

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 10 February 2010 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 20 January 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 5 05/09/0034 - Erection of two dwellings at land to rear of 50 Stonegallows, Bishops Hull.
- 6 43/09/0125 - Erection of a dwelling, together with revised access arrangements, within garden adjacent to 1 Shuteleigh, Wellington.
- 7 43/09/0126 - Erection of replacement dwelling, new vehicular access and associated works at 1 Shuteleigh, Wellington.
- 8 46/09/0030 - Erection of 16,000 bird free range egg production building and alteration to agricultural access on land adjacent to Gerbestone Lane, West Buckland.
- 9 52/09/0053 - Erection and alteration of extension and four-bay car port, demolition of two-bay garage at Hillcroft House, 2 Jeffreys Way, Comeytrowe.
- 10 Reference E0296/06/09 - Unauthorised shed/workshop and fence at 139 Darby Way, Bishops Lydeard.
- 11 Reference 21/09/0021 and E0103/21/09 - Change of use of land for the stationing of a mobile home and touring caravan for residential purposes on land at Carriers Gate Orchard, Langford Budville.
- 12 Reference 0039/48/06 - Sheds and access track on land west of High View, Yalway, West Monkton.

13 Planning Appeals - The latest appeals lodged and appeal decisions received (details attached).

Tonya Meers
Legal and Democratic Services Manager

03 February 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

Planning Committee Members:-

Councillor P Watson
Councillor D Wedderkopp
Councillor M Floyd
Councillor K Durdan
Councillor B Denington
Councillor M Hill
Councillor D House
Councillor C Bishop
Councillor R Bowrah, BEM - Mayor
Councillor J Allgrove
Councillor C Hill
Councillor S Brooks
Councillor G Copley
Councillor P Critchard
Councillor L James
Councillor T McMahon
Councillor N Court

Planning Committee – 20 January 2010

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Brooks, Mrs Copley, Ms Court, Denington,
Ms Durdan, Mrs Floyd, C Hill, House, Miss James, McMahon, Watson
and D Wedderkopp

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr B Kitching
(Area Planning Manager), Mr G Clifford (Area Planning Manager,
South), Mr M Bale (Principal Planning Officer), Mrs J Jackson (Legal
Services Manager), Ms M Casey (Planning and Litigation Solicitor)
and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Coles

(The meeting commenced at 5.00 pm)

1. Apologies/Substitution

Apologies: Councillors Bowrah and Critchard
Substitution: Councillor Stuart-Thorn for Councillor Bowrah

2. Minutes

The minutes of the meeting of the Planning Committee held on 16 December 2009 were taken as read and were signed.

3. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor House declared that he had previously spoken in connection with application No 36/09/0017 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Councillor Brooks declared that he had previously spoken in connection with application Nos 38/09/0388 and 38/09/0389LB and considered he had “fettered his discretion”. He left the meeting during the discussion of this item.

4. Applications for Planning Permission

The Committee received the report of the Growth and 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:-

34/09/0037

Erection of two storey side extension, rear conservatory, replacement garage and replacement porch at 3 Hillhead Cottages, Rectory Road, Staplegrove

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and H 17 (Extensions to Dwellings).

35/09/0006

Erection of 2 polytunnels at land at Bullock Field Hill, Stawley

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) (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;
- (c) No lighting shall be installed in the polytunnels hereby permitted without the further grant of planning permission.

Reason for granting planning permission:-

The proposed development was in an acceptable location for the agricultural purposes intended. The extensive landscaping proposed would, over time, ensure that the visual impact was reduced such that it would acceptably assimilate into the surrounding countryside. It was, therefore, in accordance with Policies S1, S2 and S7 of the Taunton Deane Local Plan and guidance contained in Planning Policy Statement 1.

43/09/0110

Residential development to provide five dwellings in lieu of four previously approved, together with access, parking and associated works, Plots 24-27, land at former ABL and Westford Plastics site, Payton Road, Wellington

Conditions

- (a) The development hereby permitted shall begin 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 with the Local Planning Authority;
- (c) (i) The landscaping and planting schemes shown shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) 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 other appropriate trees or shrubs, as may be approved in writing by the Local Planning Authority;
- (d) Within one month of completion of the landscape scheme the applicant shall be required to provide an as built and planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations shall be received by this Authority within one month of the completion of the landscape scheme;
- (e) Work shall not commence until details of a strategy for the protection of the bats and their habitat within the development, together with the maintenance of access for the bats, has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;
- (f) The proposed roads, footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling shall be served by a properly consolidated and surfaced carriageway and footpath before it is occupied;
- (g) The area allocated for parking shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (i) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending

or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwelling houses or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;

- (j) The finished floor levels of the proposed dwelling shall be a minimum of 62.2m AOD;
- (k) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (l) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order revoking or re-enacting that Order), no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus ten per cent. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage;
- (m) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) 1025/22/01 Ground Floor Plan
 - (A3) Block Plan
 - (A3) Drg No 1025/01 Site Layout
 - (A3) Drg No 1025/04 Location Plan
 - (A3) Drg No 1025/05 Context Plan
 - (A3) Drg No 1025/06 Street Scenes
 - (A3) Drg No 1025/20/01 Ground Floor Plan
 - (A3) Drg No 1025/20/02 First Floor Plan
 - (A3) Drg No 1025/20/10 Elevations
 - (A3) Drg No 1025/21/01 Ground Floor Plan
 - (A3) Drg No 1025/21/02 First Floor Plan
 - (A3) Drg No 1025/21/10 Elevations
 - (A3) Drg No 1025/22/02 First Floor Plan
 - (A3) Drg No 1025/22/10 Elevations
 - (A1) Drg No 0706-24 Proposed Drainage Layout
 - (A1) Drg No 1025/02 Proposed Adoptable Highway
 - (A1) Drg No 1025/03 Materials Plan
 - (A2) Drg No 1025/23/01A Site Layout
 - (A3) Drg No 1025/23/10 Car Port and Bat Roost
 - (A3) Drg No 1025/23/11 Car Port and Bat Roost

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

49/09/0054

Alterations to approved scheme for conversion of barn to dwelling (49/09/0059) and erection of agricultural building at Footlands Farm, Ford, Wiveliscombe

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part 1 Classes A, B, C, D, E, F, G, and H and in Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (c) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall: (i) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment; (iii) If remedial works are required, details shall be submitted to the Local Planning Authority and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (d) Where necessary the building shall be repaired with salvaged materials of similar age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation;
- (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) Before any works are commenced, details of the finish to the timber work shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) (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 the planting scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition to the satisfaction of the Local Planning Authority 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;
- (h) Details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
 - (i) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected or planted before any such part of the development to which it relates takes place;
 - (j) All repairs shall be progressed on the basis of minimal intervention with all repairs being effected in appropriate traditional materials and with workmanship commensurate with the buildings age and character;
 - (k) The windows hereby permitted shall be recessed in the wall to match existing recesses;
 - (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or any other purpose whatsoever;
 - (m) The altered access, parking, and turning area shall be properly consolidated and surfaced and not loose stone or gravel, in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (n) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted;
 - (o) Any entrance gates erected shall be hung to open inwards;
 - (p) No development excluding site works, shall begin until a panel of the proposed stonework, measuring at least 1m x 1m, has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
 - (q) 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;
 - (r) No development shall take place until a sample of the ridge tile has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
 - (s) No development shall take place until a sample of the slate to be used has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as

- such in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (t) No development shall take place until a sample of the weatherboard infill has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
 - (u) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
 - (v) The proposed rooflights shall be flush fitting "conservation type";
 - (w) The door to the northern elevation shall be retained in situ and details of its treatment shall be submitted to, and approved in writing by, the Local planning Authority before development commences;
 - (x) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
 - (y) The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided and shall include:-
 - (i) Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development;
 - (ii) Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance;
 - (iii) Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds. 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 and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and bird boxes and related accesses has been fully implemented.
- (Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species, The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and breeding birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised that bats are known to use the building(s) as identified in submitted reports. The species concerned are European Protected Species within the meaning of the

Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England (NE) in accordance with Regulation 44 (3) (b) of the above regulations. NE requires the Local Planning Authority to be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence; (3) Applicant was advised that a Section 184 Permit under the Highways Act, 1980 must be obtained).

Reason for granting planning permission:-

The building was in keeping with its surroundings, limited alteration was proposed, it was unlikely to attract a suitable business re-use, was sited near a public road, and neither road safety nor visual and residential amenity, nor the setting of Lower Grants Farmhouse would be adversely affected. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, and H7, nor with Planning Policy Guidance Note 15, nor with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

49/09/0055LB

Alterations to approved scheme for conversion of barn to dwelling (49/09/0059) at Footlands Farm, Ford, Wiveliscombe

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) No development, excluding site works, shall begin until a panel of the proposed stonework, measuring at least 1m x 1m, has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (c) 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;
- (d) No development shall take place until a sample of the ridge tile has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) No development shall take place until a sample of the slate to be used has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (f) No development shall take place until a sample of the weatherboard infill has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as

- such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (g) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
 - (h) The proposed rooflights shall be flush fitting "conservation type";
 - (i) The proposed wood burner flue shall be matt black unless otherwise agreed in writing with the Local Planning Authority;
 - (j) The door to the northern elevation shall be retained in situ and details of its treatment shall be submitted to, and approved in writing by, the Local planning Authority before development commences;
 - (k) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;

Reason for granting planning permission:-

It was considered that the proposal was in line with Planning Policy Guidance Note 15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

- (2) That planning permission be **refused** for the under-mentioned developments:-

36/09/0017

Erection of 10 x 2 storey dwellings (to include 3 affordable housing units) and associated works at The Old Coal Yard, Stoke St Gregory

Reasons

- (1) The proposed development site was located outside the confines of any recognised development boundary limits, in an area that had very limited public transport services. The residents of the development were likely to be reliant on the private car and there would therefore be an increase on the reliance on the private motor car, thus comprising unsustainable development which was contrary to advice given in Planning Policy Guidance Note 13, Planning Policy Statement No 3 Regional Planning Policy Guidance Note 13, and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan. Furthermore the site had not been allocated for potential residential development or considered for allocation in the Taunton Deane Core Strategy and Small Sites Consultation Document January 2010;
- (2) The buildings the subject of the proposed development were considered to be new dwellings which were not proven to be required for an existing agricultural purpose or activities. The application site was outside a town,

rural centre or village where development was strictly controlled. Development was restricted to that which benefits economic activity, maintains or enhances the environment and did not foster growth in the need to travel. The Local Planning Authority was of the opinion that the proposal did not satisfy all of the above criteria and was therefore contrary to Planning Policy Statement Nos 3 and 7, Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan;

- (3) The proposed layout was considered to be unacceptable in terms of design, in particular in terms of extent of hard surfacing, road layout and siting of dwellings was uncharacteristic of the area and was of poor quality, contrary to Planning Policy Statement No 1 (paras 17 and 35) and Policy S2 of Taunton Deane Local Plan.

