking to re-site the access approximately 14m to the south of the point that was previously agreed. It would appear that the required visibility splays can still be achieved (on land controlled by the Applicant and/or highway land/verge) and therefore I would not wish to raise an objection. Please note that all previous comments and recommended conditions equally apply.

**BISHOPS LYDEARD AND COTHELSTONE PARISH COUNCIL:** The altered access does not address the Council's previous concerns regarding the safety of the access. Previous comments still stand.

**NATURE CONSERVATION AND RESERVES OFFICER:** The proposed development should not directly impact upon otters, dormice or reptiles. However, conditions should be imposed to ensure the protection of their habitats during the operation of the site and construction of the new access.

## **FURTHER REPRESENTATIONS RECEIVED**

9 Further representations have now been received raising the following issues:

- The 'edge of village' site is too cramped and too close to residential properties;

- The new access is no better in highway safety terms than the previous proposal;
- No account is taken of the actual speed of traffic and the road position of the vehicles;
- The road is too narrow;
- The road is fast and very busy;
- The new turning area cannot accommodate large HGVs;
- The turning area has moved closer to the neighbouring dwellings;
- The gas bottle store is now too close to neighbouring dwellings;
- No drainage details have been shown for the hardstanding and traps will be required for oil etc. spills;
- The drive/turning head would be inconvenient for unimpeded access for the electricity distributor (there is a transformer box at the edge of the site, accessed from within);
- Otters have been sited within the stream;
- Pollution from the site could contaminate water sources and damage their habitat;
- Works are already underway to the hedge/ditch and the applicant is not waiting as recommended in the ecological report;
- No submission has been made regarding the time limits suggested by the nature conservation officer;
- Waste storage facilities and an interceptor would be required, which would create additional smells, and require regular emptying leading to greater traffic movements;
- The financial test must be brought into question as false assumptions have been made about the profitability of the second batch: The second batch are not old enough to shoot in the open season, August is too hot leading to increased stress and loss of stock, there is increased risk of disease from using the same pens for two consecutive batches, an oversupply of first batch pheasants would make the second batch virtually unsaleable;
- The recent banning of an antibiotic (Emtryl) in pheasant food will force a reduction in stocking by a third;
- Grass and weeds grow in profusion, providing an easy cover for vermin;
- Intensive rearing can lead to mites which can cause health risks;
- Dead pheasants are not being collected;
- The complete hedge will require removal to create the access, leading to clear views of the site;
- The site is not well screened from the public domain as indicated in the previous committee report;
- There is insufficient screening for 7 months of the year;
- Sewage from the caravan needs to be addressed;
- The previous appeal, which dismissed the use, suggests that the use is unacceptable;
- There is still insufficient information to assess the application.

## **PLANNING POLICIES**

PPS7 - Sustainable Development in Rural Areas,  
 PPS9 - Biodiversity and Geological Conservation,  
 EN25 - TDBCLP - The Water Environment,  
 EN26 - TDBCLP - Water Resources,  
 EN27 - TDBCLP - Water Source Protection Areas,  
 H13 - TDBCLP - Agricultural or Forestry Workers,  
 M1 - TDBCLP - Non-residential Developments,



S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,

## **ASSESSMENT**

### **POLLUTION/NOISE/SMELL ETC.**

Having studied the submitted management plan, Environmental Health officers consider that their previous concerns have been fully addressed. They have no further comments or concerns to raise.

On receipt of the management plan, the Environment Agency was initially concerned that the intensity of rearing and composting operations proposed could give rise to pollution. However, further clarification has been provided indicating the precise location of the huts will be relocated from one year to the next. This reduces the amount of pollutants falling on the ground in any one place and the Environment Agency is now satisfied that the use does not present a significant pollution risk. The management plan is currently being amended to remove the composting operation (waste will be collected and transported off-site for disposal) and detailing the precise rotation arrangements. Subject to receipt of this, the pollution concerns will have been overcome.

In terms of general management, your officers are satisfied that there is a commitment from the applicant to remove the huts at the end of each rearing season. This is suggested in the management plan and could be strictly controlled by condition. In light of this removal, it is considered that the huts themselves do not have a sufficient degree of permanence to require planning permission in their own right and they are simply part and parcel of the proposed use of the site. The removal in the winter would also reduce the presence of the structures at the time of year when tree cover was sparser and when some residents have claimed there is insufficient screening available.

### **ACCESS**

The amended plans for the access have significantly changed the application and have, therefore, been subject to a formal re-consultation process. The highway authority has confirmed that they have no objection to the proposal in terms of highway safety, which would be no different to the previous proposal.

In visual terms, it is considered that the new proposal is a better solution than that previously presented, requiring the loss of fewer trees from a poorer section of hedgerow. More significantly, the required northern visibility splay no longer wraps around the corner and onto the A358 Bishops Lydeard bypass. This means that the potentially extensive hedgerow destruction that concerned the neighbouring residents will no longer occur.

Relocating the access meant that the turning head and proposed gas bottle store also moved south towards the neighbouring residents. Following the consultation period, it has been agreed with the agent that the turning head and gas bottle storage would be relocated to the north of the access, thus accounting for these concerns.

## OTTERS AND OTHER WILDLIFE

Further to the representations received, and following consultation with the Nature Conservation and Reserves Officer, it was apparent that otters may use the stream to the east of the site. As such, a full ecological survey was requested. This revealed that there were otters passing the site, but they were unlikely to be affected by the proposal. It also revealed that there was potential habitat for dormice, reptiles and amphibians that could be damaged as a result of the proposed access works. However, it would be possible to impose conditions to ensure that the impacts were mitigated and, as such, wildlife would not be adversely affected.

The Nature Conservation and Reserves Officer is satisfied with the results of the survey and the recommended mitigation, subject to a further survey of reptiles in the summer. The requirement to submit a strategy to protect otters, dormice and reptiles could be enforced by condition on any grant of permission.

## FINANCIAL TEST

The previous report discussed the matter of the functional and financial tests relating to the residential use of the site at length. It was concluded that the proposed increase in stocking in 2009 (from 8000 pheasants to 16000 pheasants per year, in two batches) together with proposals for laying and hatching on the site meant that a functional need would be established and the enterprise would become viable. Members agreed that this aspect of the proposal was acceptable, with the outstanding concerns relating solely to the matters addressed above.

The representations received since the last committee meeting have cast some doubt on the accuracy of the forecast predictions. It has been suggested that the second batch of pheasants may not be so profitable as the first, fetching lower retail prices and being likely to have a higher mortality rate. This suggestion from the neighbours stems from discussions that they have had with other game farmers and shoot managers.

In verbal discussions with the applicant's agricultural consultants, who prepared the original appraisal, they have given the opinion that there is no evidence that back to back rearing should not be carried out and that the suggested drop in stocking densities would not be a universal response to the removal of an antibiotic drug. Each farmer may choose to respond to new challenges and constraints in different ways. In terms of the value of the second batch, the applicant's consultant suggested that the shooting season runs until January, and the supply of fresh birds into the second half of the season may well be attractive to some shoots. Again, the management practices of different shoots may mean that some accept a second batch of birds and some do not.

