

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 24 March 2010 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 February 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 (attached)
- 5 21/09/0019 - Development of site to provide garden centre including sales building, display area, access and landscaping on land east of Milverton Road and north of River Tone, Wellington (Langford Budville Parish)
- 6 Firepool, Taunton. Miscellaneous report attached
- 7 38/09/0400 - Application for public realm works to the River Tone corridor at land adjacent to Priory Bridge Road, Firepool, Taunton
- 8 38/10/0048 - Erection of ground floor and first floor extension at 192 Eaton Crescent, Taunton
- 9 38/10/0055 - Erection of front extension, increase in height of ridge over dwelling and erection of dormer windows to allow for attic rooms at Petra Cottage, Taunton (re-submission of application 38/09/0401)
- 10 43/10/0013 - Demolition of bungalow and erection of three detached, 1.5 storey dwellings with adjoining single garages at 37 Buckwell, Wellington
- 11 48/10/0001 - Demolition of bungalow and construction of new dwelling at 21 Greenway, Monkton Heathfield
- 12 30/09/0018 - Continued occupation of an agricultural mobile home at Westercombe Deer Park, Westercombe Estate, Culmhead
- 13 Appeals - Details of the latest appeals lodged (attached)

Tonya Meers  
Legal and Democratic Services Manager

16 March 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](http://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](mailto: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 – 24 February 2010

Present:- Councillor Mrs Allgrove (Vice-Chairman) (In the Chair)  
Councillors Bishop, Brooks, Mrs Copley, Critchard, Denington,  
Ms Durdan, Mrs Floyd, C Hill, House, Miss James, Stuart-Thorn and  
Watson

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

Also present: Councillor Gaines in connection with application No 35/10/0001 and  
the Agricultural Notification for land at Appley, Stawley; Councillor  
Stone in connection with application Nos 36/09/0021 and  
36/09/0022LB; and Councillor Coles

(The meeting commenced at 5.00 pm)

### 19. Apologies/Substitution

Apologies: The Chairman (Councillor Mrs Hill) and Councillors Bowrah,  
McMahon and D Wedderkopp

Substitution: Councillor Stuart-Thorn for Councillor Bowrah

### 20. Minutes

The minutes of the meeting of the Planning Committee held on 10 February  
2010 were taken as read and were signed.

### 21. Declarations of Interest

Councillor Brooks declared a personal interest as a Member 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 a prejudicial interest in  
connection with application Nos 36/09/0021 and 36/09/0022LB as he knew  
the applicant. He left the room during the discussion of these items.  
Councillor Brooks declared that he had previously spoken in connection with  
the public realm improvements at Castle Green.

### 22. 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:-

That **planning permission be granted** for the under-mentioned  
developments:-

**35/10/0001**

## **Erection of barn at Stawley Wood Farm, Stawley (retention of development already undertaken)**

### **Conditions**

- (a) (i) Within three months of the date of this permission, 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;
- (b) The building shown on the submitted plan shall be used for the purposes described on the application form only and for no other purposes without the prior written consent of the Local Planning Authority.

(Note to applicant:- Applicant was advised that planning permission had been granted on the basis that the building will be used solely for agricultural purposes. The building hereby permitted was unlikely to gain planning permission for any other use should an application seeking a change of use be received by the Local Planning Authority at any point in the future, particularly one involving a domestic residential scheme).

### **Reason for granting planning permission:-**

The proposed agricultural building 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), S7 (Outside Settlements) and EN12 (Landscape Character Areas).

**36/09/0021**

## **Erection of extension at Home Orchard Farm, Stoke Road, Stoke St Gregory**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development, excluding site works, shall begin until samples of the materials to be used in the construction of the external surfaces of the roof of the dwelling hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority and a panel of the proposed stonework measuring at least 1m x 1m has been built on the site and the materials, bonding pattern, recessed jointing and 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;

- (d) Prior to commissioning specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:- windows, doors and finished treatment for joinery and horizontal boarding with such approved details being strictly adhered to in the implementation of the approved works unless any variation thereto is first agreed in writing by the Local Planning Authority.

#### **Reason for granting planning permission:-**

The Committee considered that the proposed extension, by virtue of its size, design and location, appeared as a suitable addition, which had a positive impact on the character of the existing dwelling. As such the proposal was in accordance with the relevant sections of Planning Policy Guidance 15, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

#### **Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee was of the view that the proposed extension was a suitable addition and had a positive impact on the character of the existing dwelling.

**36/09/0022LB**

**Erection of extension at Home Orchard Farm, Stoke Road, Stoke St Gregory**

#### **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) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development, excluding site works, shall begin until samples of the materials to be used in the construction of the external surfaces of the roof of the dwelling hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority and a panel of the proposed stonework measuring at least 1m x 1m has been built on the site and the materials, bonding pattern, recessed jointing and 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;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:- windows, doors and finished treatment for joinery and horizontal boarding with such approved details being strictly adhered to in the implementation of the

approved works unless any variation thereto is first agreed in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

The Committee considered that the proposed extension, by virtue of its size, design and location, appeared as a suitable addition, which had a positive impact on the character of the existing dwelling. As such the proposal was in accordance with the relevant sections of Planning Policy Guidance 15, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**Reason for granting listed building consent contrary to the recommendation of the Growth and Development Manager:-**

The Committee was of the view that the proposed extension was a suitable addition and had a positive impact on the character of the existing dwelling.

**23. Erection of ground floor extension at 113 Scott Close, Taunton (34/10/0003)**

Reported this application.

**Resolved** that subject to no representations being received by 25 February 2010, 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.

(Note to applicant;- Applicant was advised that care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang, will encroach on, under or over the adjoining property).

**Reason for planning permission, if granted:-**

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

**24. Public realm improvements at Castle Green, Taunton (38/09/0388)**

Reference Minute No 6/2010, reported that an application for public realm improvements at Castle Green, Taunton had been considered by the Committee on 20 January 2010. Planning permission had been granted



subject to the receipt of amended plans replacing the proposed bollards with planters at the Corporation Street entrance to the site.

However, a number of concerns had been raised by the Design Team if planters were to be used. These concerns included the need to comply with the Design Code and to maintain the free flow of pedestrians through this area, the need for access by emergency vehicles and access to utility services in the road in this location.

Members considered that, in light of the design considerations, the bollards should not be replaced with planters.

**Resolved** that planning permission No 38/09/0388 for the originally proposed design of the scheme be granted.

**25. Erection of agricultural storage building and track at land at Appley, Stawley**

Reported that an Agricultural Notification had been received for the erection of an agricultural storage building and track at land at Appley, Stawley that required the Prior Approval of the Local Planning Authority.

A public consultation period had taken place between 25 January and 15 February 2010. However, due to an error the granting of Prior Approval was issued on 9 February, before the end of the consultation period. A further five letters of objections were received during the period.

The Growth and Development Manager did not consider that any new valid issues had been raised by objectors to alter the decision to grant Prior Approval.

**Resolved** that the Committee endorse the decision to grant Prior Approval for the erection of an agricultural storage building and track at land at Appley, Stawley.

**26. Dairy House Farm, Henlade**

Reported that Hazardous Substances Consents had previously been granted at Dairy House Farm, Henlade to allow for the storage of liquefied petroleum gas.

However, the site had not been used for the storage of hazardous substances for a number of years and consent for a change of use of the site had been granted.

It was considered there was a need to revoke the Hazardous Substances Consents to enable future development of the site.

**Resolved** that:-

1. Hazardous Substances Consents 31/92/011HS and 37/93/012HS be revoked; and
2. That the Legal and Democratic Services Manager be authorised to prepare a Revocation Order under S14(2)(b) of the Planning (Hazardous Substances) Act 1990 for the Secretary of State to confirm.

**27. Application to fell 8 Ash trees to the south of West Combe and to thin out by 80% the area to the east of the Mill, within Hestercombe Conservation Area at Hestercombe Gardens, Cheddon Fitzpaine**

Reported that an application had been received to fell 8 Ash trees in the area of land to the south of West Combe adjacent to the main entrance drive and at the eastern end of the newly planted Oak avenue and to thin out the woodland area to the east of the newly restored Mill and Barn by 80%. The areas would be replanted with native trees and shrubs.

**Resolved** that:-

1. The felling and replanting of trees at Hestercombe Gardens be allowed; and
2. A Tree Preservation Orders should not be served in respect of any of the trees the subject of the application.

**28. Change of use of agricultural land to domestic curtilage at Levan Barn, Harnham Court, Norton Fitzwarren**

Reported that it had come to the Council's attention that agricultural land at Levan Barn, Harnham Court, Norton Fitzwarren had been brought within the domestic curtilage of the property without the necessary planning consent being granted.

The owner of the site had been contacted and an application for the change of use of the land had been made but this had been refused in October 2009.

**Resolved** that:-

1. Enforcement action be taken to stop the use of the agricultural land at Levan Barn, Harnham Court, Norton Fitzwarren as domestic curtilage and to remove all items of a domestic nature from this land; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**29. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 7.30 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

SOUTH WESTERN PROPERTY LTD

**DEVELOPMENT OF SITE TO PROVIDE GARDEN CENTRE INCLUDING SALES BUILDING, DISPLAY AREA, ACCESS AND LANDSCAPING ON LAND EAST OF MILVERTON ROAD AND NORTH OF RIVER TONE, WELLINGTON (LANGFORD BUDVILLE PARISH) AS AMPLIFIED BY LETTER DATED 26 OCTOBER 2009 AND AMENDED BY LETTER DATED 8 NOVEMBER 2009 WITH ACCOMPANYING PLAN AND EMAIL DATED 16TH MARCH 2010 WITH ACCOMPANYING DRAWING NUMBER 21985/011/001A**

312642.122065

Outline Planning Permission

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## 1 RECOMMENDATION

Subject to the applicants entering into a Section 106 Agreement with the Borough Council and Somerset County Council to secure:-

1. The design, construction and funding of a right turning lane and associated works generally in accordance with a revised and agreed version of Drg No.21985/011/001A and
2. The implementation and monitoring of a Travel Plan for which a fee will be payable to S.C.C.;

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman, and if permission is granted be subject to conditions.

## RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

The site is adjacent to the town of Wellington and therefore the principle of a garden centre is considered to be acceptable in accordance with Taunton Deane Local Plan Policy EC20. It is furthermore not considered that the proposed development will have any significant impact on highway safety in the area and that the proposed development can be assimilated into the landscape of the area in line with Taunton Deane Local Plan policies S7 and W14.

## RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the scale and appearance 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. Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before [the use hereby permitted commences] [and] [the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

3. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

4. 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.

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. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

7. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

8. No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.

9. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

10. The use of the building shall be restricted to the sale of plants, gardening tools and other horticultural requisites and sundries and other ancillary uses such as café, or the display of conservatory furniture, ornaments, clothing, cds and books (other than garden / horticultural related) shall be limited in total to no more than 10% of net internal floorspace. The building shall be used for no other purpose within Class A1 of the Use Classes Order.  
Reason: The site is in an area where the Local Planning Authority would not wish to see the establishment of a general retail outlet due to its location beyond settlement limits away from established centres.