41/09/0026

Erection of 11kw wind turbine (18.3m high to hub with rotors at 13m diameter) at Bridgets Farm, Tolland

Reason

The application site was located in an attractive area of countryside where it was considered that the proposed development, due to its size, form and siting, would have a significant adverse impact on the local landscape character by reason of its visual intrusion which would adversely affect the setting of this landscape. As such the proposal was considered contrary to advice given in Planning Policy Statements Nos 1, 7 and 22 and Taunton Deane Local Plan Policies C13(A) and EN12.

5. Erection of 18 affordable apartments, together with associated access works, parking and landscaping on land at 49 Wordsworth Drive, Taunton (38/09/0359)

Reported this application.

Resolved that subject to a Section 106 Agreement to secure play and recreation contributions, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, 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) Before the commencement of works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building shall be submitted to, and be approved in writing by, the Local Planning Authority. The works shall be carried out as agreed and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) No site clearance works or development shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (d) If the period of time between the survey of Aardvark EM Limited dated November 2009 and the commencement of the development extends to

more than one year beyond the date of the permission, then a further survey must be commissioned and submitted to and agreed in writing by the Local Planning Authority to ascertain changes in use by protected species;

- (e) (i) The landscaping and planting scheme shown on the drawing 2845/001F shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The existing trees and hedge along the southern boundary of the site shall be retained and shall not be lopped, topped or removed without the agreement in writing of the Local Planning Authority;
- (g) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) The development hereby approved shall not be occupied until the covered cycle storage has been provided with a capacity for at least 18 cycles in a position to be agreed in writing by the Local Planning Authority;
- (i) Before the flats hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed, not loose stone or gravel, and details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) At the proposed access there shall be no obstruction to visibility greater than 600mm above the adjoining road level within splays based on minimum co-ordinates of 2m x 31m in either direction. Such visibility shall be fully provided before works commence on the erection of the flats hereby permitted and shall thereafter be maintained at all times;
- (k) Before the flats hereby permitted are occupied, details of the means of surface water disposal to prevent increased discharge to the sewer system and discharge onto the highway shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed;
- (l) The windows in the first floor west elevation of units 8 and 10, the first floor south elevation of unit 13 and the second floor corridor of the south elevation serving units 17 and 18 shall be fixed and glazed with obscure glass of a level to be agreed in writing and this shall thereafter be retained. There shall be no alteration or additional windows in the elevations without the further grant of planning permission;
- (m) Prior to the occupation of any flat, the bin storage area shall be provided and shall thereafter be maintained in a position to be agreed in writing by the Local Planning Authority;
- (n) The development hereby permitted shall be carried out in accordance with the following approved plans: 2845/001F, 002D, 003F, 004G, 005H, 006H, 007I, 008H, 011A & 012.

(Notes to applicant:- (1) Applicant was advised that (i) All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning

system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (ii) As a few bats may be found within any building at any time of year, all contractors should be made aware in writing that bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding. If bats are found during building work all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England. Bats should not be handled but should be left in situ, gently covered until advice is obtained. In emergency situations bats should only be handled with gloves; (2) Applicant was advised that the alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with Somerset Highways who advise on the relevant licenses necessary under the Highway Act 1980 (Section 184); (3) Applicant was advised that attention is drawn to the Taunton Protocol and the aim to achieve carbon neutral construction).

Reason for planning permission, if granted:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision)

Also resolved that if the Section 106 Agreement was not completed by 4 February 2010 (or a date to be agreed by the Local Planning Authority), authorisation be granted for the refusal of the application due to non-compliance with Taunton Deane Local Plan Policy C4.

6. Public realm improvements including removal of car park, demolition of Castle Hotel outbuilding and provision of parking, replacement boundary treatment to the Castle Hotel and Museum, installation of footbridge to Castle Gardens, improvements to north entrance to Museum, provision of new street furniture, lighting, landscaping and paving at Castle Green, Taunton (38/09/0388)

Reported this application.

Resolved that subject to the receipt of amended plans replacing the proposed bollards with planters, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, 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 with the Local Planning Authority;

- (c) Details of proposed finished levels for the car parking area of the Castle Hotel shall be submitted to, and approved in writing by, the Local Planning Authority prior to its completion and shown in relation to the new boundary treatment and thereafter be carried out as agreed;
- (d) A scheme for the post-development monitoring of the impact of light on bats adjacent to the Mill Leat and northern Castle wall for a two year period shall be drawn up prior to completion of the scheme and shall include a review of the lighting scheme to be carried out thereafter as agreed, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Any alteration to the landscaping of the moat area shall be submitted to, and approved in writing by, the Local Planning Authority and any landscaping scheme 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;
- (f) (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;
- (g) There shall be no closure of Castle Way to vehicular traffic until such time as the Bus Stops have been relocated in locations to be agreed with the Local Planning Authority;
- (h) The lighting levels of the installation shall be carried out as per the dpa report Rev 2 dated 23/10/09 and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (i) Details of a timer switch to control the floodlighting of the northern Castle wall shall be submitted to, and approved in writing by, the Local Planning Authority before the lighting is installed. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (j) The boundary treatment to the rear of the Castle Hotel outbuilding to be demolished shall be agreed in writing prior to complete demolition of the building and the material finish and height of the wall to be retained shall be agreed in writing by the Local Planning Authority and a plan indicating the position, design, materials and height of boundary treatment shall be submitted. The agreed boundary treatment shall be completed before the

use of the new car park area commences and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (k) No works north of the Castle walls shall be commenced until a Management Plan containing details of a strategy to protect and enhance the development for protected species and containing proposals for future management of the site has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall be based on the advice of all the relevant surveys and include (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 protected species could be harmed by disturbance; (iii) Measures for the enhancement of places of rest for the protected species; (iv) Proposed management of the site. 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;
- (l) The boundary treatment and hedge to the Castle Hotel shown on drawing 2673/361/2 shall be completed before the use of the new parking area is commenced or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained as such at a height no lower than 1.5m, measured from ground level outside the Hotel site, unless otherwise agreed in writing by the Local Planning Authority;
- (m) Notwithstanding the detail on the submitted plan, the surfacing material for the turning head shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the layout of the area commencing;
- (n) The detail of the doorway infill in stone to the wall west of the new bridge on drawing 2673/362/2A shall be submitted to, and approved in writing by, the Local Planning Authority and shall include the provision of a stone sample panel and shall be carried out as agreed following completion and opening of the new moat bridge;
- (o) Details of any new street furniture other than that specified on drawing 2673/501 shall be submitted to, and approved in writing by, the Local planning Authority prior to its installation;
- (p) The Pennant sandstone setts and channels on the approach to the Castle Gatehouse and the historic cast iron gully grates and their frames and pots shall be salvaged from the site for re-use by the County Council at a time to be agreed in writing by the Local Planning Authority;
- (q) A plan indicating the detail to the plinth of the moat boundary fence shall be submitted to, and agreed in writing by, the Local Planning Authority. A sample of the concrete or stone finish shall be provided on site and agreed in writing by the Local Planning Authority prior to this element of the work commencing;
- (r) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 2673 submitted on 20 January 2010;
- (s) Development shall not begin until a detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

- (t) No groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (u) No works within the highway shall be carried out until details of the layout including the access and turning head have been submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed.

(Notes to applicant:- (1) Applicant was advised that a separate Listed Building Consent was required for this proposal before any works commence; (2) Applicant's attention was drawn to the need for Scheduled Ancient Monument Consent to enable works to commence; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species and the submission of management proposals. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation and management proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity undertaken on the site must comply with the appropriate wildlife legislation; (4) Applicant was advised that the submitted Flood Risk Assessment (FRA) states that surface water drainage will be directed through a proposed network of infrastructure to replace the existing system which connects to a surface water sewer. Confirmation must be obtained from Wessex Water that the existing system can accommodate the increased surface water flows generated as a result of the proposed development and that this will not affect their maintenance role. Should this not be the case, Wessex Water must be re-consulted).

Reason for planning permission, if granted:-

The proposal would enhance and maintain the character and appearance of the Conservation Area and would not affect the character of Listed Buildings and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas) and Planning Policy Guidance Note 15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and complied with Policies S1, S2, EN4, EN15 and EN34 of the Taunton Deane Local Plan and Policy G1 of the Taunton Town Centre Area Action Plan.

- 7. Demolition of Castle Hotel outbuilding, replacement boundary treatment to the Castle Hotel and Museum, improvements to north entrance to Museum and provision of new lighting at Castle Green, Taunton (amended proposal to 38/09/0166LB) (38/09/0389LB)**

Reported this application.

Resolved that subject to:-

- (1) The Secretary of State raising no objections; and
- (2) The receipt of amended plans replacing the proposed bollards with planters,
the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-
 - (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) No walling or fence shall be erected until a sample panel of the proposed fence plinth and concrete wall has been built on the site and has been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
 - (c) The boundary treatment to the rear of the Castle Hotel outbuilding to be demolished shall be agreed in writing prior to complete demolition of the building and the material finish and height of the wall to be retained shall be agreed in writing by the Local Planning Authority and a plan indicating the position, design, materials and height of the boundary treatment shall be submitted. The agreed boundary treatment shall be completed before the use of the new car park area commences and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
 - (d) The developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority, and shall allow him to observe the excavations and record items of interest and finds during the demolition work;
 - (e) A full historic building survey and recording of the building prior to demolition shall be carried out by a specialist and the schedule shall be agreed in writing by the Local Planning Authority;
 - (f) Details of any new lighting fixings and cable runs to the rear of the Old Municipal Buildings and within Castle Bow shall be submitted to, and approved in writing by, the Local Planning Authority at an appropriate scale of 1:50 or 1:100 before any installation shall take place. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
 - (g) The detail of the doorway infill in stone to the wall west of the new bridge on drawing 2673/362/2A shall be submitted to, and approved in writing by, the Local Planning Authority and shall include the provision of a stone sample panel and the colour and type of mortar for pointing used within the panel and shall be carried out as agreed following completion and opening of the new moat bridge;
 - (h) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 2673;

- (i) Details of the making good of the end wall of the Castle Hotel outbuilding to be retained shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to the new parking area being brought into use.

Reason for planning permission, if granted:-

The proposal would enhance and maintain the character and appearance of the Conservation Area and would not affect the character of Listed Buildings and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas) and Planning Policy Guidance 15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and complied with Policies S1, S2 and EN15 of the Taunton Deane Local Plan and Policy G1 of the Taunton Town Centre Area Action Plan.

8. County Hardwoods, Creech Mills Industrial Estate, Creech St Michael

Reference Minute No 48/2009, reported that the Committee had previously authorised enforcement action in respect of storage containers on land at County Hardwoods, Creech Mills Industrial Estate, Creech St Michael.

The owner of the land had contacted the Council as he considered the site had been granted a mixed use permission. A further site inspection had been made and it had been agreed that the site was a single planning unit with a mixed use of B1, B2 and B8 uses.

However, local residents had raised a number of concerns and a meeting had taken place to consider their concerns and to identify possible solutions. It was possible that progress might be made in the future to improve the situation and that, in such circumstances it was considered inappropriate to proceed with the previously authorised enforcement action.

Resolved that the enforcement action agreed on 15 April 2009 be not proceeded with.

9. Stoneyhead Cottage, Wrantage

Reported that it had come to the Council's attention that a mobile home had been relocated outside of the area approved under a Lawful Development Certificate at Stoneyhead Cottage, Wrantage.