Your officers' opinion is that there is little (if any) substantial evidence to support a claim in favour of the proposed second batch or against it. Crucially, it must be remembered that the application of the financial test only relates to the residential occupation of the caravan and not the management of the enterprise as a whole. When permission is granted for residential accommodation for a new and developing business, it is generally given on temporary basis (as applied for here) in order to allow the business to demonstrate that it is capable of developing to the levels it predicts. If, after the expiration of a temporary permission, it appeared that the business was incapable of achieving the predicted profit levels – be this a result of poor management, false market

forecasts or unforeseen disease control problems – then that temporary permission should not be renewed. Such a judgement would be based upon the actual performance of the enterprise, rather than the predictions available at the present time.

In light of this, it is recommended that there is insufficient evidence to cast substantial doubt over the applicant's predicted profit. As such, your officers maintain the view that the financial test is passed.

## **OTHER MATTERS**

The access to the electricity sub-station, which is mounted on a pole at the site boundary, is considered to be a civil matter that cannot affect the outcome of the application.

## **CONCLUSION**

It is considered that the proposed use is an acceptable use for the rural area and conforms with planning policies for the open countryside. The presence of neighbouring dwellings has revealed that some transfer has smells, noise and an incidence of vermin has been evidenced by the neighbours. However, all consultation responses, especially from Environmental Health and the Environment Agency suggest that a well run enterprise will not give rise to a statutory nuisance or pollution of the water environment. It has also been shown that the effects of the development on established and protected wildlife can be mitigated. A management plan has been submitted and a condition is recommended requiring strict adherence to this.

Given the general acceptability of the development, it is considered that any visual harm that may result from the formation of the access is justified and, to some extent, can be mitigated against with additional landscaping. As previously reasoned, it is considered that there is a functional need for the caravan and that the enterprise has been planned on a sound financial basis, an opinion that Members' previously agreed in September.

In light of these considerations, it is considered that the proposal is acceptable. It is, therefore, recommended that planning permission is granted.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The use is considered to be acceptable, not impacting unreasonably upon the character of the area, highway network or neighbouring property. There is considered that there is a functional need for the accommodation and the enterprise has been planned on a sound financial basis, in accordance with policies S1, S7 and H13 of the Taunton Deane Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, and advice contained in Planning Policy Statement 7.

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The occupation of the caravan shall be limited to a person solely or mainly working, or last working on the application site in game bird rearing, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with Policy H13 of Taunton Deane Local Plan and Guidance in PPS7.

2. The residential occupation of the caravan shall be for a limited period being the period of 3 years from the date of this permission and all materials and equipment, including the caravan, brought on to the premises in connection with that use shall be removed by the aforementioned time.

Reason: The permission is granted on exceptional grounds to allow the business to develop, in accordance with guidance contained in Planning Policy Statement 7

3. Within 1 month of the date of this permission, full details of the access indicated on the plans hereby permitted shall be submitted to the Local Planning Authority for their agreement in writing. Such details shall indicate the works required to construct the visibility splays required by condition (4) below, the proposed surfacing materials, gradient of the access and method of disposal of surface water so that none is allowed to drain onto the highway. The agreed details shall be implemented within 2 months of the date of written agreement of the Local Planning Authority and shall thereafter be maintained as such, being kept clear of obstructions at all times.

Reason: In the interests of highway safety, in accordance with policy M1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review

4. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 60m to the north and 40m to the south of the access unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy M1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. Notwithstanding any details indicated on the plans hereby permitted, within 1 month of the date of this permission, plans showing a parking area and the proposed surfacing materials providing for both commercial and residential vehicles shall be submitted to the Local Planning Authority for their agreement in writing. The agreed details shall be implemented within 2 months of the date of agreement and shall thereafter be maintained as such, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate facilities are available for the traffic likely to be attracted to the site, in the interests of highway safety, in accordance with policy M1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

6. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety, in accordance with policy M1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge reinstated in accordance with details which shall have been submitted to and approved by the Local Planning Authority in accordance with condition (8) below. Such works shall be completed within 1 month of the new vehicular access hereby permitted being first brought into use.

Reason: In the interests of highway safety, in accordance with policy M1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
8. (i) Within one month of the date of this permission, a landscaping scheme, which shall include details of the species, sizes, 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 the 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.
9. Within 1 month of the date of this permission, full details of the proposed method of disposal of foul drainage of the caravan shall be submitted to the Local Planning Authority for their agreement. The agreed details shall be fully implemented within 2 months of the date of agreement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities exist for the development proposed, in the interests of preventing pollution of the water environment, in accordance with policies EN25, EN26 and EN27 of the Taunton Deane Local Plan.
10. There shall be no vehicular deliveries to or collections from the site outside the hours of 08:00-18:00 Monday – Saturday.

Reason: To prevent disturbance to neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.
11. The rearing pens shall be dismantled by 31 August in each calendar year and shall not be re-erected until 1 April in the following calendar year. No pens shall be erected on site between September in each year and March in the following year.

Reason: In the interests of the visual amenities of the area in accordance with policy S1 of the Taunton Deane Local Plan.
12. The details of paragraphs 3.2 - 3.6 of the management plan received 16 January 2009 shall be strictly adhered to.

Reason: To ensure the proper management of the site, in the interests of

preserving the amenities of the neighbouring residents and preventing pollution, in accordance with policy S1 of the Taunton Deane Local Plan.

13. Entries in the pest control record required by condition 12 shall be kept for a period of 10 years and shall be made immediately available upon the written request of the Local Planning Authority.  
Reason: To ensure that proper attention is given to the management of pests, in the interests of preserving the amenities of neighbouring residents, in accordance with policy S1 of the Taunton Deane Local Plan.
14. Within 2 months of the date of this permission, the gas bottle storage compound detailed on drawing no 097/G1, received 16 January 2009 shall be completed and available for use.  
Reason: To ensure that proper facilities are available for the storage of gas bottles, in the interests of the safety of the site and neighbouring residents, in accordance with policy S1 of the Taunton Deane Local Plan.
15. Any gas bottles stored adjacent to pens shall be sited on a solid base, in accordance with paragraph 3.6 of the management plan received 16 January 2009 and shall be secured to prevent toppling and locked in place. Empty gas bottles shall be stored in the secure compound.  
Reason: To ensure the proper storage of gas bottles, in the interests of safety, in accordance with policy S1 of the Taunton Deane Local Plan.
16. The development hereby permitted shall not be commenced until details of a strategy to protect otters, dormice, breeding birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Paul Channin's submitted report, dated 07 January 2009 and up to date surveys and include:
- The results of a survey for reptiles done at the optimal time of year in April or September
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.  
Reason: To protect otters, dormice, breeding birds and reptiles from harm bearing in mind these species are protected by law and in accordance with PPS9.

Notes for compliance

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**



34/09/0007

MR E HAWKINS

**VARIATION OF CONDITION NO. 5 OF APPLICATION 34/07/0057 AT TAUNTON VALE SPORTS CLUB, GIPSY LANE, STAPLEGROVE (FLOODLIGHTING SCHEME TO BE SUBMITTED AND APPROVED BY LOCAL PLANNING AUTHORITY AND THEREAFTER MONITORED)**

321829.126466

Removal or Variation of Condition(s)

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**PROPOSAL**

The proposal seeks a variation to condition 05 which states:

“Prior to the installation of the proposed floodlights details of a scheme to provide shields to all existing floodlights to prevent lights shining into adjacent residential properties shall be submitted to and approved in writing by the Local Planning Authority and such scheme as approved shall be implemented. Within four weeks of installation and following supervised testing by the Local Planning Authority any further modifications required by the Local Planning Authority shall be carried out to ensure light is not shining into adjacent properties. Such shields shall be maintained thereafter.”