11. The development hereby permitted shall not be commenced until the additional dormice, bat and badger surveys have been submitted and then details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of CEC Ltd's report; dated August 2009 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
  3. Measures for the enhancement of the site for wildlife.
- Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance the site for wildlife in accordance with PPS9 and Taunton Deane Local Plan Policy EN3.

12. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority (LPA). The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programmed and details.

The surface water drainage scheme details shall include a full engineering cross section through the car park area, soakaway cell, retaining structure, bank slope and the River Tone. All drawings shall include dimensions and levels to Ordnance Datum.

Reason: To prevent the increased risk of flooding in accordance with PPS25.

13. 13. No development whatsoever, including temporary or permanent stockpiling of spoil, or planting, shall be carried out below the 48m contour until such time as a detailed layout plan for this area has been submitted to, and approved in writing by, the LPA.

Reason: To ensure there will be no impedance of flood flows within the



floodplain in accordance with PPS25.

14. Finished Floor Levels of the Garden Centre Building should be set at no lower than 51.5m AOD. The car park and access road should be set to a level no lower than 50m AOD.

Reason: To ensure that the development is subject to minimum risk of flooding in accordance with PPS25.

15. No development shall commence until a scheme has been agreed with the LPA and the Environment Agency for the planting and subsequent management of a 20 metre buffer zone against the River Tone.  
Reason: To create a buffer zone and green space against the River Tone as recommended in the Ecological Report and in accordance with PPS 9.

16. During construction, no development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove solids. This Agency must be advised if a discharge to watercourse is proposed.
7. Construction vehicles should not cross or work directly in a watercourse. Temporary bridges should be constructed for vehicles to cross and excavations done from the bank. Any work in or near a watercourse should be done in a dry area e.g. river water should be diverted away from the working area using coffer dams.
8. Site induction for workforce highlighting pollution prevention and awareness

Reason: To prevent pollution of the water environment in accordance with PPS25.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A1) DrNo CEC1391e-09 Rev B Outline landscape strategy
- (A4) Location Plan
- (A1) DrNo 4171-2D Indicitive Block Plan
- (A0) DrNo 21985/011/001 P! Proposed Access Junction
- (A2) Figure 3-1 Accident Density Blackspots
- (A3) Figure 3-2 Existing Bus Service Route

Reason: For the avoidance of doubt and in the interests of proper planning.

## Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species. 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 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 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. It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands.

A copy of the Agency's leaflet on Sustainable Drainage Systems is available on request.

3. The following informatives have been requested by the Environment Agency:
  - 
  - a) A flood defence consent from the Environment Agency will be necessary for planting within 7 metres of the top of the bank of the River Tone.
  - b) Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.
  - c) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 80 metres of the top of the bank of a designated 'main river' (River Tone). The outfall to the river Tone will require Flood Defence Consent.
  - d) Any impediment to flow in an 'ordinary' watercourse will also require consent under Section 23 of the Land Drainage Act 1991.
  - e) There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site.
  - f) Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
  - g) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourse, ponds or lakes, or via soakaways/ditches.
  - h) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking area/delivery areas

and hard standings shall be passed through an oil interceptor,

i) Any waste stored on site should be covered by an appropriate exemption or licence. All waste moved off site should be carried by a licenced person and taken to an appropriately licenced waste management facility. If you require further information regarding this please contact us on (01278) 484844.

j) No development approved by this permission shall be commenced until Wessex Water is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

k) Exemptions from the Waste Management Licensing Regulations for moving waste and spoil/subsoil off-site will also be required and developers will need to contact the Environment Agency to apply for such activities.

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

You should be aware that the site is situated approximately 437 metres away from the Wellington Sewage Treatment Works. Whilst Wessex Water do not believe the proposal will be unduly affected, it should be noted that the proposal could be subject to odours from the normal operation of the works.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. According to Wessex Water records, there is a public water main within the site. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

The developer will need to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the site. We advise that this should be agreed as early as possible and certainly before the developer submits any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of Wessex Water infrastructure crossing the site.

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

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

## 2. APPLICANT

South Western Property Ltd

## 3. THE SITE

The site comprises 2.9 ha of agricultural land. The site lies immediately to the north of Wellington adjacent to the River Tone with access from the B3187 Wellington to Milverton road. There is an electricity sub-station immediately adjacent to the site in the north-west corner. The site is largely bounded by hedges, with substantial tree cover to the south. A high voltage electricity pylon crosses the site. The site is within Langford Budville parish.

## 4. THE PROPOSAL

The proposal provides for the development of the site to provide a garden centre including sales building, display area, access and landscaping on land east of Milverton Road, Wellington.

The outline application submission included a Design & Access Statement, Transport Assessment (including Travel Plan Framework), Landscape & Visual Constraints & Opportunities Report, Tree Survey Report, Ecological Assessment, Flood Risk Assessment, Phase 1 Ground Condition Assessment, Baseline Lighting Survey, Site Waste Management Plan and Planning Statement.

The layout, access and landscaping for the proposed development are to be considered at this outline stage, with scale and appearance reserved for future consideration.

The proposed development is for a single storey building to be used as a garden centre, together with associated plant display areas and parking for 100 cars + coaches. The building proposed would have a gross internal area of 2,000 sq m and it is anticipated that it would create up to 80 new jobs. The scale and form of the proposed building will be on two levels, with height to eaves of approximately 4m and to ridge line of approximately 8.75m. There would be an external plant display area of approximately 6,000 sq m.

The access to the site would be by means of a new road junction and footpath from the B3187, approximately 8.5m north of the existing access, giving direct access to the customer parking area and main entrance.

A foul drainage connection will be made to the gravity public sewer which runs along Milverton Road and discharges to the local pumping station to the east of the River Tone.

## 5. RELEVANT PLANNING HISTORY

There is no planning history related to the site.

## 6.0 RELEVANT PLANNING POLICIES

## Regional Planning Guidance Note 10

### Policy VIS2 – Principles for Future Development

#### Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - requires a sustainable approach to new development, minimising the length of journeys and maximising the use of public transport, cycling and walking; conserving the biodiversity and environmental assets of an area and ensure access to housing employment and services.

STR6 - controls development outside of settlements to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy 5 - safeguards the landscape character of an area with particular attention to distinctive landscape, heritage or nature characteristics.

Policy 49 – Transport Requirements of New Development requires all development proposals to be compatible with the existing transport network and, if not, provision should be made to enable the development to proceed.

#### Adopted Taunton Deane Local Plan Saved Policies

S1 - General requirements for all development including: - the traffic impact, accessibility of development, protection of wildlife species or habitats, an acceptable impact on the visual amenity and character of the existing environment, levels of pollution should not be unacceptable, the safety of occupants from ground instability is secured, the development should minimize any adverse impact on the environment or existing land uses, encourage recycling, make full and effective use of the site, incorporate public art.

S2 - Requires new development to be of good design.

S7 - New building outside of defined settlement limits will not be allowed unless it maintains or enhances the environmental quality and landscape character of the area and it is for agricultural or forestry and accords with a specific local plan policy.

EC7 – Outside the defined limits of settlements, the development of new small-scale buildings for business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating use, excluding retailing, will be permitted provided that certain criteria are met.

EC20 - Proposals for garden centres will be permitted where they are located on land within or adjacent to towns or rural centres. The range of goods to be sold will be restricted to garden-related products only.

M1 – M3 These policies relate to the Transport, Access and Circulation requirements of new development.

M1 - Non-residential developments will be permitted provided that they cater safely for the expected number of trips generated or attracted by them and meet

certain criteria.

M2 - Outside the settlement limits of Taunton and Wellington, the maximum permitted level of car parking for new non-residential developments will be the standards contained in PPG13 and RPG10.

M3 - Non-residential development will not be permitted unless, taking account of transport and car parking provision proposed in conjunction with the development:  
(A) the required level of accessibility by public transport, cycling and walking, can be provided in a manner that is both safe and convenient; and  
(B) the highway network will cater safely for the expected number of car trips attracted; and  
(C) undesirable parking pressure in nearby residential streets is not significantly increased.

EN3 – relates to Local Wildlife and Geological Interests.

EN6 – Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss. The good management of such tree cover for nature conservation purposes will be sought.

EN12 - Landscape Character Areas.

EN25 - Development which would harm the landscape, character, wildlife and recreational potential of the water environment will not be permitted. Development proposals near rivers, canals, still waters and watercourses must respect, enhance and maximise the benefits of a waterside location.

W14 - Development which would harm the landscape setting of approach routes into Wellington will not be permitted.

## 7.0 RELEVANT CENTRAL GOVERNMENT ADVICE

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and PPS1 Supplement on Climate Change.

Planning Policy Statement 4: Planning for Sustainable Economic Development (PPS4).

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7).

Planning Policy Statement 9 : Biodiversity and Geological Conservation (PPS9).

Planning Policy Guidance Note 13 : Transport (PPG13).

Planning Policy Guidance Note 24 : Planning and Noise (PPG24).

Planning Policy Statement 25 : Development and Flood Risk (PPS25).

## CONSULTATION AND REPRESENTATION RESPONSES

## Consultees

COUNTY HIGHWAYS AUTHORITY - The proposal is for Outline Planning Permission for a Garden centre etc and access onto Milverton Road, Wellington, in the Parish of Langford Budville. The main transport Issues are:-

1. Is the location appropriate in Transport terms?
2. Is the Access proposed suitable to serve the development?
3. The effect of the Traffic generated by the proposal on the Local Highway network.
4. The layout shown on The Indicative Block Plan 4171-2D

The location of the site is very close to the northern Boundary of Wellington. Taunton Deane Local Plan Policy EC 20 states that proposals for Garden Centres will be permitted where they are located within or adjacent to Towns or Rural centres. Further text relates to the necessity to locate close to larger settlements. From a Transport viewpoint, the site is relatively well located for sustainable travel, bearing in mind the likelihood of trips by non car modes to such a use.

The access proposed within the Transport Assessment is a simple T junction. It is felt that for the level of traffic both using the access and travelling on the B3187, a Right Turn Lane is necessary. Amended plans have been submitted & Drawing number 21985/011/001, which subject to alterations to secure a 4.5m x 160m vis splay and other minor issues is acceptable to serve the development. Additional footways and minor alterations to the junction of Lowmoor Road are also proposed. I have forwarded a copy of the technical and Safety audit to the applicants Transport consultant.

The indicative layout shown on Drg no 54171-2D is in a generally acceptable form. I am concerned however that HGV's may not be able to enter and leave the delivery area in forward gear thus creating a potential hazard as turning would be likely to occur close to the main entrance.

The effect of traffic on the Local highway Network is of concern to The Highway Authority and local residents. The main Traffic signal Junctions in Wellington Town Centre are at peak hours at capacity and the surrounding streets suffer from rat-running. The garden centre however does not operate during the morning peak and its maximum likely effect is likely to be at weekends when traffic flows are generally lighter. The transport Assessment has been carefully evaluated and additional checks required from the developer. These have been carried out and as a result I do not consider that the proposed development will have an unacceptable impact on the Local Highway Network.

An Initial Travel Plan has been prepared and reviewed by with The Countywide Travel Plan Coordinator. It requires further improvement which must be agreed prior to the signing of an appropriate Legal Agreement. The Travel Plan will need to be implemented, sustained in perpetuity and monitored.