Although the owner of the land had considered submitting a planning application to retain the mobile home in its current position, to date no application had had been received.

Resolved that:-

- 1) Enforcement action be taken to remove the unauthorised mobile home located outside of the area approved under a Lawful Development Certificate at Stoneyhead Cottage, Wrantage; and

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

10. Appeals

Reported that one appeal decision had recently been received, details of which were submitted. The appeal 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 8.25 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Brooks, McMahon and Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

05/09/0034

MR & MRS G.A LIDDALL

ERECTION OF TWO DWELLINGS AT LAND TO REAR OF 50 STONEGALLOWS, BISHOPS HULL AS AMENDED BY EMAIL DATED NOVEMBER 30 2009 AND REVISED LAYOUT PLAN NO. 12 REV A, AND FURTHER AMENDED BY EMAIL DATED 14 JANUARY 2010 AND SITE SECTION DRG NO. 13 AND DRG NO 12 REV B

319825.123858

Outline Planning Permission

PROPOSAL

Outline planning permission is sought for the erection of two detached dwellings located within the substantial curtilage of No. 50 Stonegallows. The site is located within the defined settlement limits. All matters are reserved. The indicative layout plan shows two four bedroom properties, with reference within the Design and Access Statement to the use of the following materials, brick under a tiled roof. Access to the site is proposed via a private drive to the west of the existing dwelling. Amended plans have been submitted to provide a widened access for the first 5.0m in order to ensure vehicles are able to pull off the highway thus avoiding vehicles being forced to reverse onto the public highway. Further information has subsequently been submitted to position the dwellings further south, albeit still further forward by 3.0 metres from the adjacent to No. 52. A cross section, including the outline of the approved single dwelling, also now accompanies the application.

SITE DESCRIPTION AND HISTORY

The application site comprises a substantial dwelling in commensurately sized grounds. Outline planning permission was granted in 2005 and 2008, reference 05/05/0042 & 05/08/0038 respectively, for a detached dwelling on this site. The site is located within the built up area boundary and designated Special Landscape Feature.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Parish Council – The Council objects to the proposal on the grounds that it is overdevelopment and contrary to the general nature of development in this area. The Parish Councils original objection to this application stands despite the latest amendment.

Landscape Officer – Subject to retention of existing boundary hedgerows and new tree planting in the rear gardens it should be possible to minimise any landscape impacts. The revised access requirements will need to be carefully landscaped to provide a good quality urban environment.

Further comments – I consider it essential that a full landscape scheme is prepared before any permission is granted so that it is clear that the housing needs to be well

screened with appropriate trees and shrubs.

Highway Authority – Each dwelling will provide parking for 2 vehicles, together with an independent turning area, in line with the requirements of the Local Transport Plan and TDBC Policy M4. It is recommended that the boundary wall delineating between the proposed dwellings should be reduced a minimum of 600mm to provide good visibility for both dwellings using the shared drive. Access provides adequate visibility in either direction. Following concerns to the width of the access at the entrance point to accommodate two way traffic amended plans were sought. Amended drawings have taken into account the Highway concerns with the access. No objection subject to the relevant conditions previously recommended.

Drainage Officer – It is noted that surface water is to be discharged to soakaways. These should be constructed in accordance with BRG365 (Sep 91) and made a condition of any approval.

Wessex Water – The development is located within a sewered area, with foul and surface water sewers. The connection point can be agreed at the detailed design stage. With respect to water supply the same principle applies.

Representations

Ward Member – Although the Local Planning Authorities previous decision to grant planning approval for one dwelling on this site was appropriate, it is felt that the current plan for two dwellings will lead to a precedence of over-development in the gardens of properties within an area which currently serves large executive housing. On balance and because of this issue of in-fill, it be requested that permission be refused.

4 letters of OBJECTION have been received. Summary of objections: - Loss of privacy; loss of amenity; incompatibility and out of character with the area (low density suburb on the rural urban fringe); existing houses are set in extensive gardens which attract considerable wildlife; attention is drawn to articles in which Planning Minister John Healey states Councils should not consider every piece of land which already has a building on it as suitable for development; two dwellings impinge significantly on privacy and solitude; located on the Stonegallows Ridge Special Landscape Feature; proposed plots are much smaller than existing plots; proposed dwelling closer to Cleworth and further north than previous dwelling 05/08/0034; request condition that eaves and ridge levels of the proposed dwellings be no higher than respective levels at the dwelling Cleworth (No. 52); D & A refers to distances between the site and No. 50, no mention of distances with No. 52; Proposal does not meet requirements of Policy H2 referred to in the D & A; dwellings should be relocated at least 5 to 10 metres south to reduce the visual bulk to Cleworth; request response as to what the zone is for Stonegallows and why the proposal is appropriate for this location; who has been consulted?; dwellings are too close together and too close to existing properties when compared with others in the area; believe there is a covenant restricting the height of any building in the rear garden; how will the dwelling be connected to mains drainage? – Most existing dwellings are served by a private sewer and are concerned no additional connections should be allowed; additional traffic to the highway network and highway safety concerns; landscape impact from building two dwellings – this urbanisation is not appropriate; loss of view; concern that further development will arise; concern the amended plans result in further loss of privacy and increase risk of further

development; amended plans now require a 5 metre wide access at the entrance to the site; ongoing 'creep' of development whereby the level of infill and intrusion escalates with each proposed being justified by the marginal change from the previous determination; covenant on the land preventing any building; amended plans do not address the issues previously raised; revised plans now show the eaves would be at least one metre higher than No. 52; proposals would therefore be more bulky and impact on the Stonegallows environs; recommend lowering floor levels by 1.0 to minimise bulk; the new dwellings should be brought back in line with No. 52 (or further south); close proximity of proposed dwellings on No. 52; still not provided with satisfactory answer as to why the development is in keeping with the character of Stonegallows Ridge SLF.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN12 - TDBCLP - Landscape Character Areas,
M4 - TDBCLP - Residential Parking Provision,
EN11 - TDBCLP - Special Landscape Features,

DETERMINING ISSUES AND CONSIDERATIONS

The primary issues in the determination of this application concern the visual impact of the proposed development upon the character and appearance of the locality; impact upon residential amenity of local residents; and, highway safety.

Character and appearance of the area

There has been reference during the consultation process of recent independent government research into concerns regarding the extent of development within domestic curtilage. Advice in Planning Policy Statement 3 para 41 has now been updated, this paragraph which sets out that brownfield land is priority for development, will also now say 'there is no presumption that previously developed land is necessarily suitable for housing, nor the curtilage should be developed'. PPS3 retains a focus on brownfield land, where this is suitable for housing. The planning considerations remain the same, in essence is this site suitable for the proposed development, set against the background of the existing permission for a single dwelling on this site.

The land under the ownership of the applicant consists of a substantial dwelling set in a commensurately sized plot, with an extensive rear garden. The site is located within the built up area boundary, where there is, in principle, scope for plot sub-division. The normal criterion applied to subdivision proposals in this scenario is whether with regard to the overall characteristics of the area and the way it is laid out that proposal would be so out of place or out of scale that the area would suffer a significant reduction in its amenity and character. There is an existing permission on

the site for a large detached dwelling which is a material consideration. The application site is located adjacent to an existing property No. 52 which is set back from the existing dwellings in Stonegallows. The floor area of the proposed dwellings is that still of large properties (176.4sq.m), albeit smaller than some of the existing dwellings. On balance it is not considered that the proposal would be so out of character in terms of the proposed plot size or scale of development as to be harmful to the character of the area as to substantiate a reason for refusal.

The site is located within a Special Landscape Feature; however, the landscape officer has not raised any objection subject to landscape mitigation which can be dealt with at reserved matters stage. The fact that a large single dwelling has been approved on this plot is also a material consideration. The landscape officer has subsequently raised concern that the details should be submitted prior to approval. However, the landscape details will be dealt with at reserved matters stage and the size of the plot can clearly accommodate any necessary landscape provision. The garden space allocated to the house, or left to the house from which the plot is severed; is adequate for the recreational needs of the occupants present and future.

Amenity

In terms of building to building relationships it is considered that a dwelling could be so designed as to ensure no direct overlooking between the proposed property and No. 52. In terms of overlooking with the existing property No. 50 and others located along Stonegallows, it is considered that the separation distances, in excess of 40 metres between elevations is acceptable. It is therefore considered that development would not impinge upon residential amenities by reason of the separation distances between elevations.

In terms of the building adversely affecting outlook or appearing over dominant, again, the amended plans indicate a hipped roof to reduce the bulk of the proposed development on the boundary. With regards to No. 52, the agent has brought the building line back and so the building line would extend only 3.0 metres beyond the existing building line of No. 52. In addition the proposal is side on and at an oblique angle to No. 52. It is accepted that there would be some impact on No. 52, however, set against the existing permission it is not considered to be so harmful as to warrant a refusal. There is still a degree of separation between the plots.

Highway Safety

The Highway Authority is satisfied that the proposed revised scheme is now acceptable and as such do not raise any objection to the proposal subject to the imposition of conditions. Adequate parking is provided to meet the needs of the property, and that from which land may be severed, contained within the site and off the public highway.

To conclude, careful consideration has been given to the nature of the site, amenities of local residents and the character and appearance of the area. It is considered that the proposal for two dwellings, instead of one, can be achieved on this site without significant detriment to the character and appearance of the area or harm to the residential amenities of the neighbouring occupiers. It is not considered that the development would overlook or overshadow adjoining properties as to adversely harm amenity.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where new housing is encouraged, and it is considered would not adversely affect the character or appearance of the area or residential amenities of nearby dwellings. The proposal therefore accords with Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR4, 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

2. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the eastern extremities of the site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

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

3. The reserved matters application shall comply with the maximum parameters relating to the scale of development (including the eaves and ridge height, width and length of each building), as identified on Plan No. 12 Rev B & Plan No. 13. The eaves height and ridge height shall not exceed 26.5m and 23.5m respectively with reference to the survey heights shown on the aforementioned plans.

Reason – In the interests of the visual and residential amenities of the area and adjacent occupiers in accordance with Taunton Deane Local Plan

Policies S1 and S2.

4. No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied.

Reason: To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy S1 and EN26 and advice contained within PPS25.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no windows shall be installed at first floor level on the west or east elevation of the development hereby permitted without the further grant of planning permission.

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

6. Provision shall be made in the submission of reserved matters for two parking spaces per dwelling.

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

7. Prior to the dwellings hereby permitted being occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel No. 0845 3459155.
2. The submitted details identify that surface water is to be discharged to a soakaway. The soakaway should be constructed in accordance with BRG365 (Sep 91).