The applicant wishes to alter that condition to read:

“The flood lighting on the existing hockey pitch A.T.P shall be positioned and where necessary adjusted in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority and shall thereafter be monitored and maintained strictly in accordance with the approved scheme.”

**SITE DESCRIPTION AND HISTORY**

Taunton Vale sports centre is located in the Staplegrove green wedge to the west of the settlement limits of Taunton. It lies at a lower level than the properties in Whitmore Road, which are to the east of the sports centre a field away (283m) from the site. To the south of the site lie a series of dwellings which also back onto the sports facility.

In 2000 Planning permission was granted for the erection of a clubhouse, provision of sports facilities ( including 2 all weather hockey pitches, 6 permanent Cricket nets and 6 temporary Cricket nets, greenkeeper’s store and floodlighting) with access arrangements and car parking at Land to the North of Gypsy Lane, Staplegrove

In 2007 planning permission was granted for the erection of building to house indoor netball/tennis court, formation of three outdoor netball/tennis courts, one outdoor netball court and synthetic turf pitch for football and hockey all floodlit by 16 x 10m high floodlight columns at Taunton Vale Sports Club, Gypsy Lane, Staplegrove

In October 2008 a Breach of Condition Notice was served on the sports club for their failure to submit and implement a scheme for the installation of shields to the floodlights on the original hockey pitch. To date no scheme has been received.

On 3rd December 2008 a site visit was undertaken to reassess the impact of the floodlights on residential properties in Whitmore Road since completion of the



construction of the indoor tennis building between the hockey pitch and the rear of Whitmore Road.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - No comment

*STAPLEGROVE PARISH COUNCIL* - support the application on the understanding that the wording of the new condition will continue to minimise the effects of the lighting on local residents.

### **Representations**

8 letters of objection have been received raising the following points:- The original lights are much higher than the new lights and they shine directly into the back of residential properties and when the original lights are on as well as the new lights they completely negate the effect of hooding of the new lights; if changing the position of the original lights remedies some of this light over spill then this will be an improvement but this needs to be monitored closely; no one has ever measured the lights from our garden or any one else's that we know of; measuring the light at the club does not show the effects on the neighbours; the club should be required to do the job properly within a reasonable amount of time; when all the lights are on, which is nearly every day of the week, it is very intrusive on our life; the sports club have chosen to ignore the condition for the shielding of the lights which was suggested by the consultants back in 2001 when the original lights were first switched on; in 2008 the sports club again ignored the requirement to shield the floodlights; the condition to shield the lights is not too onerous and the sports club, yet again propose to ignore the requirement and ask the planning committee to accept a variation of the condition required by that same planning committee previously; the previous application would not have been approved without the shielding of the floodlights; the sports club are in breach of the planning condition and Taunton Deane should enforce their compliance; the club should be prosecuted for non compliance and no further permissions considered until they have complied with all conditions; the lights are causing inconvenience as they shine into bedroom windows at night and the new, ugly, building has not reduced this at all; sometimes a light is left on all night which contravenes the 10.00 condition; at the site meeting in December the sports club representative agreed to look again at the floodlights and to alter the car park lights which also caused a problem for residents but nothing has been done; an injunction should be served to prevent the new lights being used until the problems with the original flood lights and the new car park lights have been sorted out.

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The original planning permission for the sports club included the provision of a floodlit all weather hockey pitch with the floodlights being switched off by 10.00pm. A condition of the permission was that the source of light for the floodlights should not be visible

from neighbouring properties. When the floodlights were commissioned the source of the light was not visible from the residential properties but the level and intensity of light shining on the rear of Whitmore Road was still considered to be unacceptable. In 2007 a further application was submitted for additional development and a retrospective planning condition was attached to the approval requiring the submission of a scheme to provide shields to the original hockey pitch floodlights in order to minimise the overall impact of the lighting from the site.

The indoor tennis and netball court building has now been erected on the site between the Hockey pitch and the rear of Whitmore Road and has reduced the effect of the most of the floodlights on the dwellings.

On the 3rd December 2008 a site visit was undertaken by Officers of the Council in order to make an assessment of the light shining on the rear of the dwellings in Whitmore Road. At this time it was noted that whilst light still shone to the rear of the properties the impact of the floodlights was significantly reduced and it is my opinion, taking into account the 10.00pm deadline for the lights, that the impact is now an acceptable one.

If granted this application would replace the planning condition for the shielding of the lights, with an alternative condition:-

"The floodlights on the original hockey pitch shall be positioned and where necessary adjusted in accordance with a detailed scheme to be submitted to within one month of the date of this permission and approved by the local Planning Authority and shall thereafter be maintained strictly in accordance with that scheme"

The aim of the replacement condition would be to control any future changes to the lighting so that it is maintained at or below its current impact on this basis.

The proposal is therefore considered acceptable.

## **RECOMMENDATION AND REASON(S)**

The proposal would enable the Local Planning Authority to ensure that the floodlights do not have an unacceptable impact on the residential amenities of occupants of nearby dwellings in accordance with the requirements of Taunton Deane Local Plan policies S1 and S2

Recommended Decision:

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The floodlights on the existing hockey pitch shall be positioned and where necessary adjusted in accordance with a detailed scheme to be submitted to (within one month of the date of this permission) and approved by the local Planning Authority and shall thereafter be maintained strictly in accordance with that scheme

Reason: In order to protect the amenity of occupiers of nearby residential properties on accordance with Taunton Deane Local Plan policy S1(E) and

S2(F)

Notes for compliance

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

**CONTACT OFFICER: Mrs J Moore Tel: 01823 356467**

38/09/0047

MR T BOWERY

**ERECTION OF GROUND FLOOR REAR AND SIDE EXTENSION AT 20 BEADON ROAD, TAUNTON AS AMENDED BY AGENTS EMAIL DATED 27TH MARCH 2007 AND ACCOMPANYING PLANS 0109\_03 & 04 REV A, 0109\_01 REV B, 0109\_02 REV C**

324305.125363

Full Planning Permission

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**PROPOSAL**

The proposal comprises the erection of a single storey extension to the rear of the dwelling. The extension will be built the width the garden. Materials to match the existing.

The application is presented before the committee as the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

The property is a semi-detached dwelling with a long rear garden. The dwelling is within Flood Zone 2.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - No observations.*

*Taunton - No PARISHES -*

**Representations**

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration is the impact on the amenity of the neighbouring properties. The dwelling is attached to 22 Beadon Road and the extension would be built approximately 2m from 18 Beadon Road.

The proposed extension has been amended, reducing the height by 250mm and the projection by 1.5m. The single storey extension now projects 4m and would be 3.8m at

the highest point and 2.4m to the eaves. This reduction in size is considered acceptable and is not considered to have a detrimental impact on the amenity of the neighbouring properties.

The design of the extension, with a hipped roof, is in character with the existing dwelling.

A flood risk assessment has been submitted with this application, identifying flood mitigation measures for this proposal.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

## **RECOMMENDED CONDITION(S) (if applicable)**

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. 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

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

42/09/0007

DR & MRS AD & RJ HUSBAND

## **ERECTION OF A TWO STOREY EXTENSION TO REAR OF KIBBEAR BARTON, TRULL**

322532.121985

Full Planning Permission

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### **PROPOSAL**

Kibbear Barton is a stone and tile linear barn conversion, set in a countryside location. It is built into a slope with the garden to the rear being set on a higher level.