Consequently I do not propose to object to this application subject to the applicants entering into an appropriate legal agreement to secure the design, construction and funding of a Right Turn lane and associated works generally in accordance with a revised and agreed version of Drg No 21985/011/001A and the implementation and monitoring of a Travel Plan for which a fee will be payable to S.C.C.

Conditions will be required to ensure that no works commence on site until an appropriate access and Travel Plan shall have been approved in detail and then Implemented in accordance with the approved plans.

COUNTY ARCHAEOLOGIST - There are a number of heritage assets recorded on the HER near the site including a milestone and a grease refinery. However, there are no records of any archaeological remains on the site. Aerial photography undertaken in 1989 revealed crop marks in fields some distance to the south east of this field but failed to identify any near to this proposal site. Therefore, as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

SOMERSET WILDLIFE TRUST - In wildlife terms, the Trust has no objection to this planning application, providing that all ecological mitigation proposed in the ecological assessment report prepared by Cornwall Environmental Consults is undertaken. This will avoid impacts to protected and UK/LBAP species and habitats, and could enhance local biodiversity by creating new habitats and enriching existing ones. The Trust has the following comments to raise:

#### Consideration of impacts to biodiversity

The scope of the surveys undertaken at this site appears thorough, and thought the ecological assessment report thought has been given to making contributions to the local biodiversity resource. The Trust agrees with the recommendations of the report in terms of the type of on-site ecological mitigation and enhancement that would be suitable.

As recommended in the ecological assessment prepared by Cornwall Environmental Consultancy, the precautionary principle should be applied until the results of the dormouse survey have been collated in 2010; design and decision-making should proceed as if dormouse are present on site, and steps taken to avoid impact. Given the proximity and relatively good connectivity of the sites hedgerows to suitable habitats in the wider area - which are known to hold populations of dormouse - it would constitute a benefit to local biodiversity to take measures to maintain, restore and enhance habitats on site for dormouse where possible, even if the results of the dormouse survey are negative.

The Trust is aware of two significant ecological receptors within 1km of the application site, which the planning authority should be aware of. Firstly, we understand there is an otter holt on the bank of the Tone bordering the application site. This holt has been used for breeding this year. Whilst otters can tolerate disturbance to a point, a breeding female will be more easily disturbed and this should be given due consideration. Habitat buffering of the site along the River Tone could help to minimise human and dog disturbance along the bank. Secondly, there is a barbastelle bat maternity roost within 1km of the application site. It is presently unknown where the bats from this roost are travelling to forage. Whilst no barbastelles have been recorded using the application site this season, their activity pattern across the local landscape is poorly understood. From what is known about barbastelles, they forage over mixed habitats but are particularly associated with wooded river valleys, and are highly sensitive to light disturbance. The river corridor would seem the most likely foraging and commuting corridor for them, and therefore the Trust would strongly recommend a linear habitat corridor — free from light spill



— is maintained and enhanced. Barbastelle's are one of the rarest European bats, and the Trust would urge their presence in the immediate area to be given due consideration — if the planning authority is minded to grant permission, conditions to secure suitable construction and operation mitigation including timing of works, lighting, habitat buffering, stand-offs, etc, should be included.

#### Opportunities for biodiversity enhancement

With appropriate mitigation for ecological and water management issues, this development could deliver benefits for local biodiversity, enriching and consolidating habitats to buffer and connect the Local (County) Wildlife Sites network. If the local planning authority was minded to grant planning permission for this development, mitigation to avoid impacts to protected and BAP species should be secured, and ecological enhancement sought in line with PPS 9. Specifically, the Trust would strongly recommend a minimum 20 metre buffer of wet woodland planting along the river corridor, to improve functional connectivity of the corridor, to minimise the potential for disturbance to otter and bats, and to protect against any light overspill from the development. This would be in line with requirements within PPS 9 for new development to deliver an ecological enhancement to the site. Buffer planting should comprise a mix of locally appropriate, native species of local provenance, chosen with a view to creating wet woodland, with a comprehensive planting scheme be submitted for agreement to the Nature Conservation Officer at Taunton Deane Borough Council. A programme of monitoring for the created habitats should be followed, and within the first 5 years of planting any damaged, diseased or dead planting should be replaced.

The issue of lighting at the site is significant, given the present of barbastelles, and lesser and greater horseshoes within the immediate vicinity. A dark corridor along the river valley should be maintained by installing a minimum amount of low level, directional lighting around the development.

ENVIRONMENT AGENCY - The Environment Agency has no objection in principle to the proposed development, providing it is located within the flood zone I part of the site. However, we would, require the inclusion of conditions, which meet the following requirements:

#### CONDITION:

No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority (LPA). The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site, the approved scheme shall be implemented in accordance with the approved programmed and details.

The surface water drainage scheme details must include a full engineering cross section through the car park area, soakaway cell, retaining structure, bank slope and the River Tone. All drawings must include dimensions and levels to Ordnance Datum.

#### REASON:

To prevent the increased risk of flooding.

#### NOTE:

It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands.

A copy of the Agency's leaflet on Sustainable Drainage Systems is available on request.

**CONDITION:**

No development whatsoever, including temporary or permanent stockpiling of spoil, or planting, shall be carried out below the 48m contour until such time as a detailed layout plan for this area has been submitted to, and approved in writing by, the LPA.

**REASON:**

To ensure there will be no impedance of flood flows within the floodplain

**CONDITION:**

Finished Floor Levels of the Garden Centre Building should be set at no lower than 51 .5m AOD. The car park and access road should be set to a level no lower than 50m AOD.

**REASON:**

To ensure that the development is subject to minimum risk of flooding.

**CONDITION:**

No development shall commence until a scheme has been agreed with the LPA and the Environment Agency for the planting and subsequent management of a 20 metre buffer zone against the River Tone.

**REASON:**

To create a buffer zone and green space against the River Tone as recommended in the Ecological Report and in accordance with PPS 9. A flood defence consent from the Environment Agency will be necessary for planting within 7 metres of the top of bank of the River Tone.

**CONDITION:**

During construction, no development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Discharge of silty or discoloured water from excavations should be irrigated over

grassland or a settlement lagoon be provided to remove solids. This Agency must be advised if a discharge to watercourse is proposed.

7. Construction vehicles should not cross or work directly in a watercourse. Temporary bridges should be constructed for vehicles to cross and excavations done from the bank. Any work in or near a watercourse should be done in a dry area e.g. river water should be diverted away from the working area using coffer dams.

8. Site induction for workforce highlighting pollution prevention and awareness

**REASON:**

To prevent pollution of the water environment.

**NOTE:**

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

In the event of planning permission being given we request that the Decision Notice contains the following information:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 80 metres of the top of the bank of a designated 'main river' (River Tone). The outfall to the river Tone will require Flood Defence Consent.

Any impediment to flow in an 'ordinary' watercourse will also require consent under Section 23 of the Land Drainage Act 1991.

There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas/delivery areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

No development approved by this permission shall be commenced until the LPA is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Any waste stored on site should be covered by an appropriate exemption or licence. All Waste moved off site should be carried by a licensed person and taken to an appropriately licensed waste management facility. If you require any further information regarding this please contact us on (01278) 484844.

Exemptions from the Waste Management Licensing Regulations for moving waste •

spoil/subsoil off-site will also be required and developers will need to contact us to apply for such activities.

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

You should be aware that the site is situated approximately 437 metres away from our Wellington Sewage Treatment Works. Whilst we do not believe the proposal will be unduly affected it should be noted that the proposal could be subject to odours from the normal operation of our works. Odour is covered by the Statutory Nuisance controls laid down in Part III of the Environmental Protection Act 1990 and enforced by Local Authorities by way of abatement notices. We therefore recommend that the views of your Council's Environmental Health Officer should be sought when determining this application.

We do, however, request that the developer is made aware of the possibility of odour nuisance. The proposal must not be seen to set a precedent for future development within close proximity of our Sewage Treatment facilities.

No capacity for trade flow should it be needed.

The developer has proposed to dispose of surface water to sustainable drainage system. We will not allow storm water to the foul sewers. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. A connection can be agreed at the design stage. According to our records, there is a public water main within the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

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

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected,

change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

ENVIRONMENTAL HEALTH OFFICER - no observations to make.

LANDSCAPE OFFICER - Given a supportive policy for garden centres on the edge of settlement limits this would appear to be an appropriate site, especially given the landscape impact of the power lines. However, I am concerned that the landscape mitigation measures do not go far enough. I would want to see stronger landscape buffers along the roadside boundary and boundaries to the north and east. Within the site itself there is potential for additional tree and shrub planting.

DRAINAGE OFFICER - I note that surface water is to eventually be carried to The River Tone after passing through a soakaway cell system. However, the FRA stated that infiltration test results indicate that surface water disposal by soakaways should be possible away from the River Tone.

A requirement of any approval (via condition) should request a full surface water drainage scheme and this should include some form of suitable drainage system (SuDs). This arrangement should be approved before any works commence and include details of how full term maintenance will be achieved and by whom.

NATURE CONSERVATION OFFICER - The proposal is to build a garden centre with associated infrastructure on an arable field to the immediate north of the river Tone to the east of Milverton Road, Wellington.

Cornwall Environmental Consultants Ltd (CEC) have carried out a several surveys of the site between December 2008 and August 2009. Additional surveys are planned for September 2009, November 2009 and May 2010.

The desktop survey revealed that the following Local Wildlife Sites - River Tone, Winsbeer and Laurel Cover are located within 1.5 km of the site.

One of the site boundaries is the river and a small area of scrub, another is a fence covered by a 2-3 m wide strip of bramble and the other two boundaries comprise of hedges. The surveyor considered these hedges to be of local biodiversity value as they are part of a wider network and link areas of scrub and the river corridor.

To date, species findings are as follows

#### Birds

Several birds were observed during the phase I survey. The river with vegetated banks and hedges are the most important feature on site for birds.

#### Badgers

No active badger setts were found on site although the surveyor considered foraging badgers could use the site, as there are badger records close by.

#### Bats

An initial assessment of the trees for bat roosts on site has been made. An additional check will be made in November 2009 when the trees are bare. Bat surveys took place in June and August with a further survey planned for September 2009.

The tree assessment did not record any roost sites but the summer surveys

recorded six species of bats using the roadside boundary as a navigation route. Lighting in this area should be carefully addressed.

#### Reptiles and amphibians

A reptile survey was not carried out as the surveyor considered the site to be generally unsuitable. However, I do agree with the surveyors assessment that the vegetated river banks provide suitable habitat for grass snakes and amphibians.

#### Otters

No signs of otters were found although there are numerous records for otters along the River Tone

#### Dormice

Nest test tubes and nest boxes were set up on site in June 2009. They were checked in August 2009 with further checks planned for September, November 2009 and May 2010

The well-vegetated hedge network in the surrounding area suggests that dormice could be present. Although there is no evidence to date, development design should proceed on the basis of their potential presence. No site operations, including clearance works should be carried out until the dormice survey has been completed

I agree with the surveyor's conclusion that the importance of the site to wildlife is associated with the river corridor and hedges. The proposed works have the potential to impact on wildlife if unmitigated I therefore support the detailed mitigation measures proposed including the completion of bat, dormice and badger surveys.

Please liaise with the landscape officer on proposed mitigation planting.