3. The reserved matters for landscaping should seek to retain the existing hedgerows and provide additional tree planting to minimise the impact of the built development on the landscape. Careful consideration should be given to the revised access arrangements to ensure a good quality development. The applicant is encouraged to contact the Council's landscape officer to discuss the proposals prior to the submission of the reserved matters.
4. The applicant is advised that points of connection Wessex Water infrastructure should be agreed with Wessex Water, prior to the commencement of works on site.
5. The applicant is advised that existing trees on site should be protected during construction and minor tree work to the Oak tree (crown raising to 2.5m) should also be carried out.
6. The applicant is advised that fenestration on the east and west elevations of the proposed dwellings should be kept to a minimum, and if any fenestration is required on these elevation obscure glazing should be used.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

43/09/0125

MR M HOLLANDS

ERECTION OF A DWELLING, TOGETHER WITH REVISED ACCESS ARRANGEMENTS, WITHIN GARDEN ADJACENT TO 1 SHUTELEIGH, WELLINGTON AS AMENDED BY DRAWING NUMBERS MH/09/02/2 REV D AND MH/09/03 REV D AND EMAIL OF 22 JANUARY 2010

314287.120185

Full Planning Permission

PROPOSAL

Planning permission is sought for the erection of a two storey dwelling within the side garden of No.1 Shuteleigh, Wellington. The dwelling would be two storeys in scale to reflect the properties in Shuteleigh. The proposed materials are rendered external walls under a hipped tiled roof. The ridge height would be set down marginally from the properties in Shuteleigh. The proposal would involve the construction of a revised access onto Shuteleigh but would result in the stopping up of two existing accesses into the site.

It should be noted that a separate application has been submitted, concurrently with this application, for a replacement dwelling.

A revised layout plan has been submitted to take into account the requirements of the landscape officer and in part the Highway Authority visibility requirements. The proposal is to remove the hedge along the road frontage of Shuteleigh and to expose and retain the metal railings which are currently within the hedge, with a new landscape belt sited behind the railings. This will ensure the 2x2m visibility splay at the entrance to the property and provide visibility along the frontage on Shuteleigh. The hedge along Pyles Thorne will be retained and supplemented.

SITE DESCRIPTION AND HISTORY

The proposed development site is located on a large corner plot at the junction of Shuteleigh and Pyles Thorne Road, with mature hedge planting along the frontage. The site is currently occupied by a 1930s bungalow that has been extended to the side and rear and which also has two separate garages within its boundary. There are currently three vehicular accesses to the site. The property is set back from Pyles Thorne Road and due to its orientation sits somewhat at odds with the general pattern of development in Shuteleigh. The site retains an attractive appearance when viewed in the street scene.

CONSULTATION AND REPRESENTATION RESPONSES

Town Council - Support the application and consider the proposal would not adversely affect the street scene.

Ward Member(s) – Cllr Critchard objects to the application on the grounds of overdevelopment.

Cllr Henley objects to the proposal on grounds of overdevelopment of the site and the proposal may not be in keeping with the existing street scene and have an overbearing impact on nearby properties.

Landscape Officer – Subject to retention of existing vegetation the proposals are acceptable.

Revised comments to amended landscape proposals – After discussion with the applicant I'm happy with the amended proposals to expose the existing metal railings with planting behind. This should meet the highway visibility requirements and look characterful.

Highway Authority – The development is located within the development limit of Wellington, within an existing residential area and I have no objection in principle to the proposal.

In detail, the proposal is to demolish an existing bungalow at 1 Shuteleigh, and replace it with a detached dwelling. A separate planning application has been submitted, simultaneously with the application for replacing the existing bungalow with a more appropriate house.

The existing dwelling has two separate garages within its boundary and benefits from three vehicular accesses, two of these accesses are from/onto a private track/lane, which is considered to be substandard in terms of position and visibility. However, as part of this application two of the accesses will be stopped up and the new dwelling will be served from one access onto/from Shuteleigh as will that of the replacement dwelling.

Shuteleigh is an unclassified highway, and no through road. It is noted that currently a boundary hedge restricts visibility for vehicles emerging to see vehicles and pedestrians and also impacts upon junction visibility. Therefore I would seek that the hedge is either removed or lowered to ensure this issue is addressed to the satisfaction of the Highway Authority, in the interests of highway safety for all road users.

Two parking spaces are to be provided with the provision of a garage and space in front of it, whilst turning is desirable I would not insist upon it in this location. The LPA should ensure that the existing dwelling (which is to be demolished), cannot be retained as effectively the erection of this dwelling will remove its parking and could lead to parking on the highway. Therefore I assume the LPA will impose a suitably worded condition to ensure that this does not happen.

Recommend conditions re; - parking; access to be consolidated; garage shall not be used other than for parking of domestic vehicles; visibility splays; pedestrian visibility splays; drop kerbs; gradient not higher than 1:10; lane between Shuteleigh and Pyles Thorne shall be stopped up within one month; disposal of surface water not to discharge onto the highway.

Representations

10 letters of OBJECTION has been received. Summary of objections: - officer will need to take account of the impact of both dwellings with the assessment; ploy to submit two applications to reduce the proposed development as individual units; proposal will impact on No. 3; dwellings designed to appear sympathetic with

surrounding dwellings, however they appear to be larger in plan than many houses; the ratio of the house plan compared to the plot size is excessive; site is visually dominant along Pyles Thorne/South Street; Pyles Thorne; all surrounding properties have significant gaps between dwellings and this proposal is contrary to this important character; the replacement house would be better handed, to give an impression of a bigger gap between the two houses; this type of overdevelopment of sites such as No. 1 Shuteleigh is having an adverse impact on the character of areas such as Pyles Thorne; Within the last ten years the character of the road, originally a country lane approach to Wellington, has been considerably changed, if not spoilt, by allowing dwellings, many over large to be built in gardens; loss of attractive vista; no evidence of a landscape plan; no objection to the demolition of the bungalow and replacement, but object to the proposed dwelling adjacent to it, as an overdevelopment of the site, out of character with the surrounding area and the approach to Wellington; request a restriction of working from 8am to 6pm weekdays and no weekend working; a replacement bungalow would have less impact; submission of two applications is misleading; impact on highway safety from intensification of vehicular movements and additional access; confirmation a new boundary wall/fence will be provided with adjacent property; disagree with Highway Authority comments regarding visibility requirements, the existing hedge provides a great visual contribution to the local road – request that the hedge be cut back and not replanted.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
RPG10 - Regional Planning Guidance for the South West,
VIS2 - Principles for Future Development,
STR1 - Sustainable Development,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP48 - S&ENP - Access and Parking,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

VIS 1 – Expressing the Vision
SS 2 - Regional Development Strategy
SS 3 - The Sub-Regional Strategy
SS 7 - Meeting Local Needs

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the determination of this application area are considered to be (a) whether the scheme is an over-development of the site resulting in harm to the character and appearance of the area; (b) whether the scheme would harm the living conditions of nearby occupiers, in terms of any significant loss of privacy or any overbearing effect; and, (c) any effect on highway safety.

Character and appearance .

The impact of developing within residential curtilages has been a recent topic of discussion in planning. The government has recently commissioned independent research into concerns regarding the extent of development within domestic curtilages. Advice in Planning Policy Statement 3 para 41 has now been updated, this paragraph which sets out that brownfield land is priority for development, will also now say 'there is no presumption that previously developed land is necessarily suitable for housing, nor the curtilage should be developed'. PPS3 retains a focus on brownfield land, where this is suitable for housing. The planning considerations remain the same, in essence is this site suitable for the proposed development taking into account all the normal planning tests.

The site is located within the built-up area boundary of Wellington where the principle of residential development is acceptable subject to normal planning considerations. The site is presently part of the garden area of No. 1 Shuteleigh, and takes the form of a rectangular plot. In terms of the design detailing, it is considered the dwelling has been appropriately designed to correspond with the dwellings in Shuteleigh and the use of matching materials will help to assimilate the development in the locality.

There has been concern raised by both Ward Members and the public regarding the impact of the dwelling on the character and appearance of Pyles Thorne Road in this location. It is accepted that the impact of any development in this location requires careful consideration. The applicant during pre-application discussions was made aware that the impact of the development on the street scene would be central to the assessment. The applicant responded during the pre-application discussions to revise the design of the buildings appropriately and to re-site the buildings further into the site as now proposed. The consideration is therefore whether the position of the dwelling would be so harmful to the street scene as to warrant a refusal. It is considered that the proposed dwelling by reason of its design, position set in from the boundary and the provision of existing screening which can be supplemented, the proposal would not adversely affect the character or appearance of the street scene.

Amenity

The concerns of local residents in respect of amenity are acknowledged and careful consideration has been given to the potential impact on existing occupiers. However, it is considered that given the proposed siting of the dwelling and separation distances between elevations, the proposal would not give rise to any undue loss of amenity, in this urban setting, as to warrant a refusal.

Highway Safety

The Highway Authority has requested an extensive visibility splay be provided across the site frontage thus requiring the existing hedge to be removed. However, it is the officers' view that this requirement would be unduly onerous. The application will result in two existing accesses into the site being stopped up (and conditioned as so). It is therefore considered subject to pedestrian visibility splays at the entrance to the site being provided that no further visibility splays would be necessary.

It is therefore recommended that permission be granted subject to conditions detailed below.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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. No development shall commence until the existing bungalow, known as No. 1 Shuteleigh, has been demolished and all materials removed from site, unless any variation is agreed to in writing by the Local Planning Authority.

Reason: To ensure that the re-development of the site would not adversely affect the residential amenities of No. 1 (if the concurrent application, reference 43-09-0126, was not implemented) or the visual amenities of the area in accordance with Taunton Deane Local Plan Policy S1 and S2.

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

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

4. No development 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 dwelling is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in

accordance with Taunton Deane Local Plan Policy S2.

5.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

6. The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge/trees are removed without the Local Planning Authorities consent or which die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be replaced by trees/hedge of similar size and species, or the appropriate trees/hedge as may be approved by the Local Planning Authority within the first available planting season.

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.

7. Prior to the occupation of the dwelling hereby approved, the new access/parking area, as shown on the submitted plan, over the entire length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be maintained at all times.

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

8. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in

connection with the development hereby permitted.

Reason: To ensure that an appropriate level of parking is provided in accordance with Policy M3 of the Taunton Deane Local Plan.

9. Prior to the occupation of the dwelling hereby approved, the proposed access/drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on 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 and relevant guidance in PPG13.

10. The new access/parking area hereby permitted shall not be brought into use until drop kerbs have been installed/extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access.

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

11. Prior to the occupation of the dwelling hereby approved, the existing vehicular access onto/from the Pyles Thorne Road and the private lane/track to the east into the site shall be permanently stopped up, its use abandoned and any verge/footway crossing reinstated in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

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

12. No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

Reason : In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

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

Reason: In order for the Local Planning Authority to assess the impact of such development on the character and appearance of the area and amenity of local residents in accordance with Policy S1 and S2 of the

Taunton Deane Local Plan.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Tel No. 0845 3459155.

An application for such a permit should be made at least four weeks before access works are intended to commence.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

43/09/0126

MR M HOLLANDS

ERECTION OF REPLACEMENT DWELLING, NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT 1 SHUTELEIGH, WELLINGTON AS AMENDED BY DRAWING NUMBERS MH/09/02/1 REV D, MH/09/03 REV D AND EMAIL OF 22 JANUARY 09.

314287.120185

Full Planning Permission

PROPOSAL

Planning permission is sought for the erection of a detached replacement dwelling within the curtilage of No.1 Shuteleigh, Wellington. The dwelling would be two storeys in scale to reflect the properties in Shuteleigh. The proposed materials are rendered external walls under a hipped tiled roof. The proposal would involve the construction of a new access onto Shuteleigh but would result in the stopping up of two existing accesses into the site.