The original element is two storey and this was initially granted permission to be converted to a dwelling in 1988 (42/88/0025). An application in 1995 (42/95/0031) was then approved for the erection of a single storey extension to the barn for residential conversion and formation of new window opening. A subsequent application (42/95/0039) for a first floor extension over the previously approved single storey extension was refused due to its excessive scale and detriment to the traditional character of the barn, this was dismissed at appeal.

In 1996, an application (42/96/0033) was approved for the change of use of an outbuilding to form additional accommodation and a replacement garage. A further application was submitted in 1997 for the erection of a single storey extension on the west side, of similar design to that already approved on the east. This was refused, as the extension, in addition to that already permitted, detracted from the traditional character of the building, however, an identical application (42/97/0010) was later approved by planning committee. Permission for a replacement garage was then approved in 1999 (42/99/0032).

This application now seeks permission for a first floor rear extension to extend the landing and a flat roof single storey rear extension to form a study and utility room.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

MARK EDWARDS, WARD COUNCILLOR - I wanted to indicate my full support for this application as the local ward councillor. I have visited the property and believe that this application is appropriate for the development and will enable the property to function in a more effective way for the owners. The proposed extension by merit of its location on the rear elevation, modest scale and detailed design is in strong sympathy with the character and balance of the existing dwelling. The proposals will have no adverse visual impact on the character of the existing dwellinghouse, local streetscene, the wider rural landscape or neighbouring amenity.

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - No observations

TRULL PARISH COUNCIL - The proposed extension by merit of its location on the rear elevation, modest scale and detailed design is in strong sympathy with the character and balance of the existing dwellinghouse. The proposals will have no adverse visual impact on the character of the existing dwellinghouse, local streetscene, the wider rural landscape or neighbouring amenity.”

## **Representations**

4 letters of support received on the grounds of:

- extension is a positive enhancement and improves the look of the rear of the house
- modest rear extension, in keeping with character of the property
- would not harm local landscape
- other non-planning issues also raised including: the applicants need extra space, other neighbours have had extensions recently, extension would not be visible from any public right of way

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The original barn comprised solely of the two storey element. The initial single storey side extension to the east was approved as it was considered to be relatively small and subservient in design and not detract from its traditional character. However this, along with the further single storey extension on the west, results in the barn already being extended quite significantly, which has impacted upon it's character. The previous extensions did however retain the linear and simple form of the property.

The linear property is of traditional character with no protruding elements to the front or rear. There are no significant concerns regarding the first floor rear extension, which is of a size and design that does not detract from the linear and traditional style. However, the flat roof single storey element, by means of its design, results in harm to the original form of the building, and introduces an incongruous addition, which would protrude 3 metres out from the linear barn, complicating and detracting from the traditional and simple character of the property.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The proposed single storey extension, by virtue of its size, scale, design and positioning, appears as an incongruous addition, detracting from it's simple linear form, to the detriment of the traditional character of the existing dwelling. As such, the proposal is contrary to policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**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**



**RE-DEVELOPMENT OF LAND TO PROVIDE 16 X 2 BEDROOM SHELTERED APARTMENTS, 20 X 2 BEDROOM GENERAL NEEDS APARTMENTS AND 1 MEETING ROOM, 34-62 HOLYOAKE STREET, WELLINGTON AS AMENDED BY PLANS RECEIVED 01.04.2009 (2771/PL/107 A, S771/PL/109 A AND 2771/PL/111) AND PLANS RECEIVED 03.04.2009 (2771/PL/101 B).**

313352.121179

Full Planning Permission

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## **PROPOSAL**

This application seeks full planning permission for the erection of a single block of 36 flats. 16 of the dwellings would provide sheltered accommodation and a communal meeting room would be provided within this scheme for the use of the residents. The remaining 20 dwellings would provide affordable housing, on a social rented basis, through a housing association.

The proposed building would have a modern appearance, with rendered walls and a large amount of glazing, especially to the upper floors, and would have a shallow pitched zinc standing seam roof. The building would be gently curved inwards to Holyoake Street. The principal elevations would be punctuated with vertical buttresses that would protrude from the face of the building to support upper floor balconies and provide privacy screens between the units. Each apartment would have a private balcony/ground floor amenity area, whilst two communal gardens – one for the sheltered accommodation and one for the other affordable dwellings – would be provided to the rear.

The main part of the building would be 2 storey facing Holyoake Street, but rising to 3 storey at the rear facing the Relyon Beds factory. High level glazing would be provided above the upper most part of the two-storey section to light the corridor that runs through the centre of the building. At the eastern end of the site, containing 6 flats and the meeting room, a two-storey section would have a curved roof, with its lowest point facing Seymour Street and sloping up to meet the adjoining 3 storey element.

38 parking spaces would be provided for the development, mainly set around 4 parking courts accessed from Holyoake Street. Two further spaces would be provided from the existing access drive from Seymour Street. The parking areas would be separated by new tree planting.

## **SITE DESCRIPTION AND HISTORY**

The site sits to the north of Holyoake Street at its junction with Seymour Street. The site currently comprises 11 sheltered housing bungalows, set around a communal lawn area fronting Holyoake Street, which would be demolished as part of the proposed development. There are two mature trees within the lawn. At the east end of the site is a two-storey block of flats, making a total of 15 dwellings. A private drive wraps around

the rear of the site, with access points in the southwest corner to Holyoake Street and in the northeast corner to Seymour Street. The drive gives access to 10 local authority garages, some of which are leased to people who live away from the site itself.

There is residential development to the south and east across the road, with industrial buildings adjoining to the north and east, mainly forming part of the Relyon Beds complex. The north and west boundaries are formed of a hedge, around 2-2.5 metres in height, with some conifers to the eastern and south western ends. Immediately to the east, on the opposite side of Seymour Street, there are single storey dwellings set slightly below the road. To the south, on the opposite side of Holyoake Street, are two storey semi-detached dwellings set back behind substantial front gardens, some of which have been given over to vehicle parking.

The site is set at the junction of residential and industrial areas in the northern part of Wellington. Housing to the south and west is mainly formed of Victorian/Edwardian terraces, whilst that immediately to the south of the site and continuing to the east is mainly semi-detached, dating from the latter half of the 20<sup>th</sup> century. Thus, the site sits amongst a wide variety of building styles and amongst a mix of uses and general characters.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*Wellington Town Council* - Support the principle of development on this site. However, there appear to be a number of concerns that require addressing before permission is granted. These relate to:

- Highways and the traffic congestion which already takes place. This proposal could exacerbate this situation.
- Design. This may not fit into the existing street scene.
- Overdevelopment. The size of the proposal is such that the LPA will need to be satisfied that it is acceptable on this site.
- The views of the Highway Authority should be considered before permission is granted.

*Somerset County Council - Transport Development Group* - The proposed development will be accessed off an unclassified highway. The site will provide twenty general need units and sixteen sheltered units. It is recommended that each parking space is allocated to a specific residential unit. One parking space will be provided per unit, plus two visitor spaces. The site will also provide suitably secure bicycle storage for forty cycles.

The parking areas provide sufficient widths to allow vehicles to reverse and turn and leave the site in a forward gear. The proposal will provide suitable turning provision within the parking areas. Suitable vehicular visibility is provided along the entire frontage of the site, but pedestrian visibility should also be provided.