In accordance with PPS9, I would like to see wildlife protected and accommodated in this development

I suggest the following condition

#### Condition for protected species:

The development hereby permitted shall not be commenced until the additional dormice, bat and badger surveys have been submitted and then details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of CEC Ltd's report; dated August 2009 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of the site for wildlife.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: to protect and enhance the site for wildlife.

#### Informative Note

The condition relating to wildlife requires the submission of information to protect species. 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 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 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.

CONSERVATION OFFICER - The development is outside of the Conservation Area but close to the listed Tone Mill. Given the topography and the low-level of the development, this proposal will not affect the setting of the listed buildings and is therefore acceptable in conservation terms.

FOOTPATHS DIVERSIONS OFFICER -The public footpath WG 6/21 (Parish of Langford Budville) runs along the track adjacent to the western edge of the proposed development site.

STRATEGY LEAD - I have two issues of concern:

Impact on countryside and impact on nearby town centres.

Impact on countryside: Under the current Local Plan policy EC20, a garden centre in this location would be an acceptable use, being adjacent to the settlement limit of Wellington.

The policy is however quite dated and will be reviewed through the Core Strategy, in light of establishing a 'need' in order to prevent a potentially unlimited number of permissions being granted for which there is limited capacity, thus, in effect establishing a development value on countryside land where a planning permission may not otherwise have been forthcoming.

Impact on Wellington town centre: Whilst I recognise that a 'garden centre' may constitute a sui generis use, many of the goods perhaps associated are and should be sold in a town centre. Wellington town centre is already suffering greatly due to the effects of recession. Thus a limit of no more than 10% of net internal floorspace should be for ancillary uses and these should be conditioned appropriately to ensure they do have a genuine relationship with a garden (rather than uses that are generally accepted as the mainstay of town centre viability).

Any change in the nature of the property boundary abutting on to the public way must not alter the width of that way at any point along its length.

LANGFORD BUDVILLE PARISH COUNCIL – The parish council strongly object to the planning application on the following grounds –

- The proposed development is breaking the settlement boundary of Wellington
- There will be significant increase in traffic movements from this development, adding more pressure to the already over crowded streets on the North side of Wellington.
- There will be a major environmental effect on the area with the change from agricultural land to industrial development.
- The development would set a strong precedent for further industrial and residential development into open countryside.

WELLINGTON TOWN COUNCIL (Adjoining parish) - The proposal would be an unacceptable intrusion into open countryside and would adversely affect the approach into and out of town. However, the main point of concern was the highway situation. The proposal would undermine any plans for a northern distributor road and brown field sites. The amount of vehicular movements generated by the proposal would have a detrimental impact on the town and the surrounding settlements. It would add to existing congestion and traffic problems in an area where the existing infrastructure for traffic was already inadequate. For this reason, it was recommended that permission be refused.

MILVERTON PARISH COUNCIL (Adjoining parish) - Milverton Parish Council objects to the above application on the following grounds:

- 1) The application does not meet the general requirements of Policy 51 in the Taunton Deane Local Plan 2004. In particular, the requirement in paragraph A that development should not lead to 'overloading of access roads' or 'environmental degradation by fumes, noise, vibrations and visual impact.' This development will lead to a significant increase in traffic in Milverton which will be exacerbated by the mid-afternoon school run peak.
- 2) The application conflicts with Policy S8 which states that development outside the limits of a settlement which involves the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be permitted if the development is 'unavoidable' in the absence of other suitable previously developed sites or sites within settlements and the sustainability benefits of developing such land outweigh the benefits of developing lesser quality land. This site is Grade 2 land and there is no evidence in the application that alternative sites have been considered nor is there any discussion about the sustainability of this site relative to others.
- 3) The application does not meet the requirements of Policy EC20 which, whilst supporting the development of garden centres 'adjacent to towns' does acknowledge the potential generation of 'significant levels of traffic' which runs counter to national policy. Therefore to address these concerns Policy EC20 requires new garden centre proposals to be on 'appropriate' sites. Since this site conflicts with or breaches of Policies S1 and S8 above Milverton Parish Council considers that this site is inappropriate for the development of a garden centre.

### Background Evidence

As evidence to support the objections above, the transport assessment provided by the applicant has been studied in some detail. It includes a methodology for calculating the number of trips by basing the figures on a garden centre in Shepton Mallet. This analysis is seriously flawed because

The potential catchments of Wellington (5 miles west of Taunton) and Shepton Mallet (no large population within 25 miles) cannot be regarded as direct comparators. In fact, the only criteria put forward for using the Shepton Mallet example was because it was in Somerset!

The methodology fails to discuss the number of garden centres in either town in relation to anticipated demand

- The methodology fails to assess the relative siting of the Dobbies garden centre and this proposal; for example is the Dobbies centre on a B road severed away from



main transport routes?

- The assessment has studied traffic flows in Wellington but not in Milverton.
- Given the proximity of Taunton, and its large population relative to Wellington, a 20 minute proposed journey time is unrealistic and will under-represent the likely demand.

If the assessment had been carried out accurately and competently it would have recognised that Taunton lies east of Wellington and has two main routes running west towards the Wellington area. These are the A38 and the B3227. Despite the opening of the Silk Mills road it is highly likely that traffic from north Taunton would travel to this development along the B3227 (which was formerly the A361 and is of a good standard) and through Milverton on the B3187. This is because potential customers from the north of Taunton are likely to perceive that a route that avoids the Silk Mills Road traffic lights, the congested Wellington Road roundabout and Wellington town centre will be quicker and easier. Unfortunately, this scenario has not been considered and as a result there has been no definitive study of this route and in particular no study of the traffic loading in Milverton. This is a major omission and needs to be corrected before this proposal is considered further.

In detail the assessment assumes that 51% of visitors will come from Taunton and that they will all travel along the A38 and down the B3187 from Wellington town centre. Traffic from the Milverton direction is only acknowledged as one of several 'other' origins, which will generate 12%. There is no figure for customers from Taunton using the B3187 from the north. As stated above, the Parish Council considers this to be an unrealistic assumption and is of the view that up to 50% of the Taunton traffic is likely to use the B3227/B3187 route via Milverton. This, when added to the 12% already calculated, actually means that 37% of the traffic generated by this development will pass through Milverton on its way to and from the proposed garden centre.

Based on the figures provided by the applicant the development is expected to generate an extra 524 weekday and 843 weekend trips, which need to be doubled to reflect the outward and inward component. Thus on a typical weekday this development will generate 1048 journeys and 1686 at weekends. This for Milverton this will represent an extra 388 vehicles on weekdays and extra 624 at weekend with the afternoon weekday peak coinciding with the end of the school day for about 40 weeks of the year. It should be noted that the school run in the morning and afternoon make the B3187 extremely busy with 'traffic frequently grinding to a halt as it seeks to pass through very narrow streets.

The Milverton Traffic Action Group (MTAG) has recent survey data for the 7am to 7pm weekday period, which indicates that daily traffic flows through Milverton on the B3187 are in the region of 2300 movements. Using these figures it is clear that this development will increase weekday traffic flow through Milverton by 17%, which cannot be regarded as sustainable in an Outstanding Heritage Settlement where the road narrows to 3.5m wide.

## Summary

To summarise Milverton Parish Council objects to the development of this site as a garden centre. The applicant's case is riddled with inappropriate assumptions and contains no Milverton specific data. Until this is rectified their data cannot be regarded as reliable. On the other hand the Parish Council's bases its objection on the data in the applicant's assessment, actual

local figures and local knowledge which therefore should be accorded greater weight.

Accordingly the Parish Council has demonstrated that the proposal will not meet the requirement of Policy S 1 because the excess traffic will overload local roads causing congestion, noise, fumes and general disruption.

The applicant has not demonstrated why this Grade 2 agricultural land should be used for this development ahead of any other sites in Wellington or beyond.

Given the forgoing it is clear that a garden centre on this site does not meet the criteria of being 'appropriate' as set out in the guidance accompanying Policy EC20 and therefore should be refused.

The agent responded to these points and the following subsequent response was received from the Parish Council:-

Milverton Parish Council Original Comment

1) The application does not meet the general requirements of Policy S1 in the Taunton Deane Local Plan 2004. In particular the requirement in paragraph A that development should not lead to 'overloading of access roads' or 'environmental degradation by fumes, noise, vibrations and visual impact.' This development will lead to a significant increase in traffic in Milverton which will be exacerbated by the mid-afternoon school run peak.

D W Alder Response to MPC Point 1

It is not accepted that the application proposals conflict with Policy S1 of the Taunton Deane Local Plan. The Transport Assessment has been compiled by experienced traffic engineers PBA and the conclusion reached by them is that the level of traffic generated by the proposal will be within the capacity of the exiting road network. Experience shows that most traffic to garden centres occurs at off peak times and accordingly it will not be exacerbated by mid afternoon school rush which is in any event is of limited duration.

Milverton Parish Council Response to DWA re Point 1

1) Unfortunately this response proves that the applicant has not carried out any studies of the impact of this proposal on the village of Milverton and its road infrastructure. The applicant does not dispute that there has been no study done and can only back his case based on the subjective 'experience' of his retained engineers. I have no doubt that if the objectors to this proposal had access to the resources available to the applicant they could engage traffic experts who could use their 'experience' to argue that there would be a greater impact! The fact is that this evidence is unacceptable as it is only based on 'experience' and not hard data. The Parish Council therefore maintains its view that without hard evidence to the contrary this development cannot meet the general requirements of Policy S1.

The community of Milverton, through the Parish Council and the Traffic Action Group has spent many years working closely with Somerset County Highways to reduce traffic through Milverton and to have all this good work undone on the basis of subjective judgements is simply unacceptable.

Milverton Parish Council Original Comment

2) The application conflicts with Policy S8 which states that development outside the

limits of a settlement which involves the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be permitted if the development is 'unavoidable' in the absence of other suitable previously developed sites or sites within settlements and the sustainability benefits of developing such land outweigh the benefits of developing lesser quality land. This site is Grade 2 land and there is no evidence in the application that alternative sites have been considered nor is there any discussion about the sustainability of this site relative to others.

D W Alder Response to MPC Point 2 -

The bulk of the site will be retained in horticultural use which is consistent with Policy 58.

Milverton Parish Council Response to DWA re Point 2

This response misses the point of the policy which is to protect from permanent loss, the best agricultural land. How can the large building, car parking and access areas required be said to avoid permanent loss? Once development takes place on a green field site it will, even if cleared at some future date, forever be classed as 'brown field' land and not be considered for agriculture. As for 'horticultural use' this may sit within the planning Use Class definitions but the primary practical purpose of the development is as a garden centre not a market garden. Therefore the Parish Council's objection under Policy S8 is valid.

Milverton Parish Council Original Comment

3) The application does not meet the requirements of Policy EC20 which, whilst supporting the development of garden centres 'adjacent to towns' does acknowledge the potential generation of 'significant levels of traffic' which runs counter to national policy. Therefore to address these concerns Policy EC20 requires new garden centre proposals to be on 'appropriate' sites. Since this site conflicts with or breaches of Policies S1 and S8 above Milverton Parish Council considers that this site is inappropriate for the development of a garden centre.