It should be noted that a separate application has been submitted, concurrently with this application, for an additional dwelling within the remaining curtilage of No. 1 Shuteleigh.

A revised layout plan has been submitted to take into account the requirements of the landscape officer and in part the Highway Authority visibility requirements. The proposal is to remove the hedge along the road frontage of Shuteleigh and to expose and retain the metal railings which are currently within the hedge, with a new landscape belt sited behind the railings. This will ensure the 2x2m visibility splay at the entrance to the property and provide visibility along the frontage on Shuteleigh. The hedge along Pyles Thorne will be retained and supplemented.

SITE DESCRIPTION AND HISTORY

The proposed development site is located on a large corner plot at the junction of Shuteleigh and Pyles Thorne Road, with mature hedge planting along the frontage. The site is currently occupied by a 1930s bungalow that has been extended to the side and rear and which also has two separate garages within its boundary. There are currently three vehicular accesses to the site. The property is set back from Pyles Thorne Road and due to its orientation sits somewhat at odds with the general pattern of development in Shuteleigh. The site retains an attractive appearance when viewed in the street scene.

CONSULTATION AND REPRESENTATION RESPONSES

Town Council - Support the application and consider the proposal would not adversely affect the street scene.

Ward Member(s) – Cllr Critchard objects to the application on the grounds of overdevelopment.

Cllr Henley objects to the proposal on grounds of overdevelopment of the site and the proposal may not be in keeping with the existing street scene and have an overbearing impact on nearby properties.

Landscape Officer – Subject to retention of existing vegetation the proposals are acceptable.

Revised comments to amended landscape proposals – After discussion with the applicant I'm happy with the amended proposals to expose the existing metal railings with planting behind. This should meet the highway visibility requirements and look characterful.

Highway Authority – The development is located within the development limit of Wellington, within an existing residential area and I have no objection in principle to the proposal.

In detail, the proposal is to demolish an existing bungalow at 1 Shuteleigh, and replace it with a detached dwelling. A separate planning application has been submitted, simultaneously to construct a new additional dwelling in the garden, see planning application 43/09/0125.

The existing dwelling has two separate garages within its boundary and benefits from three vehicular accesses, two of these accesses are from/onto a private track/lane, which is considered to be substandard in terms of position and visibility. Vehicular access to the new property will be via a new vehicular access onto/from Shuteleigh with the other access onto/from Shuteleigh with the other accesses off the lane and Pyles Thorne Road being blocked up to improve highway safety.

Shuteleigh is an unclassified highway, and no through road. It is noted that currently a boundary hedge restricts visibility for vehicles emerging to see vehicles and pedestrians and also impacts upon junction visibility. Therefore I would seek that the hedge is either removed or lowered to ensure this issues is addressed to the satisfaction of the Highway Authority, in the interests of highway safety for all road users.

Two parking spaces are to be provided with the provision of a garage and space in front of it, whilst turning is desirable I would not insist upon it in this location and given the classification of the adjoining highway.

Recommend conditions re; - parking; access to be consolidated; garage shall not be used other than for parking of domestic vehicles; visibility splays; pedestrian visibility splays; drop kerbs; gradient not higher than 1:10; lane between Shuteleigh and Pyles Thorne shall be stopped up within one month; disposal of surface water not to discharge onto the highway.

Representations

10 letters of OBJECTION has been received. Summary of objections: - officer will need to take account of the impact of both dwellings with the assessment; ploy to submit two applications to reduce the proposed development as individual units; proposal will impact on No. 3; dwellings designed to appear sympathetic with surrounding dwellings, however they appear to be larger in plan than many houses; the ratio of the house plan compared to the plot size is excessive; site is visually

dominant along Pyles Thorne/South Street; Pyles Thorne; all surrounding properties have significant gaps between dwellings and this proposal is contrary to this important character; the replacement house would be better handed, to give an impression of a bigger gap between the two houses; this type of overdevelopment of sites such as No. 1 Shuteleigh is having an adverse impact on the character of areas such as Pyles Thorne; Within the last ten years the character of the road, originally a country lane approach to Wellington, has been considerably changed, if not spoilt, by allowing dwellings, many over large to be built in gardens; loss of attractive vista; no evidence of a landscape plan; no objection to the demolition of the bungalow and replacement, but object to the proposed dwelling adjacent to it, as an overdevelopment of the site, out of character with the surrounding area and the approach to Wellington; request a restriction of working from 8am to 6pm weekdays and no weekend working; a replacement bungalow would have less impact; submission of two applications is misleading; impact on highway safety from intensification of vehicular movements and additional access; confirmation a new boundary wall/fence will be provided with adjacent property; disagree with Highway Authority comments regarding visibility requirements, the existing hedge provides a great visual contribution to the local road – request that the hedge be cut back and not replanted.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
RPG10 - Regional Planning Guidance for the South West,
VIS2 - Principles for Future Development,
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,
STR1 - Sustainable Development,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP48 - S&ENP - Access and Parking,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

VIS 1 – Expressing the Vision
SS 2 - Regional Development Strategy
SS 3 - The Sub-Regional Strategy
SS 7 - Meeting Local Needs

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the determination of this application area are considered to be (a) whether the scheme is an over-development of the site resulting in harm to the character and appearance of the area; (b) whether the scheme would harm the living conditions of nearby occupiers, in terms of any significant loss of privacy or any overbearing effect; and, (c) any effect on highway safety.

Character and appearance .

The site is located within the built-up area boundary of Wellington where the principle of residential development is acceptable subject to normal planning considerations.

The site is presently part of the garden area of No. 1 Shuteleigh, and takes the form of a rectangular plot. The bungalow to be demolished is not listed and its replacement with a two storey dwelling is considered acceptable. In terms of the design detailing, the dwelling has been appropriately designed to correspond with the dwellings in Shuteleigh and the use of matching materials will help to assimilate the development in the locality.

It is therefore concluded, that a replacement dwelling would not adversely affect the character or appearance of the street scene of wider area. The dwelling is set well back within the site from Pyles Thorne.

Amenity

The concerns of local residents in respect of amenity are acknowledged and careful consideration has given to the potential impact on existing occupiers. However, it is considered that given the proposed siting of the dwelling and separation distances between elevations, the proposal would not give rise to any undue loss of amenity, in this urban setting, as to warrant a refusal.

Highway Safety

The Highway Authority has requested an extensive visibility splay be required across the site frontage thus requiring the existing hedge to be removed. However, it is officers' view that this requirement would be unduly onerous. The application will result two existing accesses into the site being stopped up (and conditioned as so). It is therefore considered subject to pedestrian visibility splays at the entrance to the site being provided that no further visibility splays would be necessary.

It is therefore recommended that permission be granted subject to conditions detailed below.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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

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

3. 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 dwelling is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

4.
 - (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.

5. The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge/trees are removed without the Local Planning Authorities consent or which die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be

replaced by trees/hedge of similar size and species, or the appropriate trees/hedge as may be approved by the Local Planning Authority within the first available planting season.

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

6. Prior to the occupation of the dwelling hereby approved, the new access/parking area, as shown on the submitted plan, over the entire length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be maintained at all times.

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

7. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that an appropriate level of parking is provided in accordance with Policy M3 of the Taunton Deane Local Plan.

8. Prior to the occupation of the dwelling hereby approved, the proposed access/drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on 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 and relevant guidance in PPG13.

9. The new access/parking area hereby permitted shall not be brought into use until drop kerbs have been installed/extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access.

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

10. Prior to the occupation of the dwelling hereby approved, the existing vehicular access onto/from the Pyles Thorne Road and the private lane/track to the east into the site shall be permanently stopped up, its use abandoned and any verge/footway crossing reinstated in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of

the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

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

Reason: In order for the Local Planning Authority to assess the impact of such development on the character and appearance of the area and amenity of local residents in accordance with Policy S1 and S2 of the Taunton Deane Local Plan.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Tel No. 0845 3459155.

An application for such a permit should be made at least four weeks before access works are intended to commence.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

46/09/0030

MR S T LING

ERECTION OF 16,000 BIRD FREE RANGE EGG PRODUCTION BUILDING AND ALTERATION TO AGRICULTURAL ACCESS ON LAND ADJACENT TO GERBESTONE LANE, WEST BUCKLAND AS AMENDED BY DRAWING 09/016A RECEIVED 14 DECEMBER 2009; DRAWING 09/20B RECEIVED 25 JANUARY 2010; AGENT'S EMAIL AND FAX OF 11 JANUARY 2010; AND AGENT'S EMAIL OF 25 JANUARY 2010

316555.119623

Full Planning Permission

SITE DESCRIPTION AND HISTORY

The site comprises a parcel of agricultural land set on gently rising ground just to the south of Junction 26 of the M5. To the south, the land rises increasingly steeply towards the escarpment of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The north, south and east field boundaries are defined by rows of mature trees, whilst the west boundary, adjacent to the highway (Gerbastone Lane) is a mature hedgerow. Access to the site is presently available from an existing field gate in the south eastern corner of the field to the north, and then by passing through an existing gap in the tree line. Glimpses of Gerbastone Manor to the east are available from the south western corner of the field. A stream runs along the western site boundary.

The area is generally rural, although there are other dwellings within 200-400 metres of the site, mainly clustered to the east and south east.

Application 46/09/0023 sought full planning permission for the erection of a 16,000 bird egg production unit and the stationing of a temporary mobile home for an agricultural worker. The application was withdrawn after concern was expressed that it had not been demonstrated that there was a functional need for the dwelling. The application was also deficient in information about potential impacts and there were concerns over the proposed access and scale of the building.

PROPOSAL

This application seeks full planning permission for the erection of a free-range egg production unit. The application also proposes improvements to the existing access.

The temporary worker's mobile home, which formed part of the previous application, has been omitted from this proposal. It is stated in the application that it will be the subject of a future application, but it is not for assessment here.

The proposed building would be 2250 square metres in floor area. It would be 125m long and 18m wide, it would be 2m high to the eaves and 5.4m to the ridge. It is proposed to excavate the site to allow the building to be set down so that the eaves are below the adjoining ground level to the south of the building. A 5m wide hardstanding would be provided around the building, widening to 7 metres on the southern side to allow easy access to the feed bins, which would be sited on this

side. The bins would be higher than the eaves, but below the ridge line. It is proposed to finish the building with timber barding to the walls and juniper green profiled roof panels.

Earth spoil from the excavation is proposed to be deposited on adjoining land to the southwest of the building, either side of (but avoiding) the watercourse which runs along the field boundary.

It is proposed to widen the access and construct visibility splays 2m x 60m along the carriageway edge. The access would be 10m wide, set back 10m from the carriageway edge, with 45 degree splays angled out from here. It is proposed to realign the existing hedge along the rear of the new visibility splays. Within the site, a turning head would be provided immediately within the gates, to allow large vehicles to turn and enter the site. This arrangement allows them to use an existing gap between the trees, preventing the need to remove any further mature trees. The access would lead to a permeable parking and turning area along the east side of the site between the building and the road.