*Heritage and Landscape Officer* - Subject to details of the tree and shrub planting, the proposals look fine. Main concern is the close proximity of the car parking to the two existing trees. It would be difficult to protect the root system of the tree next to space 27. I recommend its replacement. If space 33 were removed, it would be possible to retain the tree next to it.

*Housing Enabling Manager* - Fully supports this application for all affordable housing which will be as a result of redeveloping an existing housing site. These apartments will provide much needed social housing which is sought after in this area.

*Drainage Engineer* - Note that surface water is to be discharged to mains. All flows should go through some form of suds treatment and details should be forwarded for approval before work commences on site and this should be a condition of any permission. The current TDBC housing site is served by existing sewers including a long distance surface water sewer crossing the site. Localised flooding has occurred to adjacent sites in the past.

*Leisure Development Manager* – A contribution of £1, 023 per dwelling should be made towards the provision of facilities for outdoor recreation and a contribution of £1,785 for each 2+ bedroom dwelling should be made towards children's play provision.

*Wessex Water* – There is sufficient capacity within the local public sewers to accommodate the development. Points of connection and flow figures may be agreed in due course. The main issue with the location, however, is the presence of a 450mm public combined sewer which crosses through the site. The sewer, due to its size and depth, will require an easement of 6 metres. It may be possible to divert the sewer, at the developers cost, and we recommend the applicant contact our engineers. Please also note that we understand there to be a number of private sewers which cross the site.

*Nature Conservation & Reserves Officers* - Wildlife survey found no signs of protected species. There were no nests and the buildings showed very low potential to house roosting bats. Agree with the surveyors conclusion that the site is low in ecological value. The two mature variegated trees on site are of local value and should be retained if possible. Recommends condition that wildlife is accommodated within the development.

*Principal Environmental Health Officer - Noise & Pollution* – No response received.

## **Representations**

9 letters of OBJECTION have been received, raising the following issues:

- This is a busy and dangerous road with cars parked on both sides of the street;
- Cars speed along the street;
- Holyoake Street is a rat run used to bypass the town centre;
- Large lorries travel along the road and often have to reverse due to other traffic;
- Holyoake street is not a quiet road as claimed and it is wrong to claim that there is no air pollution;
- The traffic survey was carried out at one of the quietest times of the day;
- Residents cars are sometimes damaged;
- Query what traffic control arrangements will be provided;
- No parking is shown for the meeting room;
- Only 1 parking space is provided per flat, rather than the government guideline of 1.5 spaces;
- There will be a loss of garage spaces - there would be an increase in street

- parking and query whether compensation will be provided;
- Children with no outside space will have to play on the streets, which will be dangerous;
  - 36 dwellings is an overdevelopment;
  - The proposed development will be out of character with the street scene and general ambiance;
  - The proposed building is too modern;
  - Query why the development plans are so different to the existing properties;
  - A close community of elderly persons will be destroyed;
  - The close proximity of elderly accommodation and social accommodation is a blue print for disaster;
  - The current bungalows have been treated for subsidence in the past and are not sinking as claimed;
  - Query whether similar bungalows in Bovet Street and George Street are 'next on the list'.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H9 - TDBCLP - Affordable Housing within General Market Housing,  
M4 - TDBCLP - Residential Parking Provision,  
M5 - TDBCLP - Cycling,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP44 - S&ENP - Cycling,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit of Wellington and the redevelopment of the site is considered to be acceptable in principle. The main issues relate to the design and layout, highways, and impact on neighbouring property. Consideration must also be given to provision for open space, drainage and wildlife.

Developments of this size trigger a requirement for a proportion of houses to be affordable. This development proposes that all 36 apartments are affordable, but this cannot be enforced by planning permission unless a section 106 agreement is entered into. However, this application affects land that is currently owned by the Council. The Housing Enabling Manager has confirmed that one of the conditions of transfer of the land to the Registered Social Landlord (RSL) will be that the site can only be used for affordable housing. Since the Council will retain control over this element, it is considered that a Section 106 agreement is unnecessary on this occasion.

### **Design and Layout**

The site sits at a junction in Wellington's built form between predominantly Victorian dwellings to the south and west, predominantly late 20<sup>th</sup> Century dwellings to the east, and industrial buildings to the north and northeast. As such, there is no prevailing

architectural style, with buildings of different characters and from different eras making up the context. Against this background, the principle of introducing of a building that is clearly designed in the early 21<sup>st</sup> Century is considered to be wholly appropriate and there is no reason why the proposals should seek to copy existing styles in the locality.

The architect's design and access statement indicates how the form and scale of the buildings has been influenced by the surrounding development and there are three influences of note. The main elevation has been designed to be punctuated with vertical buttresses supporting each of the balconies, which aims to pick up on the rhythm of the terraced houses to the south and west. Meanwhile, the set back from the front of Holyoake Street of between 5 and 14 metres is representative of the set back of the semi-detached dwellings opposite, which sit around 8 metres from the back of the footway. The proposal is constructed in two elements, with a two-storey element facing Holyoake Street. As such, the scale of this, west facing, aspect is very similar to the scale of the two-storey dwellings opposite measuring 5 metres to eaves (the existing dwellings measure 4.4 metres to eaves but are set on slightly higher ground). It is considered that the part of the development which will form the street scene (the two storey element) will create a balanced street that respects the existing dwellings and is acceptable. Beyond the two storey element, the building rises to three-storeys but this element will not dominate Holyoake Street, rather it can be seen to relate to the larger industrial buildings beyond the site to the east. The curved roof to the two storey element at the south eastern corner of the site will provide an interesting focus at the junction, whilst respecting the scale of the surrounding development.

Much of the proposed building would be finished with glazing, with the areas of solid wall clad in timber boarding or having rendered panels; the roof would be formed of zinc sheets. The materials palette largely responds to the architectural style of the proposed building, but given the context of a mix of brick and render in the area, with industrial buildings behind, is considered to be acceptable. It is the design as a whole that will influence the way that the building can integrate with the street scene, and for the reasons noted above this is considered to work well. The building is intended to use highly performing materials and construction methods that will allow it to achieve Code for Sustainable Homes level 3. The architects have confirmed that they are attempting to meet level 4, so further energy saving features are proposed, however, the ability to achieve level 4 cannot be guaranteed at this stage.

The building proposes 38 parking spaces (see below) to the front and side of the building. Providing so much parking to the front has the potential to create a car dominated street frontage and this is perhaps the most disappointing aspect of the proposed layout. However, a significant amount of new tree and shrub planting is proposed between the parking courts.

The original intention was to retain the two mature trees, and negotiations to slightly alter the parking layout had been made to accommodate them. However, it was subsequently discovered that the proposal would necessitate the moving of a public sewer and the proposed route of this would pass under the retained trees. As the sewer is set at a depth of around 4 metres, significant excavation would be required and it would not be possible to retain the trees around it. The applicants suggested moving the tree, but due to its size, that the costs would be high. It would also have to be moved twice to allow the construction of the sewer and a better option would be to remove the existing trees and include a number of semi-mature trees within the

proposed landscaping scheme. The Landscape Officer has agreed that this would be acceptable. The new landscaping will have the effect of breaking up the frontage such that the trees and building are able to take precedence over the parking area.