DW Alder Response to MPC Point 3 -

3) Policy 20 does contain the wording inserted into it by the Parish Council. In any event you will recall that in your response to the pre-application proforma dated 30th June 2009 you stated that "The principle of the proposed development is therefore considered acceptable". This comment was made specifically in relation to Policy EC20 but no doubt also took into account Policies S1 and S8.

Milverton Parish Council Response to DWA re Point 3

This response is verging on the disingenuous. The purpose of pre-application discussions is to sound out the Planning Authority as to the generality of a proposal and any reading of Policy EC 20 would see that TDBC supports garden centres adjacent to towns. It would have been extraordinary therefore if Mr Hamer had made any other response – he was simply repeating the principle behind the policy. However as the applicant has conceded the policy does come with caveats and there is no doubt that it was those caveats that prompted the requirement for traffic analysis and other assessments that accompanied the full application.

These assessments have failed to prove that the proposal will not generate significant levels of traffic from the Milverton direction which is, as acknowledged by

the applicant, an inadequate route (see Additional Comments Point d below). Therefore this development does not meet the requirements of Policy EC20.

#### Milverton Parish Council Original Comment

##### Background Evidence

As evidence to support the objections above, the transport assessment provided by the applicant has been studied in some detail. It includes a methodology for calculating the number of trips by basing the figures on a garden centre in Shepton Mallet. This analysis is seriously flawed because

The potential catchments of Wellington (5 miles west of Taunton) and Shepton Mallet (no large population within 25 miles) cannot be regarded as direct comparators. In fact the only criteria put forward for using the Shepton Mallet example was because it was in Somerset!

#### D W Alder Response to MPC bullet point 1

Bullet Point 1 The town of Shepton Mallet is located in the local authority of Mendip and close to the border of Bath and North East Somerset, The combined population is 272,909 based on the total population in KS02 of the 2001 census.

The Site is location north of Wellington in the local authority of Taunton Deane and close to the border of Mid Devon. The combined population is 172,073 based on the total population in KS02 of the 2001 census.

Although there are many ways to create a catchment for both sites and so calculate a population, the above data indicates that the potential catchment for Shepton Mallet is in theory greater than that of Wellington. However, the size of Taunton relevant to its distance to the site means that the two catchments may be considered comparable.

#### Milverton Parish Council Response to DWA re Bullet point 1

Shepton Mallet is 17 miles from Bath and 20 from Bristol and linked by A roads, so neither can be regarded as being within a 20 minute drive.

If 17 to 20 miles by A road is considered to be in the catchment then why has Exeter been excluded from this analysis? Exeter is about 23 miles from Wellington and is accessed by the M5 with a journey time of less than 25 minutes. Plainly it does not suit the applicant's case to include Exeter in the traffic calculations because the projected traffic flow would potentially increase significantly. However, this is something that TDBC and SCC must give considerable thought to whilst considering this application.

#### Milverton Parish Council Original bullet point 2

- The methodology fails to discuss the number of garden centres in either town in relation to anticipated demand

#### D W Alder Response to MPC bullet point 2 -

Bullet Point 2 Para 2.8.5 discusses the location of two other garden centres in Wellington and points out that this site is closer to the urban settlements than the existing sites.

## Milverton Parish Council Response to DWA re Bullet point 2

There are several garden centres in the vicinity which may be located further from the town boundary than this. However, two are on the A38 so, if the traffic analysis is to be believed, a significant proportion of the Taunton based customers would drive past these them before trying to negotiate the narrow and labyrinthine B3187 or the adjacent rat runs through Wellington.

In actual fact the key point is that the vast majority of customers will arrive by road (a factor clearly recognised by Policy EC 20) so relative proximity to the urban settlements is irrelevant.

It is also pertinent to note the location of the competing garden centres on the A38 which are likely to be the destinations of choice for most using that road from the Taunton direction. This means that the primary route for the proposal is likely to be from the north.

## Milverton Parish Council Response to DWA re Bullet points 3 -5

The Parish Council has nothing to add other than to note

- a) that the admission that no data for Milverton was submitted with application which has now been acknowledged by the applicant as a major omission and
- b) that the traffic data is based on a 20 minute journey which must invalidate the comparative data from Shepton Mallet which includes large populations up to 20 miles distant who live beyond a range of hills.

## D W Alder Additional Comments

In relation to the additional comments

Re d) The dismissal of the 50% figure is based again on subjective judgement rather than hard data. The Parish Council and Traffic Action Group have considerable local experience in counting traffic and it is our judgement that large numbers of vehicles would route through Milverton rather than use the Silk Mills road, the A38 and then wiggle through Wellington.

- The route to this site from Staplegrove takes 20 minutes via Milverton and passes 3 roundabouts and no traffic lights.
- The route via Wellington takes 25 - 30 minutes and passes 4 roundabouts and 3 sets of traffic lights (plus several controlled crossings).

Wellington already experiences heavy traffic volumes through the centre. Given that this development will have a high appeal to older customers there is every likelihood that up to 50% of Taunton based customers will favour the Milverton route. At the very least the applicant should be required to commission research to check this.

Re g) The Parish Council does not understand why peak flow would fall between 11am and 12 noon. This seems to make assumptions about demand and staying time for which there has been no evidence presented.

To confirm Milverton Parish Council maintains its objection to this proposal and submits that the response by the applicant has actually strengthened the case for refusal.

## 6. REPRESENTATIONS

### LETTERS OF OBJECTION

1. Proposal is in breach of all countryside and agricultural land protection

policies.

2. Policy EC20 cannot be used as a blank cheque to develop any edge of settlement site, however rural, attractive or important.
3. Over the past few years there have been a number of controversial planning applications in Wellington, all of which have received many objections from local residents. In each case, despite support for those objections from the Town Council, the Deane Planning Committee has seen fit to overrule in favour of the application for further development. Committee members seem indifferent to the objections of local residents who have to survive the decisions made in ignorance of local circumstances.
4. Wellington town centre is suffering because of the recession, putting small independent retailers out of business and resulting in empty shops. This proposal will draw more business away from the town centre by providing out of town shopping and catering facilities. The size of the proposal will be a further nail in the coffin for local businesses, particularly for the fruit farm at Runnington and the nursery at Langford Budville.
5. Site is outside the settlement boundary of Wellington in the Development Plan.
6. It is on a Greenfield site and causes urban sprawl onto agricultural land.
7. There are already garden centres in the vicinity of Wellington which have considerably better access and there is no need for a further one.
8. The River Tone has been known to come close to flooding in that area – covering the land with buildings, hardstanding and car parking areas can do nothing to improve the absorption of rain water.
9. The site is set in open countryside and therefore contrary to PPS7.
10. Access to the site will either be from the north via Milverton, which already has a weight restriction, or from the south through Wellington. Neither route is capable of taking any more traffic of the volume likely to be generated by this development.
11. Should not build on high-grade agricultural land.
12. The proposed development would erode the natural barrier between Wellington and Runnington and Langford Budville, which could lead to a very damaging precedent.
13. The Milverton Road through Wellington already suffers from heavy traffic.
14. Proposal is at odds with the current Transport Strategy for Wellington.
15. Will not be served by public transport and in any event the type of purchases related to garden centre sales are largely unsuitable for transport by bus.
16. The need for the preservation of agricultural land to reduce the carbon

footprint generated by food transport and the requirement for public bodies to develop carbon reduction strategies must contra-indicate the proposal for a garden centre.

17. The development is beyond the natural boundary of the River Tone and is a “trojan horse” application to help with future planning applications for housing development to spread towards Runnington. Permission for a garden centre on this site will increase the likelihood of housing being allowed in the vicinity, this is obviously a ploy to make this happen. The developer has tried it on before at Oake. This is an abuse of the planning system.
18. Traffic levels are already unsustainable through Milverton and Wellington. The roads in the area are already severely congested.
19. This stretch of Milverton Road does not provide safe and suitable access for the proposed development. The road between Burchills Hill and Wellington Tiles is narrow and dangerous, with motor vehicles exceeding the speed limit. The junctions of Milverton Road and Burchills Hill and Tone Hill are already dangerous.
20. The area is a haven for wildlife, with an increasing otter population in the immediate vicinity – taking away their food source will deprive them of a valuable resource. As a valuable site for otters, this area needs protection. The otters will be severely threatened by the increased human activity and may be lost from the area for good. Also important for kingfisher and little egret.
21. Exhaust fumes from cars.
22. HGVs have increased dramatically and a garden centre will add to this.
23. When the new houses are occupied, residents will be driving to the sports centre which is already at capacity.
24. There are many brownfield sites within Wellington that could be developed instead of encroaching into Runnington in unspoilt countryside.
25. Developing the area is bound to have a major impact on the river. Packaging and other waste will find its way into the river.
26. Should start to use the resources we have. This is simply overkill and an unwanted addition to this already busy town.
27. Impact of extra cars and HGVs on residential roads throughout the north of Wellington.
28. Somerset used to be a rural county, but is becoming more and more urbanized, therefore less attractive to tourists.
29. Residents of this area chose to live away from large developments, busy roads and the pollution of air and noise, which this building and other possible housing developments would bring.

30. Proposal would cause even more chaos and congestion in Wellington.
31. One garden centre recently went bankrupt in the area.
32. There should always be quite a big gap between settlements and we do not want to make Runnington part of Wellington.
33. Would cause the constant deterioration of the road surface and the tempers of local residents.
34. Competition from a further outlet would inevitably cause hardship and possibly closure of other garden centres and nurseries in these financial times.
35. The Northern Relief Road should be built prior to any development of this scale.
36. There could be lives put at risk if the emergency services are delayed because of excess traffic.
37. Assuming that the proposal is steamrolled through and traffic chaos is created, then the politicians who support the proposal may have to answer for this at the ballot box. One wonders how many politicians have a financial interest in this and other contentious applications.
38. Old cottages and houses have their foundations shaken with the passing of heavy goods vehicles.
39. With so many cars parked on the road, it presents a hazard for walkers and cyclists as it is, particularly from the old Fox's buildings across a dangerous railway bridge and into the centre of Wellington.
40. Proposal would undoubtedly bring a lot more unwanted traffic to Milverton, where there are already huge traffic and parking problems.
41. A town that has more garden centres than supermarkets would surely be ludicrous.
42. There is no local demand for more retail space in this sector.
43. Question who the applicants are.
44. Question that this site is "in principle acceptable" in interpreting TDLP policy EC20. When the policy refers to "land within or adjacent to towns or rural centres" it cannot by definition be referring to the countryside – it can only be referring to urban fringe or brownfield sites, at best. Wording also refers to "appropriate" sites. Therefore it only refers to appropriate sites and not countryside – so a qualitative assessment needs to be made. This site is a countryside site – it has no urban fringe characteristics whatsoever. It is sharply divided from the Wellington urban fringe by a strong tree belt and by the river and exhibits all the characteristics of countryside due to its openness and rural features. Even the applicant's landscape consultants recognize that the site is currently open countryside and not urban fringe, but would become



so if the development went ahead. They go on to describe the effect of the proposal as “the potential to be adverse through degradation of the traditional rural landscape character and increased influence of built form and infrastructure in views to and from the site” – ie they describe the potential for this proposal to cause precisely those problems which the policy EC20 subtext associates with garden centres being located in the countryside. There needs to be a qualitative judgment as to the appropriateness of this countryside site for a major retail outlet with parking.