The building would allow the operation of a 16,000 bird egg laying unit. Birds would be bought on a contract and the flock retained on site for 60 weeks. The birds would be let out into surrounding paddocks (which would be rotated) during the day and return to the building at night. The paddocks would be enclosed by low electric fences. The application claims that around 90% of faeces would fall within the building and this would fall into a pit that would be emptied at the end of the laying cycle. There would not be a build up of detritus in the paddocks as they would be rotated. It is, therefore, claimed that significant odour would only arise for 2 days every 60 weeks, when the building is cleaned.

The application is accompanied by an ecological survey that concludes that there will be no significant impact on bats, nesting birds or dormice. However it is noted that the surrounding trees and hedgerows have good roosting, nesting and foraging potential. The report identifies badger setts on site, but notes that these are outside the proposed development area, so they should not be disturbed by the building. Subsequent confirmation has also been received from the ecologist making recommendations that no fixed stock proof fencing should be constructed around the site, movable electric fencing around the ranges should be a minimum of 20m from the identified setts and that a full badger survey is undertaken to determine the presence of other setts on site.

The amendments referred to relate to the relocation of the spoil to avoid the watercourse, the location of protective fencing to avoid badger setts and confirmation that the applicant will comply with the landscape officer's request for further tree planting within the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – This application proposes to use an existing agricultural access. Due to the location of the development, the occupiers of the proposal are likely to be dependent on private transport for their day to day needs, which could foster an increase in travel. However, it is an agricultural use and is close to the A38 and M5 which are key routes within the

highway network.

Gerbastone Lane is an unclassified highway subject to the national speed limit, although traffic speeds in the area appear to be in the region of 30mph. It has been stated that there would be an average of 2.4 visits/vehicular movements per week in association with the proposed development. The existing access is substandard, particularly in terms of visibility and improvements are recommended. Splays of 2m x 60m would be appropriate for this development in this location.

The submitted layout plan indicates sufficient parking and turning to be provided. Taking the above into consideration, it may be unreasonable to raise a highway objection to the proposal.

Conditions are recommended requiring visibility splays of 2m x 60m; a 5m wide entrance constructed 10m back from the carriageway sides, with the sides splayed at 45 degrees back to the carriageway edge; the parking/turning area to be kept clear of obstruction; the gradient not to be steeper than 1 in 10; any entrance gates to be hung 10m back from the carriageway edge; provision to be made for surface water so as not to drain onto the highway.

WEST BUCKLAND PARISH COUNCIL – Objects for the following reasons:

- This development would cause massive intrusion into a valuable landscape. The proposed poultry building is of very large proportions and is set in open countryside. The proposed large scale excavation would significantly alter the character of the landscape. The existing landscape of small fields, mature trees, streams and the wild area of natural shrubs and trees in the south west corner will be permanently and seriously harmed by this very large and unsympathetic development. The extensive earth moving and piling up of soil to the west of the site will disturb and permanently damage wildlife in the area, whilst the electrified paddock fencing utilised for free range poultry will disrupt movement of wildlife. The poultry industry, like other sectors of the agricultural industry, is volatile with fluctuating viability. Should this venture fail a very large building would be left as part of the landscape. It would be unlikely that the applicants would want to remove this very large building and restore the land in the event of the business failing and another use, probably non agricultural, would be sought.
- There are 20 properties in near proximity, including a school and accommodation for children in care and a tourism business. The potential noise from roof fans, machinery within the building, and dust and odours from the birds and their dung will harm the amenity of these properties.
- Access & traffic. The road narrows just north of the access gate and is a bottleneck for local traffic where vehicles cannot pass each other. The road is not wide enough to accommodate large lorries turning in without several manoeuvres being necessary. It is noted in Appendix E, Detailed Appraisal of Operations, that 5% of the eggs will be sold privately. No detail is given of vehicle movements connected to the private sales in Appendix D, Traffic Analysis.
- The Taunton Deane Local Plan Strategy states under S1 that proposals for development ... will be required to meet the following criteria...
A) additional road traffic arising, ..., would not lead to overloading of access

roads, road safety problems,...

C) will not lead to harm to protected wildlife species or their habitats

D) the appearance and character of any affected landscape...would not be harmed as a result of the development

E) potential air pollution, water pollution, noise ,dust ... or nuisance which could arise as a result of the development will not harm public health, or the amenity of individual dwellings or other elements of the local environment".

This application does not meet these criteria.

In addition to these points it is considered that due to the nature of the site and the layout/design of the development the proposal will fail to deliver access for the birds to the 16 ha due to the inherent obstacles presented, and the site is therefore unsuitable for the purposes of a large scale free range unit.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The submitted information is acceptable and raises no concerns regarding noise from the proposed development. There are no other comments to make on this application.

HERITAGE AND LANDSCAPE OFFICER – My main concerns are

- whether the frontage hedgerow needs to be replaced or managed to meet highway visibility splay requirements;
- the building is large and will need additional screening. I recommend oak trees at 25m centres as 'wood pasture';
- we will need contours for the new earth mounding.

ENVIRONMENT AGENCY – Raise no objections to the proposed development providing that conditions are imposed to ensure that no development shall take place within 5m of the watercourse. Also provides advice about contamination and pollution, which could be attached to the decision notice as informatives.

BLACKDOWN HILLS AONB PARTNERSHIP – The site is outside the AONB but is close to the boundary of the protected landscape and given the topography and landscape character, the area is seen in association with the AONB. It is, therefore appropriate to consider the potential impact on the AONB. The character of the proposed development (the building, earthworks and landscaping) will be visually intrusive and out of character with the surrounding agricultural landscape. As well as affecting the setting of the AONB, the proposal would appear as an obvious industrial scale building in the foreground when viewed from the scarp above within the AONB, looking out over the vale.

Representations

14 OBJECTIONS have been received in respect of this proposal raising the following issues:

- The site borders an Area of Outstanding Natural Beauty (AONB) and will radically alter the look of the landscape, involving huge earth movement and destruction of wildlife habitat. The area has small fields, ancient hedgerows and small areas of woodland streams with wild field corners. Local buildings are small, so the proposed building is out of keeping with the area. The large scale excavation

and building will scar the landscape. The view when descending from the south will be ruined and will start to resemble an industrial area – there should be no large buildings allowed south of the M5.

- The application site is farmland and should be farmed – it is not for erecting buildings to house poultry, which can then be turned into warehousing. No buildings should be allowed that could become dwellings or empty warehouses after 5 years. A previous local poultry enterprise closed after 3 years and the building became light industry. There is no reason why this proposal should be any more successful. The proposal will only create one new job and it is questioned whether the upheaval and changes to the landscape are justified on this small economic benefit.
- The design and access statement understates the importance of the area for wildlife. The land acts as a buffer for wildlife between the M5 and the AONB. The Council should obtain an independent report of the wildlife value and importance of the site to the surrounding area. There is an abundance of local wildlife including owls, whose ability to hunt may be impaired if they are unable to hear due to the noise from the development. The felling of trees will disturb wildlife habitats and the electric fencing will disrupt the movement of wildlife.
- The site is not isolated and is within 200-400m of numerous residences. The prevailing wind will carry noise and smell towards homes and a school, which will be affected by the noise of the 24hr fans and the odours produced. Noise will be particularly intrusive at night which could cause sleep deprivation. 16,000 chickens will create a smell and noise beyond what is stated and will degrade the quality of life for local people. A negligible noise impact is acknowledged by the application – but this is still an impact. Smell will be unacceptably intrusive, however infrequent – there is none at present. Local experience from a previous poultry enterprise is that the smell is unbearable from manure and dead hens.
- The waste could become wet (and therefore smell) due to the large number of springs along the foot of the Blackdown hills.
- People will no longer want to visit the area and neighbouring Gerbastone Manor, which supports other local businesses.
- There is no mention of the size of the generator.
- The ground at the access will have to be re-graded as the existing levels would produce a gradient of around 1 in 5 (1 in 10 is proposed). Gerbastone Lane is a single track road that, according to SCC, is incapable of accommodating HGVs. Query whether the road will be widened. Lorries will not be able to turn into the access without making several manoeuvres. To construct the visibility splays proposed, a great deal of hedgerow will have to be removed.
- Retail sales of eggs from the gate (the application states 5% will be sold privately) will attract even more traffic.
- Question why the applicant cannot site the building at his existing farm in Nynehead.
- The Council should compulsorily purchase the site to protect it.
- The Council has previously stated that no farmland around Gerbastone Manor could be developed.
- The area attached to the proposed unit meets RSPCA standards, but access for the poultry to sufficient land will be restricted by hedgerows and streams, so the site is not suitable.
- A mobile home is not acceptable – this is not a ‘trailer park’ area and may lead to a permanent dwelling. The future intention to re-construct the derelict cottage is unworkable as there are no remains, only mature trees and a wildlife habitat.

It should be noted that the application does not propose a mobile home or a

permanent dwelling. These are stated as aspirations, but will require the submission of further applications. Comments relating to this aspect are not material to this decision. It should also be noted that, despite being housed in a large building, the proposed use is agricultural, within the meaning of the Town and Country Planning Act. There would be no reason for the Council to consider compulsory purchase of this site.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
M1 - TDBCLP - Non-residential Developments,
M3 - TDBCLP - Non-residential Development & Transport Provision,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
PPS1 - Delivering Sustainable Development,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the open countryside on a parcel of agricultural land. The proposed egg production unit is an agricultural use and is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the highway network, visual impact – including the impact on the natural beauty of the AONB, the impact on surrounding residents – particularly in terms of potential noise and smell, flood risk, pollution and the impact on wildlife.

Highways

The site is accessed from a narrow rural lane via an existing field gate. This field gate is proposed to be widened as part of the development, with visibility splays to be provided. There is local concern about large vehicles using the lane, but given the proximity to the M5 and a wider section of the lane the Highway Authority do not wish to raise any objection provided that the necessary visibility can be achieved. The Highway Authority have requested that visibility splays 2m x 60m are provided in both directions. Together with the widening of the access, this is likely to require the removal and replanting of a significant amount of the boundary hedgerow. The landscape officer has examined the hedgerow and considers that it is a thin hedge that should be able to be realigned with relative ease. If this fails, then a similar new hedge could easily be replanted. It is possible that to achieve the visibility splays required by the Highway Authority, less hedgerow removal is required than indicated on the submitted plan. As such, full working details should be submitted for the works to create the access and this can be secured by condition, as can the final treatment of the visibility splays.

Within the site, it is proposed to site a turning head immediately through the access.

This arrangement, although appearing slightly clumsy, allows vehicles to turn within the site and access the poultry building through an existing gap in the tree-line. The arrangement is considered to be a good solution to create an adequate access to the site whilst preventing any loss of the mature trees along the northern site boundary. Around the building, adequate parking and manoeuvring facilities are to be provided.

With regard to the above, the impact on the highway network is considered to be acceptable and a safe access can be formed without unreasonable visual detriment to the rural character of the lane.

It has been suggested that the application states that there will be egg sales from the farm gate and this will generate further traffic. However, there does not, in fact, appear to be any evidence for this – rather the application states that a contract has been entered into with John Bowler Eggs, who will collect all of the eggs. As such, this need not be a concern at the present time and should sales from the site reach a significant level in the future, then this may require planning permission. Such activity would have to be assessed at such time as it became relevant to do so.