In addition to the individual balcony or small external areas available for each apartment, two communal garden areas are proposed – one to serve the sheltered accommodation and one to serve the general needs housing. The areas are not huge, but are able to provide additional outdoor facilities for the future occupiers.

With regard to the foregoing, your officers consider that the proposed building is well designed and will integrate satisfactorily with the surrounding dwellings and other nearby land uses and buildings. The ability of the development to provide all necessary facilities within an acceptable layout indicates that it is an appropriate level of development for the site and is acceptable in these terms.

## **Highways**

It is clear from the representations, that a number of local residents feel that parking and highway safety is of great concern. The proposal, in effect, seeks to provide an additional 21 dwellings on the site, which in general highway movement terms, is not considered to generate a significant increase in traffic. As such, no specific 'traffic control' measures are proposed, nor are they required. The main issues are ensuring that there is sufficient parking provision and that the accesses are safe to use.

The Highway Authority has confirmed that in this location within Wellington, the principle of providing 1 space per dwelling is acceptable. The scheme proposes this level of provision with an additional two visitor spaces indicated. This calculation also assumes that each of the sheltered housing units will have one car per unit, which in reality may be an overprovision given that most of those residents will be elderly. In addition, there is provision for 40 cycles to be stored on site in secure facilities. As such, it is considered that the parking provision is adequate.

Some concern has been raised over the lack of parking provision for the meeting room. The applicants have confirmed that although the room will be available for external use to a limited extent, its main purposes is to provide a communal area for the residents of the sheltered housing scheme. This is evidenced by the fact that access to the room is from within the sheltered housing element of the building and past the front doors to two of the apartments. Whilst there may be a small element of traffic generation stemming from the presence of the room it would be unreasonable to require dedicated parking provision when its primary function was to serve the future occupiers. In any case, the site remains within the urban area of Wellington, with good public transport links available nearby.

It has also been noted that a number the garages that are currently on the site are leased to nearby residents who do not live on the site. As such, there may be a small increase in parking on the highway when these spaces are no longer available. However, this will be a maximum of 10, dispersed through the surrounding area and it is not considered that the increase in on-street parking could be afforded sufficient weight to warrant refusal of the application.

The Highway Authority recommended that enhanced visibility of the footway would be required than had been shown on the original layout plan. This can be achieved by

moving the trees proposed to be planted at the entrances slightly to the side, out of the required visibility splays. Whilst this will reduce the enclosure and visual screening afforded to the parking areas, it is considered that the priority should fall with highway and pedestrian safety on this aspect. The revised plan now clearly shows an acceptable provision and a condition should be imposed to ensure that visibility is maintained.

Damage to residents cars from the traffic already using the highway is not a matter for control through the planning system.

With regard to the above, the impact of the development on highway safety is considered to be acceptable.

### **Neighbouring property**

The proposed building sits between 26 and 34 metres from the existing dwellings on the opposite side of Holyoake Street, with large windows facing in this direction at ground and first floor. Second floor windows are high level, serving only the internal corridor and are a further 8 metres back from the front of the building. The building is also 21 metres from the single storey dwellings on the south side of Seymour Street, again with ground (meeting room) and first floor windows in that elevation.

It is considered that the building is sufficiently distanced from those existing dwellings that no undue overlooking will arise. As noted above, the front portion of the building is of a comparable height to the existing dwellings on Holyoake Street, with a shallow pitched roof, such that it will not be unreasonably overbearing. The curved roof fronting Seymour Street replaces an existing two storey building and will not be unreasonably dominant on the closest dwellings. With regard to these factors, the impact on neighbouring dwellings is considered to be acceptable.

### **Open space provision**

The proposed development makes provision for either balconies for first and second floor apartments or comparably sized private garden areas for ground floor apartments for each dwelling. The ground floor spaces are separated from the front parking or communal rear areas by low post and rail fences and a 'defensible' planting buffer. These areas would give each apartment space to sit outside if desired. In addition the development provides around 150 square metres of communal amenity space for the general needs housing and a further 160 square metres for the sheltered housing. This will provide further immediately available facilities for the residents.

Further afield, the development is approximately 400m (by foot) from the recently commissioned play area at Howard Road. This is considered to provide adequate facilities for the development and it is not considered that neighbours' concerns about children being forced to play on nearby streets can be given much weight.

As is customary on developments of this scale, the Leisure Services Manager has sought contributions towards the provision of off-site recreation facilities, both for children's play and for general outdoor recreation. It is anticipated that any contributions would further develop the facilities at Howard Road and be used to enhance playing fields in the locality. The contributions would only apply to the 20 general needs units as it is not anticipated that the residents of the sheltered housing

would place a great demand upon recreation facilities. Further, these units replace existing dwellings on the site.

The applicant has submitted that it would make the scheme unviable to pay the requested contribution in full on the basis that the development is providing 100% affordable housing and is dependent on grant funding to achieve this. It is suggested that the terms of the grant will not allow it to be used for any purpose other than carrying out development (i.e. it excludes use for the payment of Section 106 contributions). In addition, the site is subject to extraordinary development costs, as the existing dwellings have to be demolished and site is liable to subsidence. Deep pile foundations are required in the construction. For these reasons, the applicant has confirmed that it is only able to pay contributions to the general outdoor recreation provision and not to the children's play area as well. Given that the development is to be served by the new Howard Road play facilities and that it is providing a considerable amount of affordable housing, it is recommended that only the contribution to general outdoor recreation is sought.

### **Drainage**

The development proposes to discharge foul drainage to the public sewer, which is acceptable. Roof water is also proposed to be discharged to the public sewer, although some water butts will be provided to slightly reduce the flow and to provide for watering the trees, shrubs and communal garden areas. The parking area will be surfaced with a permeable surface which allows water to percolate and then be held to evaporate later. Given the size constraints of the site and the presence of existing development on the site it is considered that the proposal is acceptable in drainage terms.

### **Wildlife**

A wildlife survey has been submitted with the application. It confirms that the site is very poor in wildlife terms, offering a poor range of habitats. No protected species were identified on the site, so there are no wildlife implications for the required demolition works. Planning Policy Statement 9 advocates the enhancement of wildlife habitats through development and this usually takes the form of specific provision for bats or owls etc. The Nature Conservation and Reserves Officer has recommended a condition that a strategy to accommodate wildlife is submitted and agreed with the Local Planning Authority. This has been discussed with the applicant and they are concerned about the costs of further works jeopardising the viability of the 100% affordable housing scheme.

It has been confirmed that the existing site does not provide any significant habitat potential. The proposed development, by contrast, includes a significant amount of new tree planting and landscaping, which will increase its wildlife potential. In the context of the existing site, the nature of proposed development and the landscaping proposed it is recommended that no formal provision is made. An informative note should be included to request the applicant to provide as much voluntary enhancement as possible.

### **Other matters**

The application is also accompanied by noise and air quality assessments. They



confirm that there are no air quality implications for or stemming from the proposed development and that the adjoining industrial uses will not lead to unnecessary noise disturbance for the future occupiers of the site.

There is a Hazardous Substances Installation in the vicinity, in the form of LPG tanks at Swallowfield PLC on Station Road. However, the site is outside the consultation zone for the Health and Safety Executive and, therefore, they have no objection to the proposal.

Concern has been raised by neighbours that the mix of social housing with housing for the elderly will lead to poor living conditions and relationships between the future occupiers of the site. However, the two parts of the building are clearly separated and two separate amenity areas are proposed. More importantly, the precise future tenure and likelihood of cooperation between future neighbours is not a material planning consideration.