45. Agricultural land is important for livestock and crops but also for the setting and tranquility it provides local residents. We as a country need all the prime agricultural land we can if we are to feed ourselves in the future. We cannot rely on imports in this time of climate chaos and peak oil.
46. The proposed development would create many more unnecessary shopping miles in an age when we should be trying to develop a more sustainable and rational approach.
47. Such a business would be of little value to the residents of the area.
48. Additional traffic movements created by customers, delivery lorries and the ‘anticipated 80 employees’ would create further chaos on the narrow roads through the town.
49. Urban sprawl is something of which all councils speak derogatively, yet all around us we see the edges of villages, hamlets and small towns being blurred with permissions granted by the same councils that purport to be anti sprawl.
50. If built will soon become a commercial “white elephant”.
51. Any building on these fields sloping away from the Tone would be visible from a distance and intrude on this attractive landscape.
52. The plans are purely speculative, not addressing local needs in any way and merely adding to the insidious urbanization of our lovely countryside.
53. The new housing development off the Chelston roundabout will not only put additional pressure on a woefully inadequate traffic system within Wellington, but it can be easily served by the existing garden centres on the A38.
54. Does the Council want to play a hand in sending people bankrupt and putting people out of work so there are more burdens on our already bankrupt social system.
55. If allowed to go ahead, drivers frustrated with their inability to access the site by main road through Wellington will inevitably use the back lanes through Nynehead and Milverton which will cause a traffic nightmare in these lanes, which are wholly unsuitable for the volume of traffic they will have to handle.
56. If the argument is that the people of Milverton, Wiveliscombe and surrounding areas are under-served by garden centres – put them there, not in a town that can’t handle the traffic its got.

57. Instead of allowing this development to go ahead, why not invest some time and money into encouraging people to 'grow their own' – this would reduce traffic on the roads and give the area a better carbon footprint.
58. Wellington has only two very poorly located petrol stations and no doubt some, as part of their journey to a garden centre, will want to fill up – adding unnecessary pressure on the roads.
59. The negative HSE assessment for this plan far outweighs any positive attributes (if it has any) for this plan.
60. The town would be far better served with the lowering of the business rates to enable new enterprise to be encouraged in to trade in the town centre, and the existing ones to have the opportunity to remain viable.
61. Rylands Nursery on Bagley Road is available and currently the subject of a planning application for redevelopment for mixed use purposes. If there is a need for another garden centre in Wellington, that site might be a more suitable location for one given its existing use.
62. The building will be bigger than either Asda or the new Waitrose.
63. To allow this development to go forward would ignore the general requirement of policy S8, in that it would lead to overloading of access roads and environmental degradation by fumes, noise, vibrations and visual impact.
64. Applicants have not demonstrated any need for a further garden centre.
65. Understood that developments on agricultural land should only go ahead if there were no other suitable sites, as it involves the permanent loss of Grade 2 land.
66. Will make a tidy sum available for TDBC.
67. The site is not a commercially credible location for a large retail outlet.
68. Increased hazards to cyclists on the B3187, which would deter them from using the road.
69. Proposal runs counter to the future transport strategy for the area.
70. Contrary to PPG13 in that the justification for the proposed site is inadequate. Indeed, deficiencies in the accessibility of this site and its isolation from main transport corridors are recognized in the Transport Assessment.
71. Conclusion that the proposal would provide an excellent opportunity to help rejuvenate the north of Wellington must be questionable.
72. No justification provided for loss of agricultural land.
73. There is ample scope for this application to be refused on grounds of conflict with Local Plan policies on overloading access roads and road safety (S1A),

harm to the appearance and character of any affected landscape scene (S1D), failure to maintain or enhance the environmental quality and landscape character of the area (S1), loss of best and most versatile agricultural land (S8) and the inability of the highway network to cater safely for the expected number of car trips (M3).

74. Increased pressure on local services and more crime.
75. Will result in additional light pollution.
76. Effects of extra traffic on an already dangerous stretch of road between Mill Stream Gardens and Burchills Hill.
77. Proposal constitutes a threat and a dangerous precedent to the current autonomy of the parish of Langford Budville – have no desire to be absorbed into a Greater Wellington.
78. There are plenty of old industrial sites, even an old plant nursery, in the Wellington area that could be used if there was a dire need of another garden centre.
79. Job creation here would lead to loss of jobs elsewhere, essentially negating this benefit.
80. Not convinced that Wellington could sustain an additional multi-million pound retail outlet in the current economic climate, so suspect the motives for the application.
81. Increased noise.
82. Blighting of views from public footpath adjacent to the site.
83. Plans show planting on adjoining land.
84. Proximity of a massive electricity pylon to the proposed development must be a cause for concern.
85. Run off into the river would damage the habitat of the otters.
86. This is one of the most tranquil, historic and characteristic parts of Wellington.
87. Contrary to Policy W14 relating to approach routes into Wellington, which states that development which would harm the landscape setting of approach routes into Wellington will not be permitted. It goes on to say that the setting of approach routes into Wellington (specifically including Milverton Road to the north) should be safeguarded to maintain the attractive image of the town. The site is on rising countryside where a garden centre would be detrimental to the landscape setting.
88. The proposal represents a very significant development in the open countryside which Government and Local Plan policies seek to protect.
89. Part of the recently published Core Strategy and Small Sites Consultation

(CSSSC) deals with garden centres, making it clear that

- There are a number of existing garden centres located in non sustainable locations in the open countryside around Taunton and Wellington;
  - In siting within the open countryside garden centres may not be accessible by a range of transport methods;
  - a new policy is to be provided that resists garden centres unless it can be demonstrated that there is significant demand in that area that cannot be met by existing garden centres, that they would be easily accessible by means of transport other than the private car, and (among other matters) would not be detrimental to the vitality or viability of the local town and rural centres or detrimental to the landscape or highway safety of the area.
- Although the CSSSC is not an expression of policy, it is a clear indication of Council Officer's current views on strategic planning for the area. To recommend approval of this proposal would fly in the face of these views.

#### LETTER OF OBJECTION FROM ADJOINING WARD MEMBER (CLLR GOVIER)

- 1 Concern about the impact the proposed additional vehicular movements will have on an already over stretched infrastructure.
- 2 Milverton Road has a number of sub-standard road junctions that are very dangerous, especially the ones in the vicinity of Tone Hill.
- 3 The highways impact will be far wider than merely Tonedale, with large volumes of extra cars and HGVs using residential roads throughout the northern part of Wellington.
- 4 Concern that the proposal breaks the natural boundary of the River Tone and is building in the open countryside.
- 5 Wellington is already well served with garden centres and, although know that competition is not a planning issue, object to a Greenfield site being used for an unnecessary development.
- 6 Believe the site is not sustainable in either environmental or economic grounds.

#### LETTER OF OBJECTION FROM MILVERTON TRAFFIC ACTION GROUP

- 1 MTAG is a group of Milverton citizens concerned by the damage being done to the old houses and pavements of this Outstanding Heritage Settlement by the traffic passing through the narrow streets. Support a number of activities aimed at reducing the volume of traffic passing through the village and periodically monitor traffic flow to assess the effect of actions.
- 2 Operate under the auspices of the Parish Council and wish to support strongly the objection to the application submitted by the Parish Council.
- 3 Very concerned that a garden centre in the proposed location will result in a quantum increase in the volume of traffic, both heavy goods vehicles making deliveries and private vehicles. Using the applicant's figures, the

Parish Council has estimated an extra 388 vehicle movements on weekdays and an extra 1686 at weekends. Surveys of weekday traffic flows through on Sand Street, Milverton show totals of between 2,502 (in 1991) and 3,377 (in 2003). This existing level of traffic movement is causing damage to the walls, cellars and pavements of the listed buildings which line the B3187 through Milverton. An increase in weekday traffic flow approaching 15% will clearly exacerbate the problem. The percentage increase in traffic during weekends will be significantly greater.

## 2 PRINCIPAL ISSUES FOR CONSIDERATION

A Does the development comply with relevant Local Development Plan policies and other material considerations? POLICY

B Are the proposed access and highway improvement works adequate in terms of highway safety to serve the development. ACCESS

C Is the landscape impact of the development acceptable? LANDSCAPE

D Have appropriate measures been included in the development to protect wildlife interests? ECOLOGY

E Have adequate measures been put in place to prevent flooding of the site. FLOOD RISK

F OTHER MATTERS

A. POLICY

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. This is confirmed in PPS1 'The Planning System: General Principles'. The Statutory Development Comprises the following:-

- 1 Regional Planning Guidance for the South West RPG10 (2001).
- 2 Somerset and Exmoor National Park Joint Structure Plan Review (2000).
- 3 Taunton Deane Local Plan (2004).

Whilst the Structure Plan Review is a material consideration in the determination of planning applications, it is acknowledged that some of the policies are outdated. The Structure Plan will be replaced by the Regional Spatial Strategy when it is adopted.

The Taunton Deane Local Plan will in due course be replaced by the emerging Local Development Framework, but a number of the policies have been saved and remain part of the Statutory Development Plan. The relevant saved policies are set out in section 6 of this Report. Policy S1 sets out the Council's general requirements in relation to all new developments. It relates to eight key issues which comprise highway safety, accessibility to the development by means other than the private car, protecting wildlife species and their habitats, the potential impact on the character of the wider area, potential for pollution or nuisance, impact on amenity of potential users, protection of users against ground stability and the necessary provision of utility services. Policy S2 relates specifically to the design of new development and

sets out the broad parameters against which all design proposals will be assessed. It requires all new developments to be of good design and to take into account the character and design of the surrounding area by reinforcing local distinctiveness, taking account of nature conservation interest; minimizing any adverse impact on the environment, whilst making full and efficient use of the site.

The Authority seeks to limit new buildings to sites within defined settlements, ie towns, rural centres and villages. However, Policy S7 acknowledges that in certain cases new buildings can be acceptable. This approach is also in line with Government guidance set out in PPS1 and PPS7. The overall aim of Policy S7 is to ensure that any new development that lies outside a defined settlement boundary, both maintains and enhances the environmental quality and landscape character of the area. Furthermore, the policy requires the development proposal to accord with a specific policy in the Development Plan, in this case Policy EC20 of the Taunton Deane Local Plan.

Policy EC20 relates to proposals for garden centres. It identifies that proposals for garden centres will be permitted where they are located on land within or adjacent to towns or rural centres. The supporting text does say that within the countryside, the construction of large garden centre buildings and parking areas which also generate significant levels of traffic would be environmentally damaging and introduce further unwanted pressures. It goes on to say that all new garden centre proposals should be directed to appropriate sites within or adjoining the larger settlements. Whilst the points put forward by the objectors are noted, the application site is located on land adjacent to the settlement boundary of Wellington, and it is therefore considered to be an acceptable location for a garden centre in line with adopted policy.

Policies M1-M3 of the Taunton Deane Local Plan relate to the provision of transport, access and parking requirements of new development.

The emerging Regional Spatial Strategy for the South West (RSS) is also a material consideration. The document sets out the spatial framework for the future development of the region over the period 2006 – 2026. Once the RSS is approved by the Government, in addition to the Somerset Structure Plan it will also replace RPG10.