Visual impact

The site is on relatively low ground at the foot of the Blackdown Escarpment. The Local Plan proposals map shows the site within the Low Vale landscape character area (LCA) rather than the Blackdown Scarp LCA. The existing tree lines on the north site boundary, and the north boundary of the field beyond are likely to obscure most of the building from view when looking from the north, over the M5 towards the site.

Of greater concern are the views of the site from within the AONB, a concern shared by many local residents and the AONB group. The proposal seeks to dig-in the building such that the eaves on the southern side are below the adjoining ground level. The spoil from the excavation would be used to form an earth mound in the south western corner of the site, and further trees would be planted on top of this. The applicant has also agreed to plant further trees within the open spaces around the building, effectively turning the site into a small wooded area over time. The Landscape Officer considers that these issues combined, would be sufficient to prevent any unreasonable landscape impact on the local area in general and the natural beauty of the AONB specifically.

Impact on surrounding residents

Local residents are, understandably, nervous about potential impacts from this development. Aside from the highway and visual issues noted above, their main concerns relate to potential noise and smell disturbance. Environmental Health Officers have considered the proposal based upon the submitted information and their experience of similar units. They are satisfied that, provided that the unit is well managed, there should be no reason that noise and smell should be detectable beyond the site boundaries. This is with the notable exception of when the unit is cleared out at the end of each 60 week cycle. As acknowledged in the submitted information, smell is likely to be detectable at this time. However, it is only likely to be for 1-2 days in each 60 week cycle and this is not considered to be sufficient to warrant the refusal of planning permission. With regard to these matters, the impact on the surrounding dwellings is considered to be acceptable.

Flood risk

The application site is in close proximity to a stream, although not within an identified flood risk area. The Environment Agency is satisfied that surface water run-off from the development will not give rise to flooding elsewhere and is satisfied. The area for proposed earth deposition has been confirmed as avoiding land either side of the adjoining watercourse and this is now acceptable.

Pollution

Neither the Environment Agency or Environmental Health Officers have raised concerns about pollution arising from this development. The Environment Agency recommend various measures that would help to prevent pollution and these largely relate to controls outside the planning system. It is recommended that their advice is attached to the decision notice as informatives. In light of this, it is not considered that the development would give rise to unacceptable pollution.

Wildlife

The submitted survey indicates that the trees and field boundaries provide good potential nesting and roosting sites for birds and bats. The hedgelines are also good as foraging areas for bats and habitats for dormice. However, no signs of nests, roosts or dormice were discovered on the site, and subject to a condition requiring the submission of a scheme for the protection of wildlife, these species should be able to be satisfactorily protected.

The ecological survey also identified a badger sett on the site. This is located in the south western corner of the site. The ecologist has seen the latest copy of the plan and is satisfied that the proposed earth deposition will not adversely affect badgers. He raised concern that permanent perimeter stock fencing could impede badger movements and recommended that any stock fencing was sited at least 20m from any badger sett entrance. In light of this, the Nature Conservation and Reserves Officer is satisfied that the impacts on badgers can be mitigated.

Other issues

There is considerable local opposition to this proposal and most of the issues raised have been addressed above. One major concern appears to stem from a previous poultry enterprise at Manley's farm, which became unprofitable after only 3 years. The building has subsequently been put to light industrial use and many local residents are concerned that the building subject to this application will suffer the same fate. It has been suggested that the proposal is, in fact, so bound to fail that it is a way of achieving planning permission for an industrial building by stealth. However, there is no evidence to suggest that this would result and the application must be determined on its own merits – as a proposed poultry unit. Information has been submitted which demonstrates that the enterprise will become financially viable within 3 years.

Similarly, the proposal seems an unlikely way to try to achieve planning permission for a dwelling in the open countryside as the investment required in setting up the enterprise – both the cost of the building and the significant landscaping proposed –

is significant. Any application for a dwelling must be considered on its own merits if and when it is submitted.

Given the acceptability of the application as outlined above in terms of its impacts and the extensive landscaping that is proposed, it is not considered that the proposal would cause significant detriment to tourism in the local area. The fact that the applicant owns other land elsewhere is not a material consideration to determining whether this site is acceptable for the proposed use.

Conclusions

The proposed use is considered to be acceptable in principle. Subject to modifications to the access, it is considered that the proposal will not be detrimental to highway safety. The proposal will not give rise to unacceptable impacts on nearby property in terms of noise or smell, and will not lead to pollution or off-site flooding. Potential impacts on wildlife can be mitigated through the imposition of conditions. It is acknowledged that the site is within a sensitive landscape location, however, it is considered that the extensive earthworks and landscaping proposed will acceptably assimilate the building into the surrounding area and as such, any visual impact would not be to such a degree that would warrant the refusal of planning permission.

Views from and of the nearby AONB and, therefore, the natural beauty of the AONB will be preserved.

With regard to the above considerations, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the receipt of a satisfactory amended plan clarifying the position of the proposed raised ground levels in relation to the badger sets - Conditional Approval

The proposed use is considered to be acceptable in principle. It will not lead to unacceptable impacts on the local highway network, the amenities of other nearby property, wildlife, flooding or pollution. The proposed landscaping and earthworks are considered to provide an acceptable mitigation to assimilate the building into the surrounding landscape and preserve views from and the natural beauty of the nearby Area of Outstanding Natural Beauty. The proposal is, therefore, in accordance with Policies S1, S2, S7, M1, M3, EN3, EN6, EN10, and EN12 of the Taunton Deane Local Plan; Policies STR1, STR6 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained within Planning Policy Statements 1, 7 and 9.

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. Prior to the commencement of the development hereby permitted full details of the proposed access shall be submitted to and agreed in writing by the Local Planning Authority. The details, based on an accurate measured survey, shall show:
 - (a) That there shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of a line drawn 2.0m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m either side of the access;
 - (b) That a recessed entrance of a minimum of 5m wide shall be constructed 10m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge.
 - (c) The proposed material for the surfacing of the access, showing that the area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel);
 - (d) The gradient of the access shall not be steeper than 1 in 10;
 - (e) The provision that shall be made within the site for the disposal of surface water so that none is allowed to discharge onto the highway.
 - (f) The proposed location of the boundary hedge that will be realigned and/or replanted behind the visibility splay required by (a).

The agreed details shall be implemented before the building hereby permitted is brought into use and shall thereafter be maintained as such.

Reason: To ensure that an adequate and safe access to the site is provided, in the interests of highway safety and the visual amenities of the area, in accordance with Policies S1, M1, M3 and EN12 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

3. The area allocated for parking and turning on drawing 09/20B shall be kept clear from obstruction and shall not be used other than for the 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 Policies S1, M1, M3 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Any entrance gates erected shall be hung in to open inwards and shall be set back a minimum distance of 10m from the carriageway edge unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that vehicles are able to stop clear of the highway, in the interests of highway safety, in accordance with Policies S1, M1, M3 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. (i) Prior to the commencement of the development hereby permitted, 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. The scheme shall show the proposed boundary treatments, precise contours for the earth deposition, all proposed planting at the site boundaries and additional planting within the site and the treatment including a method statement of the roadside boundary hedge that will be realigned in accordance with condition (2).
- (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 Policies S1 and S2.

6. The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated June 2009 and shall include a further survey detailing badger activity over the whole site and on adjoining land. The results of this survey should be used to determine the external operational use of the poultry unit.

The strategy shall include:

- Further badger surveys on site and on adjoining land owned by the applicant
- 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;
- 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.

The development shall not be occupied until the scheme for the

maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and enhance the site for protected species in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

7. Spoil from the excavation shall only be deposited in the area indicated on drawing 09/20B and shall be kept 5m clear of the watercourse unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing biodiversity interests alongside the watercourse in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

8. Predator proof fencing shall only be installed in the locations indicated on Drawing 09/20B and no other fencing shall be installed anywhere on the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent disruption to the movement of wildlife in and around the site, in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

Notes for compliance

1. The Environment Agency recommend that no contaminated water shall be allowed to enter any controlled waters, including groundwaters or watercourses. It is not clear where the proposed septic tank will discharge to. The system will be subject to obtaining a separate consent from the Environment Agency under the terms of the Water Resources Act 1991. The applicant can use the following link to obtain this consent: <http://www.environment-agency.gov.uk/business/topics/water/110593.aspx>.

Any foul drainage system from the proposed development will be expected to meet the requirements of British Standard BS 6297: 1983 and which complies with the following:- (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring. (b) porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers).

2. Any storage of fuels must be undertaken in full accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Therefore, any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located

within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

3. The waste from the egg production buildings should be spread and stored in accordance with the NVZ regulations 2008.

All waste removed from site must be carried in line with Duty of Care and the Environmental Permitting Regulations 2008 and taken to a appropriately licensed waste management facility. If any waste is to be brought onto the site then the appropriate exemption must be applied for. For more information on how waste is classified and appropriate ways of dealing with waste, please refer to the Environment Agency website:

<http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>.

The appropriate management of nitrates particularly from poultry farming has been identified as a key issue within the recently published South West River Basin Management Plan. This document has been published to ensure that targets set out in the Water Framework Directive are met by 2015. As part of this, the Environment Agency, in conjunction with other key stakeholders such as Natural England, have set up the Catchment Sensitive Farming (CSF) Initiative to provide advice and best practice for agricultural practices. Should this be of interest to the applicant, the CSF Officer for the site is Roy Hayes (roy.hayes@environment-agency.gov.uk).

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

52/09/0053

MR P GRANT

**ERECTION AND ALTERATION OF EXTENSION AND FOUR-BAY CAR PORT.
DEMOLITION OF TWO-BAY GARAGE AT HILLCROFT HOUSE, 2 JEFFREYS
WAY, COMEYTROWE**

319964.123574

Full Planning Permission

PROPOSAL

The application is before committee because the applicant is a Council employee.

This application seeks full planning permission for the extension to an existing dwelling. The extension would be slightly smaller than that previously permitted (also determined by Planning Committee in terms of its total footprint. However, it would be orientated differently on the site, such that the dwelling is extended towards the highway. The two storey extension would extend the existing ridge and eaves lines and a new bay window would be provided on the west elevation. A new entrance door with porch canopy would be provided on the north elevation, facing the highway. A further two-storey section containing a porch at ground floor and en suite bathroom at first floor would be added to the east elevation. New first floor windows on the east elevation would serve bathrooms and would be obscure glazed. The dwelling and extension would be re-roofed as part of the proposal with a concrete interlocking tile and the extension would be finished with render on a brick plinth, with brick detailing.

The application also proposes a detached wooden car port, to be sited in the northwest corner of the site. This would have 4 bays and would be finished with timber cladding under a cedar shingle roof.

SITE DESCRIPTION AND HISTORY

The site comprises a detached dwelling and its curtilage. The dwelling is typically early 20th Century, double fronted with bay windows and a porch canopy, although it appears to be set with the principle elevation away from the road overlooking the surrounding countryside. The existing dwelling has rendered walls, UPVC windows and a double hipped slate roof. To the north of the dwelling, a detached double garage stands between the dwelling and the highway.