Comments have also been made that off-street parking should be provided for neighbours and that replacement facilities should be provided for those who currently rent garages on the site. However, as noted above, the Highway Authority have confirmed that the local highway network has sufficient capacity to meet the needs of the development and that any displaced parking can be accommodated. There are no grounds, therefore, for the provision of additional facilities elsewhere.

Some suggestion has been made that the existing buildings are not subject to subsidence and that there is no need for their removal. No evidence has been submitted to indicate the subsidence, although the Housing Enabling Officer has said that this is the case and there is no reason to doubt the situation. Previous remedial works have been required, indicating that there are problems with the underlying land. Regardless of the situation, the instability of any existing structures does not have to be demonstrated to make the current proposal acceptable – the development is acceptable on its own merits.

## **Conclusions**

It is considered that the proposed development is acceptably designed and will sit comfortably in its context. There will be no adverse impact upon the local highway network and the level of parking provision is acceptable. The parking proposed sits to the front of the site, where it will be clearly within the street scene, however it will be heavily landscaped which will help to screen the parking and assimilate the development into the locality, whilst providing enhanced ecological potential for the site. The development will not have an unreasonable impact on existing neighbouring property and there is adequate external amenity space, including nearby public children's play facilities, available to the development in the form of communal and private spaces. With regard to these factors, and the other comments noted in the preceding report, the development is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

## **RECOMMENDATION AND REASON(S)**

**Subject to** the applicant entering into a Section 106 agreement to secure a contribution of £1,023 per general needs dwelling (20 units) toward the provision of outdoor recreation facilities, **Grant** subject to the specified conditions for the following

reason:

- 1 The proposal is considered not to have a detrimental impact upon visual or residential amenity or highway safety. It is considered to be well designed with an acceptable layout, providing necessary facilities for the future occupiers of the site. It is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, H9, M4, M5, and C4; Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4, 44 and 49 and guidance contained in Planning Policy Statements 1 and 3.

#### **RECOMMENDED CONDITION(S) (if applicable)**

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. 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: In the interests of the visual amenities of the area 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. Prior to the commencement of the development hereby permitted a scheme for the disposal of surface water shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures that will

prevent the discharge of water to the highway. The agreed details shall be implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate facilities exist for the disposal of surface water, to help to prevent off-site flooding and in the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, policy S1 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 25.

5. Each access shall incorporate pedestrian visibility splays on both sides to the rear of the existing footways based upon co-ordinates of 2.0m x 2.0m.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

6. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of any of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policies S1 and M5 of the Taunton Deane Local Plan and policies STR1, 44 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. The areas allocated for parking and turning on plan 2771/PL/101 B (received 03.04.2009) shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site, in the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. The accesses hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross over constructed across the footway fronting the site for the width of the access.

Reason: To ensure than an adequate access is available for the future occupiers of the site in the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

#### Notes for compliance

1. You are requested to provide as many enhancement features to attract wildlife to the site as possible. The Council's Nature Conservation and Reserved Officer can be contacted for further advice if required.

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

51/09/0003

MR G STUDER

**ERECTION OF NEW DWELLING ON SITE OF DEMOLISHED BARN AT STOKE ORCHARD FARM, BURROWBRIDGE (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN).**

337302.1293

Retention of Building/Works etc.

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**PROPOSAL**

The dwelling has already been constructed, as a 4 bed property to the west of and adjacent to Stoke Orchard Farm. The site formerly had a barn, which had permission for conversion to ancillary residential accommodation. However the barn was demolished as shown on the 2000 aerial photo, and a replacement dwelling erected without planning permission. This application seeks that permission. The dwelling is largely complete, with only some plastering/finishing required in a couple rooms; it is not being used as living accommodation, but a room has been used by a visiting relative. The agent has advised that when the outer bays were removed, the building appeared similar to a dwelling, and the building needed to be strengthened and thus the original outer walls formed the inner walls. The outer walls have been built from 'original' old bricks. The applicant also would like full planning permission rather than ancillary accommodation.

**SITE DESCRIPTION AND HISTORY**

The site is in open countryside within flood zone 3, is on the southern side of Stathe Road close to Stathe. The barn appeared to be brick built with side bays and tiled roof. History:- In 1989, advice was given that a replacement dwelling would be contrary to policy, permission for conversion granted on basis of retaining a former agricultural building as part of the rural scene. 89/0015 - conversion of barn to dwelling was approved in June 1990. 95/0006 – the previous permission was renewed with conditions in June 1995. In June 2000, advice was given that the removal of the bays to either side of the main structure and conversion of the remaining building to ancillary living accommodation did not require planning permission, the accommodation would have to be ancillary. By 2000 the barn had been demolished. A new residential building was then erected starting in June 2000, an application was submitted in 2007, but did not have the required information for registration.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*Burrowbridge Parish Council* - as previously, supports, although the current proposal is somewhat different from the originally approved plans, it is the view of the PC that it will be of an acceptable design and appearance.

*Somerset County Council - Transport Development Group* - The development that

has already been undertaken lies outside any development boundary limits and is therefore distant from adequate services, and as such the occupiers are likely to be dependant on private vehicles for most of the daily needs. Such fostering of growth would be contrary to government advice given in PPG13 Transport and RPG 10, and STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. It is for the Local Planning Authority to decide if there is sufficient need to outweigh these policies. If permitted, conditions to be imposed.

*Environment Agency* - We would remind the Local Planning Authority and the applicant that Planning Policy Statement (PPS) 25 requires the Sequential Test to be demonstrated for proposals other than those that meet the description in footnote 7 of the PPS and Change of Use. Where the proposal is for 'Non-Major' development (such as this) the Environment Agency will not object on the lack of evidence of the Sequential Test. However it is still a requirement of PPS25 and the Local Planning Authority must be satisfied that the Sequential Test has been demonstrated and the Exception Test applied if appropriate too. In each case the Local Planning Authority must have a demonstrable Sequential Test (and Exception Test where appropriate) as part of the planning application. If they do not and they are challenged then this could clearly be an issue for them and could possibly lead to judicial review. Advice on the evidence required to show that the Sequential and Exception Test has been properly applied is set out in the Practice Guide to PPS25 and the Environment Agency's Standing Advice on development and flood risk. The Environment Agency has no objection to the development, provided that the following measure(s)/conditions as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

## **Representations**

One letter of comment, does not object to barn conversion, but does object to the way this has been done, that a new building has replaced the "beautiful traditional barn". Detailed description of the traditional former rural building and how the new building is of poor quality; if the building is to remain a new bay should be added to the side; the PVC windows should be timber; the whole process of knocking down a decent building and erecting a new one is wrong.