In January 2010, the Borough Council published its consultation document 'Core Strategy and Small Sites Consultation' as part of the Local Development Framework. This is not a draft plan and does not contain planning policies, rather it identifies a range of issues and options together with preferred directions for development policy. The Strategy Lead confirms that the document carries very little current status. The Core Strategy will not be at draft deposit stage until September / October and even then, this is a very early stage and remains with very little status. Given this lack of weight attributable to the current document, the Planning Solicitor considers that it would be inappropriate for the current application to be refused on the basis of this emerging policy, as there would be a real potential for costs to be awarded against the Council in the case of any subsequent appeal.

## B. HIGHWAYS AND ACCESS

The submitted Transport Assessment has been compiled by traffic engineers and their conclusion is that the level of traffic generated by the proposal will be within the capacity of the existing road network and that the proposals do not create a

significant issue in terms of transport and access.

To assist with the promotion of sustainable transport, a Travel Plan framework has been included with the Transport Assessment.

In response to one of the points raised by Milverton Parish Council, the consultants contend that experience shows that most traffic to garden centres occurs at off peak times and accordingly it will not be exacerbated by the mid afternoon school rush, which in any event is of limited duration. They also consider that far less than 50% of traffic from Taunton would route via Milverton, as the roads are too narrow and slow to make this route an attractive alternative to the A38 route. Their conclusion is that the traffic generation through the village of Milverton is not likely to be excessive as a result of a garden centre at the proposed site.

The County Highway Authority does not raise objection to the proposal.

### C. LANDSCAPE

The submitted Tree Survey Report concludes that provided the tree root protection areas are adhered to, then there will be little conflict between any development on the site and the retained trees.

A Landscape and Visual Constraints and Opportunities Report was also submitted with the planning application. This notes that the principal effect of any development on the site will be to extend the Wellington urban fringe further into the surrounding countryside beyond the natural barrier formed by the River Tone corridor. This effect has the potential to be adverse through the degradation of the traditional rural landscape character and increased influence of built form and infrastructure in views to and from the site. However, there is the potential to counter the degree or severity of the effect through the creation of a clear, defined and defensible boundary to the development by the incorporation of a strong and structured landscape strategy which responds to the contours and context of the site and by concentrating built form and 'developed areas' such as car parking, delivery and storage areas and landscaping products sales areas to the south of the site.

The building and parking area have been located and arranged to comply with the Landscape Architect's constraints and opportunities layout whilst maintaining the operational requirements of the garden centre. The overall aim of the proposals is to integrate the proposed development with its surroundings and minimise any adverse impacts of the development on the area's landscape character and ecology. These comprise:-

- 1 Retention of existing hedgerows, with the exception of a section removed to create the main access, and enhancement works to improve structure and species mix.
- 2 Retention and protection of existing trees and tree groups.
- 3 Creation of a structural buffer around the site varying between 10-15m with rough wildflower mix grassland, and groups of native trees and shrubs.
- 4 Creation of wet woodland and wet grassland areas adjacent to the Tone corridor.
- 5 Use of demonstration gardens and car park planting to showcase wildlife, climate change, low maintenance, etc styles of gardening.

The Landscape Officer does not raise any in principle objection to the proposal. Amended plans incorporate the stronger structural landscaping he requests.

#### D. ECOLOGY

The submitted Ecological Assessment sets out mitigation measures to be followed in order to minimize the impact upon otters, bats, dormice and nesting birds. These comprise:-

- 1 A corridor of at least 10m width of wet woodland and a further 10m of wet grassland to be planted along the River Tone.
  - 2 Buffer strips of at least 10m to be planted with native tree and shrub species along the north-west and north-east boundaries.
  - 3 Clear vegetation in winter outside the bird nesting season.
  - 4 Complete surveys for bats, dormice and badger and implement appropriate mitigation if necessary.
  - 5 Turn off lighting outside of opening hours during the bat active season (May – September inclusive).
- Eradicate the non-native Himalayan balsam from the site.

It is considered that if all this mitigation takes place, once the new planting has matured there could be a significant positive impact upon the ecology of the site.

#### E. FLOOD RISK

A Flood Risk Assessment was submitted with the planning application. With the exception of the small display garden area, the key elements of the development proposals are all sited within Flood Zone 1 and no further flood risk measures are required. The small display garden area will be constructed to match existing ground levels so that no flood plain storage is lost. A drainage strategy has been prepared to manage surface water runoff for rainfall events up to the 100-year return period, plus a 20% allowance for predicted climate change in accordance with PPS25, Development and Flood Risk. This includes provision of a sustainable drainage system (SuDS).

Neither the Environment Agency or the Council's Drainage Officer raise any objection to the proposal.

#### F. OTHER MATTERS

Planning Policy Guidance Note 24 'Planning and Noise' (PPG24) does not consider a garden centre to be a noise-sensitive development. Furthermore, activities taking place within the garden centre are unlikely to produce a level of noise that would impact on the existing noise climate at nearby dwellings. Any change in road traffic noise is unlikely to be perceptible.

The Baseline Lighting Survey submitted with the planning application considers that it is possible to develop an area of land and have minimal impact on the night time scene. This can be achieved with the minimal use of artificial lighting and as a result there are no proposals for signage lighting, building flood lighting, security lighting above the minimum or amenity lighting for car parks and footpaths. Various



recommendations are made in the Survey and it is considered appropriate that a condition be imposed requiring details of lighting in accordance with those recommendations.

## 11.0 CONCLUSION

The acceptability or otherwise of the proposed development should be considered against the Development Plan and other material considerations. Policy EC20 of the Taunton Deane Local Plan states that proposals for garden centres will be permitted where they are located on land adjacent to towns. The site is adjacent to the settlement limits of Wellington and therefore the principle of the proposed development is considered to be acceptable.

I consider that the proposed development can be satisfactorily accommodated on the site and the Landscape Officer does not raise objection to the proposal subject to appropriate structural landscaping.

My conclusion is that the proposed development is in accord with the provisions of the Development Plan and the appropriate material considerations and therefore planning permission should be granted.

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

CONTACT OFFICER: Mr J Hamer Tel: 01823 356461

## Planning Committee – 24 March 2010

### Report of the Growth and Development Manager

#### Miscellaneous item

#### Firepool, Taunon

#### Background

Firepool is an allocated development site in the adopted Local Plan and Taunton Town Centre Area Action Plan. It lies on either side of the River Tone towards the northern end of the town centre. The largest part of the site includes the recently demolished former livestock market and Priory Bridge Road Carpark.

The Borough Council, as landowner, has entered into a development agreement with St Modwen Developments Ltd to bring forward the site for mixed use development including large scale office development, complimentary riverside homes, leisure facilities and shopping.

Policy FP1 which cover this area of land in the Area Action Plan states:

The Riverside development will provide:

- a. at least 47,000 sq m (net) office space
- b. approximately 8,000 sq m gross of additional retail and leisure floorspace, of which 4,000 sq m gross should be convenience retailing
- c. approximately 400 dwellings, including 25% affordable housing
- d. a 500 space multi-storey car park (screened with single aspect development where it adjoins public space)
- e. a 3- or 4-star hotel with at least 100 bedroom
- f. primary healthcare facilities
- g. the relocation of the Produce Market within the town centre
- h. a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road
- i. public conveniences close to public parking and the River Tone, to replace the existing facilities at Canal Road and Priory Bridge Road
- j. potential for active street level uses at locations shown on the Proposals Map
- k. high quality riverside promenades
- l. a contribution towards public art at 0.3% of construction costs

Outline planning applications for the redevelopment of this site are expected to be received in 2010 and a Masterplan has been drawn up to address the policy requirements set out above. The Masterplan would form part of any

subsequent planning applications and would be formally considered by Members at that stage.

A full planning application for the public realm works on the Priory Bridge Road car park site has been submitted and the following report considers that proposal.

**Recommendation**

The committee is asked to note the above report and submitted Masterplan for the redevelopment of this significant development site.

**Contact Officer – Bryn Kitching Telephone Number 01823 358695**

38/09/0400

ST. MODWEN DEVELOPMENTS LTD.

**APPLICATION FOR PUBLIC REALM WORKS TO THE RIVER TONE CORRIDOR  
AT LAND ADJACENT TO PRIORY BRIDGE ROAD, FIREPOOL, TAUNTON**

322994.125181

Full Planning Permission

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**PROPOSAL**

Public realm improvement works to riverside edge of Priory Bridge Road Car Park and under the road bridge on both sides of the river.

The works include ecological improvements along the riverbank between Priory Bridge and the cattle market bridge. Works are proposed to improve the visual appearance of both of these bridges including lighting and widening footpaths. Other works are proposed to provide new flood protection measures that are integrated into an increased area of soft and hard landscaping, provision of new wider footpaths, retention of existing trees and provision of new street furniture.

This development is proposed in advance of future applications for the wholesale redevelopment of The former livestock market site and Priory Bridge Road car park.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - comments awaited

*COMMUNITY ARTS OFFICER* - no comments received at time of writing

*BRITISH WATERWAYS* - no objections.

*SOMERSET WATERWAYS ADVISORY COMMITTEE* - no comments received at time of writing

*LEISURE DEVELOPMENT MANAGER* - If the land is to be adopted as open space, comments should be sought from the Council's Parks Section.

*FORWARD PLAN & REGENERATION UNIT* - comment:

The new paths should not be less than 4m wide to allow for unimpeded cycle access in a shared use context. Paths in French Weir Park are about 3.5m and this is not really wide enough, given the presence of pedestrians, dogs, etc.

There should be greater formality of the landscape treatment to reflect the straight alignment of the river bank, and encourage a corresponding formal response from the new buildings that will be erected on the adjoining land. Otherwise there is a risk that the landscaping may come to be seen as 'filling up' space.

*HERITAGE AND LANDSCAPE OFFICER* - subject to the substitution of hawthorn for blackthorn (vicious thorns in a public place) the proposals are well considered to the existing amenity of the site. I would also substitute and hard surfacing within the tree protection areas for soft landscaping to avoid damaging tree roots.

*NATURE CONSERVATION & RESERVES OFFICERS* - detailed comments:

This application is for the redevelopment of land adjacent to the River Tone between Priory Road Bridge and the old market Cattle Bridge in Taunton. On the south bank, the public realm work involves the formation of a new park with improved footpaths and cycleways, planting and lighting and improvements to the cattle bridge and the underside of Priory Bridge. The land between the bridges will be raised as a flood defence measures. The proposals on the north bank include partial lowering of the riverbank and waterside planting.

The submitted Protected Species Report submitted by Cotswold Wildlife Surveys dated September 2009 covers the whole of the Firepool Project Area as well as this application site. This report builds upon a report carried out in January 2006 by Clarke Bond Geo-Environmental and by Knight Ecology in June 2009. These comments are concerning the application site only.

#### Bats

The survey found no signs of bat occupation in the built structures adjoining the application site or within trees on site. The emergence surveys indicated that pipistrelles, brown long eared and noctule bats were in the vicinity. Lighting can have an impact on bats but the designer would appear to have taken this fully in considerations when designing the lighting.

#### Reptiles

No signs of reptiles were discovered however I agree with the surveyor's recommendation that care should be taken when removing vegetation on site.

#### Otters and water voles

No signs of water voles were seen but several otter spraints were found under the cattle bridge.

#### Birds

No bird nests were found in the trees however this situation could always change so no works to trees or shrubs should be undertaken within the bird- nesting season.