The northern site boundary (to Jeffrey's Way) is formed of a strong hedge, behind a deep highway verge. To the south, a post and wire fence separates the site from surrounding agricultural land, which falls away from the site. There are neighbouring dwellings on both sides which, like several others in the vicinity are set on spacious plots. The dwelling to the east is of similar character to that on the application site, whilst that to the west, although probably contemporary with the application site is in a more modernist style with a flat roof.

Application 52/09/0024 granted full planning permission for the extension to the dwelling. The extension proposed a new 'wing' to the dwelling set alongside the

existing, joined by a lower linking section.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal will provide space for four vehicles which is above the maximum requirements set out for residential units with more than four bedrooms within the Local Transport Plan. However it is thought that this proposal would not see an increase in vehicle movements and the access will remain unaltered with suitable visibility in either direction. No objection is raised and a condition is recommended that the garage is used only for domestic purpose and not for any business use.

COMEYTROWE PARISH COUNCIL - No comments received.

TRULL PARISH COUNCIL - No observations to make.

Representations

The neighbours to the west has confirmed that they have no comments to make. No other representations have been received.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H17 - TDBCLP - Extensions to Dwellings,

M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The extension of a dwelling is acceptable in principle and, indeed, an extension on the scale proposed is established by the extant planning permission. The main issues are the design of the proposal and the impact on neighbouring property.

The existing dwelling is unusually positioned on the site as the elevation that is visually the 'front' faces away from the highway. The existing 'public' elevation has very few openings and, from within the site is dominated by a flat roof single storey extension and flat roofed double garage to the front; although these additions are shielded from the main public view by a roadside boundary hedge. The proposal would result in the removal of the single storey structures and their replacement with the proposed extension.

The resultant dwelling would be closer to the highway, although there is no established building line as such, and the existing dwelling is set deeply into the site, further back than many dwellings in the surrounding area. It will be no closer to the highway than the existing garage, although this feature is not readily visible from outside the site, whereas the extension will be. Due to the arrangement of surrounding dwellings, it is not considered that the proximity to the highway will make the dwelling unreasonably dominant in the street scene.

When viewing the site from the west, the dwelling will be seen through the existing access. The new elevation, although long, would be punctuated by the existing

entrance porch and a new, two-storey, bay window. It is considered that this elevation is respectfully designed and sits comfortably within the site.

Where the impact will be noticed is when viewing the site from the east, when the length of the new elevation will be particularly noticeable, especially due to its proximity to the neighbouring site boundary. However, the elevation will be punctuated by windows at first floor level, and it is considered that these will break the elevation satisfactorily. Taking these considerations together, the proposed design will be satisfactory and integrate acceptably into the surrounding street scene. It is considered that a condition should be imposed to prevent the proposal being implemented in addition to the existing planning permission, to prevent over development of the site.

The proposed car port will be located along the western site boundary, in the north west corner of the site. This would be a low-key subservient structure and, although large, would be commensurate with the size of the dwelling. The highway authority have recommended a condition that the garage is not used for business uses, but a condition would be unnecessary as a change of use to anything other than domestic purposes would require planning permission.

The proposal would not be any closer to the neighbouring dwelling to the west than the existing permission. The separation will remain large and the extra bulk is not considered to be overbearing on this dwelling. The new windows are a sufficient distance away to prevent any unreasonable overlooking.

The neighbouring dwelling to the east will feel a greater impact, due to the proximity of the proposal to the site boundary, extending the built form along their common boundary. However, the neighbouring dwelling has a garage adjacent to the application site, providing some separation between it and the main part of the dwelling. The proposal will affect the front garden rather than the private amenity space to the rear and given the layout of the adjoining dwelling, it is not considered that the proposal would be unreasonably overbearing on it. New first floor windows in the east elevation would be obscure glazed and this will prevent any unacceptable overlooking.

It is not considered that any other dwellings would be unreasonably affected by the proposal.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development is acceptably designed and will not impact unreasonably upon other nearby property or the street scene. It, therefore, is acceptable and in compliance with Policies S1, S2 and H17 of the Taunton Deane Local Plan.

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.

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

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

4. The development hereby permitted shall not be implemented with any part of the development granted planning permission by virtue of application reference 52/09/0024 dated

Reason: To prevent overdevelopment of the site to protect the amenities of the surrounding area, in accordance with Policy S1 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 M Bale Tel: 01823 356454

Planning Committee – 10 February 2010

Report of the Growth and Development Manager

Enforcement Item

1. **File/Complaint Number** E0296/06/09
2. **Location of Site** 139 Darby Way, Bishops Lydeard. TA4 3BE.
3. **Names of Owners** Local Authority owned property.
4. **Names of Occupiers** Mr Giorgi
5. **Nature of Contravention** Unauthorised shed/workshop and fence
6. **Planning History** It was brought to the attention of the Enforcement Section by TDBC Housing that the occupier of the above property has erected a structure to the side of the property. A large lean – to shed/workshop has been constructed along the boundary with 141 Darby Way together with a makeshift fence. This fence in parts measures over 2m in height. The property is a purpose built flat and as such does not enjoy permitted development rights. Therefore the erection of the shed requires planning permission, as does the fence due to its excessive height. The occupier has been contacted and an application requested but to date no application has been forthcoming. The materials used for both structures are somewhat makeshift which has an adverse effect on the adjoining neighbours garden and outlook.
7. **Reasons for taking Action** It is considered that the materials used in the construction of the shed and fence are such that the overall appearance has a detrimental effect on the amenity of the neighbouring property. The height of the fence due to its close proximity to the neighbouring property is overbearing on what is a relatively small amenity area for the dwelling.
8. **Recommendation** The Solicitor to the Council be authorised to serve an Enforcement notice to secure the removal of the shed and to reduce the height of the fence to no more than 2m. To seek prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with. Therefore the development is contrary to the Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design) The development, if allowed to remain is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist, the cumulative effect of which, if permitted, would further detract from the character and amenities of the area.

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

CONTACT OFFICER: Mr John A W Hardy Tel: 356466

Planning Committee – 10 February 2010

Report of the Growth and Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 21/09/0021 and E0103/21/09
2. **Location of Site** Carriers Gate Orchard, Langford Budville
3. **Names of Owners** Mr D J Ridler Higher Poleshill Farm, Carriers Lane, Langford Budville.
4. **Name of Occupiers** Mr M Ridgeway and Miss J Wallwork-Gush
5. **Nature of Contravention**

Change of use of land for the stationing of a mobile home and a touring caravan for residential purposes.

6. **Planning History**

It was brought to our attention that persons were residing on the above site in June 2009. The occupants were informed that planning permission was required as a change of use of the land had occurred. The occupiers said they were helping out the owner at busy times on the farm and also work in the area as well as having a child who attends Kingsmead School. In September 2009 an application was received for the change of use of the land to site one mobile home and one caravan for agricultural and horticultural workers. The application was subsequently refused on 15th January 2010 under delegated powers

7. Reasons for Taking Enforcement Action

The site is located in open countryside where there is a strong presumption against residential development unless an agricultural or forestry need is proven. The Local Planning Authority considers that the functional need for an agricultural worker has not been proven. In addition no financial justification has been provided to demonstrate that the enterprise has been planned on a sound financial basis. Therefore it fails to comply with Policy H13 of the Taunton Deane Local Plan and National guidance contained within Planning Policy Statement 7- Sustainable Development in Rural Areas. Also the provision of a temporary agricultural workers dwelling represents an inappropriate and unsustainable form of development in the countryside which adversely harms the visual amenities of the area. Therefore it conflicts with the provisions of Exmoor National Park Joint Structure Plan Review Policies 1,5,49 STR1 and STR6 and Taunton Deane Local Plan Policies S1,S2,S7,EN2,EN6 and EN12.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice in order to secure the removal of the two units of accommodation and to reinstate the land to its former condition prior to the unauthorised occupation taking place. Also to take prosecution action, subject to obtaining satisfactory evidence that the notice has not been complied with.

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

CONTACT OFFICER: Mr JAW Hardy Tel: 01823 356466

Planning Committee – 10 February 2010

Report of the Growth and Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** **0039/48/06**
2. **Location of Site** Land west of High View, Yalway, West Monkton
3. **Names of Owners** Mr D Maycock, 12 Volis, Kingston St Mary, Taunton, TA2 8HS
4. **Name of Occupiers** Mr D Maycock
5. **Nature of Contravention**

Sheds and access track
6. **Planning History**

In 2006 it was brought to our attention that works had been carried out on a piece of land at Yalway, West Monkton. The works comprised of the formation of a track and area of hard standing together with small earth mounds with planting. The owner was contacted and informed that elements of the development required Planning permission. He said he was also intending to erect a large steel barn and would submit the application shortly to include the unauthorised works. The application was submitted in December 2006 and subsequently refused in March 2007. No appeal was lodged against the refusal so further requests were made for an application to regularise the other outstanding elements on site. In November 2007 an application was submitted to regularise the track etc together with erection of two low pole barns that had been erected on site for the storing of hay and agricultural vehicles. The application has never been registered as the drawings submitted were not to a sufficient standard for the Officer to process the application. The two pole barns have now been on site since January 2008 and the track and hard standing since 2006. Further requests have been made to the owner to submit improved plans in order for the application to be registered but these have not been forthcoming.

7. Reasons for Taking Enforcement Action

In view of the length of time the track and pole barns have been on site together with the fact that if the application was in sufficient detail to be registered and processed the likely outcome would be favourable. Further planting has been carried out on the earth mounds by the owner which adds to the already well screened site.

8. Recommendation

Members resolve not to take further action over the now well established development.

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

CONTACT OFFICER:

Mr John A W Hardy Tel: 01823 356466

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 10 FEBRUARY 2010

Appeal Proposal	Start Date	Application/Enforcement Number
CONVERSION OF TRADITIONAL AGRICULTURAL BUILDINGS INTO TWO RESIDENTIAL DWELLINGS AT ARUNDELLS FARM, LOWER HENLADE	18 JANUARY 2010	31/09/0011
CHANGE OF USE FROM HOLIDAY LET TO DWELLING AND ALTERATION TO ROOF AT UPCOTT FARM COTTAGE, NYNEHEAD	21 JANUARY 2010	26/08/0009
INCREASE OF CURTILAGE AND BOUNDARY FENCE NOT AS APPROVED PLANS AT EASTWICK FARM, EASTWICK ROAD, TAUNTON	01 FEBRUARY 2010	E0314/38/09 (1)

APPEAL DECISION FOR COMMITTEE AGENDA – 10 FEBRUARY 2010

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/D/09/2116677	Erection of a single storey extension to the rear and side to include conservatory and porch to front at Little Oaks, 16 Sylvan Way, Monkton Heathfield	The proposed extensions, by virtue of their size, scale, design and bulk, appear as incongruous additions, which dominate and detract from the bungalow, to the detriment of its character, and would result in a dwelling that would appear out of keeping with the scale and appearance of surrounding properties.	48/09/0027	The inspector considered the back garden of the appeal site is large enough to satisfactorily accommodate the proposal without appearing over developed and that the effect of the proposed conservatory would be reduced by its distance from both the existing dwelling and adjoining properties. He found that the proposal would not adversely affect the character or appearance of either the existing appeal property or the surrounding area. The appeal was therefore ALLOWED with conditions of time and materials.

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