## **PLANNING POLICIES**

PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EN28 - TDBCLP - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The building is a replacement building, the previous barn having been demolished, as shown on the aerial photo. Planning permission had been granted for the conversion of the barn to dwelling, but this had not been implemented. The new building is thus a new

dwelling in open countryside, and fails to meet the needs/requirements specified in PPS7 and Taunton Deane Local Plan S7. The location is in an unsustainable location as identified by policies STR1 and STR6 of the Structure Plan, and given the poor local public transport links will result in additional private vehicle travel. The dwelling is in a zone 3 flood risk area (High Risk) but the Flood Risk Assessment submitted by the agent fails to address the sequential test as it does not give details of sites which are not within flood zone 3 which are suitable for a new dwelling. The floor level has been raised to 630mm above road level, but this does not overcome the sequential test which seeks to direct new development away from higher risk flood zones. Whilst the Parish Council supports the proposal, it is clearly contrary to policies on new dwellings in the open country, in an unsustainable location and does not meet the sequential test identified by the Environment Agency. As the property has been constructed, Enforcement Action to have the property demolished would also have to be agreed.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to this policy. The proposal is considered to conflict with PPS7, Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and STR6 and Taunton Deane Local Plan Policies S1, and S7 as it is located outside settlement limits and no justification has been put forward to depart from this policy.
- 2 The proposed development site is 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 Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.
- 3 The site is within the area designated by the Environment Agency as being within Flood Zone 3 as defined in PPS25, wherein a sequential test requires to be undertaken by the applicant to determine whether sites which are not liable to flooding are available, as this has not been carried out, this aspect has not been satisfactorily completed, the proposal is thus contrary to PPS25.
- 4 It is recommended that Enforcement Action be authorised to have the dwelling demolished, and the site cleared within 6 months of the date of decision, as its erection was unauthorised and is contrary to policy.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**





## **1. File/Complainant Number 0005/14/08**

## **2. Location of Site**

County Hardwoods, Creech Mills Industrial Estate, Creech St Michael, TAUNTON, Somerset

## **3. Names of Owners**

Mr N Smythe  
County Hardwoods Ltd  
Mill Lane  
Creech St Michael  
TAUNTON  
TA3 5PX

## **4. Names of Occupiers**

County Hardwoods

## **5. Nature of Contravention**

Formation of hard standing and siting of portable storage containers

## **6. Planning History**

A complaint was received by the Council that an area of land adjacent to Mill Lodge had been covered with hard core and steel containers had been placed on the land. The land is owned by County Hardwoods who were contacted on 4th March 2008 advising them that the stationing of storage containers on the land and the formation of the hard surface required Planning permission. County Hardwoods stated that the containers were there as a temporary measure and were used to store surplus equipment whilst the offices were being reorganised and would be removed shortly. However, the containers have not been removed and now appear to be used for general storage by persons not connected with County Hardwoods. The area is located within an area liable to flooding and the owner was also advised to contact the Environment Agency.

## **7. Reasons for Taking Action**

The use of the containers for storage purposes is considered a B8 use and as such this use is not covered by the permission currently existing on the site. Any change to include a B8 use may have an impact on traffic generation to and from the site using what is considered to be a sub standard access onto the main road, therefore contrary to Policy S1 and EC7 of Taunton Deane Local Plan.

Also the placing of and raising of the land on which the units are sited is an engineering operation within a flood plain and therefore contrary to Policy EN28 of Taunton Deane Local Plan

## **8. Recommendation**

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

**Contact Officer**

**John A W Hardy 356466**

## **1. File/Complainant Number 0150/14/08**

## **2. Location of Site**

Dapper Dogs, Unit C, Mill Lane

## **3. Names of Owners**

County Hardwoods  
Creech Mills  
Creech St Michael  
TAUNTON

## **4. Names of Occupiers**

Ms K Barratt  
Dapper Dogs  
Unit C Mill Lane  
Creech St Michael  
TAUNTON  
TA3 5PX

## **5. Nature of Contravention**

Dog grooming business at Unit C Creech Industrial Estate

## **6. Planning History**

It was brought to our attention that a dog grooming establishment was operating at Creech Mills, Creech St Michael. The owner of the business was contacted and informed that the use of the property for dog grooming was a change of use and required Planning permission. The owner of the business said she was informed by the owner of the property that no further permission was needed. However she would submit an application shortly. To date no application has been submitted and the use is continuing. Due to the history of the site and the overall established uses of the estate this particular use falls outside those permitted and therefore is unlikely to be acceptable due to increased traffic generation.

## **7. Reasons for Taking Action**

It is considered that by the very nature of the business additional traffic movements occur thus adding to the use of the sub standard access. Therefore the use is contrary to Policy S1(a) and (e) and EC7 of the Taunton Deane Local Plan

## **8. Recommendation**

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

**Contact Officer      John A W Hardy**

**356466**

**1. File/Complainant Number 0151/14/08**

**2. Location of Site**

Unit B Creech Mills, Mill Lane, Creech St Michael

**3. Names of Owners**

County Hardwoods  
Creech Mills  
Creech St Michael  
TAUNTON

**4. Names of Occupiers**

Ms Lorna Edwards  
Bow - Wows Doggy Day Care  
Unit B Creech Mills  
Mill Lane  
Creech St Michael  
TA3 5PX

**5. Nature of Contravention**

Dog day care business on Industrial Estate

**6. Planning History**

It was brought to our attention that a dog day care establishment was operating at the above premises. The owner of the business was contacted and informed that the use of the premises as a day care facilities for dogs required Planning permission as it did not fall within the use classes permitted on the Creech Mills site. At the time the business was operating under the name K9 Companions and owned by Ms Edwards and Ms Threlfall. No application was forthcoming and when contacted again it was found that the company had changed its name to Bow-wows Doggy Day Care and was owned solely by Ms Edwards. Due to the history of the site and the increased use of the sub standard access it is unlikely that an application to regularize the business would be viewed favourably.

**7. Reasons for Taking Action**

It is considered by the very nature of the business additional traffic movements occur by those bringing their dogs to the unit on a daily basis thus adding to the use of the sub standard access. Therefore the use is contrary to Policy S1(a) & (e) and EC7 of the Taunton Deane Local Plan

**8. Recommendation**

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

**Contact Officer**

**John A W Hardy 356466**

**Appeals Received - Committee Agenda 15<sup>th</sup> April 2009**

<b>Appeal</b>	<b>Start Date</b>	<b>Application Number</b>
Mr M Hawkins	27 March 2009	38/08/0395
Mr J Jordan	31 March 2009	43/08/0098
Mrs K Perry	03 April 2009	49/08/0067

**Appeal Decisions for Committee Agenda – 15<sup>TH</sup> April 2009**

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

<b>Appeal</b>	<b>Proposal</b>	<b>Reason/s for initial decision</b>	<b>Application Number</b>	<b>Decision</b>
Mr R L Van Den Broek	CONVERSION OF BARN TO DWELLING AT GREAT HERSWELL FARM, WEST BUCKLAND	TDLP Policies H7 SENP STR 1, STR6 PPG13, RPG10	42/08/0024	Dismissed 25 March 2009
Mr & Mrs J Rose	CHANGE OF USE TO BED AND BREAKFAST USE AT FOUR SEASONS, SEVEN ASH	TDLP EC6 SENP Policy 49	11/08/0002	Dismissed 26 March 2009
Mr & Mrs Grabham	CONVERSION OF BARN 10 TO DWELLING AT CHURCH FARM, CULMHEAD	TDLP Policies S1(B) & S7 SENP Policies STR1 & STR6 Policy TRAN1 of Regional Planning Guidance for SW Policies	29/08/0004	Dismissed 26 Mar 2009
Mr R Peacocke	OUTLINE APPLICATION FOR ERECTION OF A DWELLING WITH GARAGE, PARKING AND FORMATION OF ACCESS AT PLOT 2, QUESTEL, TAUNTON ROAD, BISHOPS LYDEARD	TDLP Policies S1 and S2	06/08/0049	Allowed 02 Apr 2009