*PARKING SERVICES MANAGER* - no comments received at time of writing

*DRAINAGE ENGINEER* - No observations

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - no comments received at time of writing

*TAUNTON VISION DELIVERY TEAM* - no comments received at time of writing

*WESSEX WATER* - There are major combined sewers which cross the site which will need protection. Relevant details have been provided to the applicant and their consultants.

## *ENVIRONMENT AGENCY -*

*NATURAL ENGLAND* - requests that the recommendations of Taunton Deane Borough Council's Nature Conservation and Reserves Officer and those of Somerset County Council's ecologist (Larry Burrows) are used in determining the application and attaching conditions.

*SOMERSET WILDLIFE TRUST* - The Trust is pleased to see that Project Taunton has designed a framework of public realm improvements that will benefit rather than harm the biodiversity interest associated with the important riparian wildlife corridor.

Blackthorn may not be the most suitable species for hedgerows in a widely used public area, and could be substituted with hawthorn. The lighting as proposed would seem the most suitable to minimise impacts to bats, but the Trust would like to see a monitoring programme for bats devised as part of an overall strategy for biodiversity along the River Tone and environs – given the level and scale of development proposed for Firepool and along the river corridor, it is essential that biodiversity is addressed at a landscape scale, rather than in a piecemeal fashion as and when planning applications for sections of the regeneration work are submitted. The River Tone, as identified in the Taunton Town Centre Area Action Plan, is an important linear corridor facilitating wildlife movement and a habitat in its own right – ensuring that this feature is enhanced for biodiversity as well as for people is critical.

*SCC - MINERAL & PLANNING CONTROL* - no comments received at time of writing

*SCC - ECOLOGY* - agree with the comments of TDBC's Nature Conservation and Reserves Officer

*SCC - ENVIRONMENT & PROPERTY DEPARTMENT* - no comments received at time of writing

## **Representations**

none received

## **PLANNING POLICIES**

EN28 - TDBCLP - Development and Flood Risk,  
T1 - TDBCLP - Extent of Taunton,  
STR2 - Towns,  
STR4 - Development in Towns,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M4 - TDBCLP - Residential Parking Provision,  
FP1 - TTCAAP - Riverside - Development Content,  
F1 - TTCAAP - Developments within the Floodplain,

## **DETERMINING ISSUES AND CONSIDERATIONS**

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

Recommended Decision:

**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. The applicant should follow recommendations made in Cotswold Wildlife Surveys report dated September 2009. No site clearance or development shall take place between 1st March and 31st August without the prior written approval of the Local planning authority.

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

Notes for compliance

1. British Waterways advise that the applicant/developer contact third party works Philip J White (01452 318000) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works Affecting British Waterways"

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

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**

38/10/0048

MRS G SMITH

**ERECTION OF GROUND FLOOR AND FIRST FLOOR EXTENSION AT 192 EATON CRESCENT, TAUNTON, AS AMENDED BY LETTER DATED 02 MARCH 2010.**

323141.125569

Full Planning Permission

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**PROPOSAL**

The proposal is for a first floor side extension over an existing garage and a single storey extension to the southern side of the dwelling. The side extension would measure approx 8.1m by 2.6m with pitched roof, and be subservient to the main dwelling. The rear extension would measure approx 3.5 by 3.5m with a brick wall to the west adjacent to the highway, with glass to the east and south sides and roof. The rear extension will be visible when viewed from the south due to the road layout.

The application is presented before Committee as the applicant is a member of staff.

**SITE DESCRIPTION AND HISTORY**

The dwelling is a detached property, constructed from predominantly brick with part rendered front and concrete tiled roof. The property fronts an open area and play space in Heavitree Way and Eaton Crescent. The front entrance to this property and those just to the east and west is via a short section of access road leading northwards from the main highway. Thus whilst the property fronts this small section of road, its side and part of the rear is adjacent to the hammerhead. A substantial pyracantha hedge approx half a metre wide alongside a fence forms the western boundary. A grass and gravel area to the west of this hedge forms part of the curtilage outside the house/garden.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - no observations.

*COMMUNITY ARTS OFFICER* - No response received

**Representations**

None received

**PLANNING POLICIES**

T1 - TDBCLP - Extent of Taunton,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,



## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed first floor extension will be of a similar appearance to those properties which originally had an upper floor built over the garage. There will be no detrimental effect on the immediate neighbour at no 190 Eaton Crescent from the upper floor extension and it is subservient to the original property. The single storey rear extension will be visible from the through road, but it is not considered to be detrimental to the visual amenities of the area. Several properties in the area, some of which back onto Heavitree Way, have had a conservatory added. The applicant has agreed to plant a replacement hedge along the western side of the extension. In conclusion, neither extension will have a detrimental effect either on the street scene or the neighbours and they are considered to be acceptable.

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

Recommended Decision: Conditional Approval

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

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 003 Proposals plans  
(A3) DrNo 005 Location and block plan  
(A3) DrNo 004 Proposal elevations  
(A3) DrNo 002 Survey elevations  
(A3) DrNo 001 Survey plans

3. Reason: For the avoidance of doubt and in the interests of proper planning. 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.

4. (i) The landscaping/planting identified in the letter submitted on 02 March 2010 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 shrubs shall be protected and maintained in a healthy weed free condition and any shrubs that cease to grow, shall be replaced by shrubs of similar size and species or other appropriate 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.

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: Ms K Marlow Tel: 01823 356460**

38/10/0055

MR J MARGRETT

**ERECTION OF FRONT EXTENSION, INCREASE IN HEIGHT OF RIDGE OVER DWELLING AND ERECTION OF DORMER WINDOWS TO ALLOW FOR ATTIC ROOMS AT PETRA COTTAGE, TAUNTON (RE-SUBMISSION OF APPLICATION 38/09/0401) AS AMENDED AND AMPLIFIED BY AGENT'S EMAIL RECEIVED 8 MARCH 2010**

321776.126043

Full Planning Permission

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**PROPOSAL**

Petra Cottage is a white painted brick and tile detached bungalow on the end of a row of three bungalows. It is accessed by Private Road, off of Staplegrove Road and backs on to Greenway Road. To the west of the three bungalows, there is evidence of two storey residential properties, and to the north, on the opposite side of Greenway Road are two-storey properties belonging to Taunton School. To the south are Taunton School Netball/Tennis Courts and to the east, a Petrol Filling Station, separated from the site by a public footpath. A large Wellingtonia Tree lies in the north-east corner of the site, which is the subject of a Tree Preservation Order. A high brick wall, over 2 metres in height, forms the boundary with Greenway Road.

An application was submitted in December 2009 for an extension to the side and front, along with the increase in ridge height and erection of dormer windows. This application also included the erection of a 2.4 metre timber fence on the eastern boundary. The application was withdrawn by the agent, following concerns raised by the Landscape Officer regarding the close proximity of the extension to the protected Wellingtonia Tree and concerns raised by the case officer regarding the design of the scheme and height of boundary fence.

This application now seeks planning permission for an extension to the front (facing Private Road) to form a double garage with an en-suite bedroom above; and the increase in height of the ridge and erection of dormer windows to enable the provision of two further bedrooms (one en-suite) and a bathroom within the roof space.

This application is brought to committee as the agent is related to a member of staff.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*HERITAGE AND LANDSCAPE OFFICER* - Subject to protection of Wellingtonia Tree (TPO'd) to BS5837 during construction and conditions re: landscape and boundary treatment, the proposals are acceptable.

## **Representations**

1 letter received making the following comments:

- No objection in principle but revised design creates large forward mass compared to width of property.
- Impact of garage door in gable has adverse impact on character and design. Garages projecting forward believed contrary to Taunton Deane's design guide. Suggest garage door and window moved to improve balance.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H17 - TDBCLP - Extensions to Dwellings,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

## **DETERMINING ISSUES AND CONSIDERATIONS**

There is already evidence of two storey properties in the surrounding area, rendering the principle of increasing the height of the ridge acceptable and the resulting proportions appear appropriate.

The proposed front extension is large and includes a prominent gable. Whilst it will change the character of the property, it is designed to appear subservient, on a lower ridge level and is not therefore considered to result in material harm to the appearance of the property. The front extension will protrude forward quite significantly. However, as the buildings along Private Road are staggered, there is not a well established building line. In addition, Petra Cottage is the last dwelling at the very end of Private Road (a no through road) and is not therefore viewed clearly within a street scene. It will not therefore result in detriment to the appearance of the surrounding area. The extension is now a sufficient distance from the protected Wellingtonia Tree to avoid impact on its long term health and further tree planting is proposed to mitigate the clearance of former landscaping.

The dormer windows are of traditional style, sit well within the roof and are considered to be of appropriate proportions to avoid dominating the bungalow. There were initially concerns raised regarding the prominent and incongruous appearance of upvc cladding on the dormer windows, but it is now proposed to have leaded cheeks with timber cladding, which is considered much more appropriate and in keeping. The dwelling is well screened from Greenway Road by the high wall and the property is set back some distance. Although the dormer windows will be visible from Greenway Road, they do not appear prominent and are not considered to result in harm to the appearance of the street scene.

The increase in ridge height is marginal and is a sufficient distance from Treetops, to avoid any loss of light. Similarly, although the front extension protrudes forward some distance, it has a reasonably low eaves height and will not result in any overshadowing or overbearing impact. There are no windows above ground floor level in the side facing that property and therefore no overlooking concerns.

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

Recommended Decision: Conditional Approval

**Subject to no further objections being received.**

The proposed extensions will alter the character of the property but are not considered to result in material harm to its appearance or to that of the surrounding area. There will be no significant adverse impact on the residential amenities of the occupiers of neighbouring properties and the extensions are a sufficient distance from the protected Wellingtonia Tree to avoid harm to its long term health. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) and H17 (Extensions to Dwellings) 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2309-03 Rev A Proposed elevations  
(A1) DrNo 2309-02 Rev A Proposed floor plans  
(A4) DrNo 2309-04 Rev A Site plan  
(A1) DrNo 2309-01 Existing plans and elevations

3. Reason: For the avoidance of doubt and in the interests of proper planning. 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.

4. (i) The landscaping/planting scheme shown on the submitted plan received 12 March 2010 shall be completely carried out within the first available planting season from the date of commencement of the development, unless otherwise agreed in writing with the Local Planning Authority.  
  
(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 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.

Notes for compliance

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

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**

43/10/0013

MR W BERRY

**DEMOLITION OF BUNGALOW AND ERECTION OF THREE DETACHED, 1.5 STOREY DWELLINGS WITH ADJOINING SINGLE GARAGES AT 37 BUCKWELL, WELLINGTON**

314236.120757

Full Planning Permission

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**SITE DESCRIPTION AND HISTORY**

The site lies at the junction of Priory and Buckwell in Wellington and currently comprises an existing detached bungalow and its curtilage. The bungalow sits back from the site frontage raised up behind a hedgerow. The existing access is derived from Buckwell and while this is the main road frontage, the site is also prominent in the street scene when travelling south down Priory. Here, on the western side of Priory is a group of 13 garages set around a gravel/concrete parking courtyard. These garages are set at a lower level than the application site, such that the flat roofs are approximately level with the site. There is an existing hedgerow along this eastern site boundary and a mature beech tree which dominates the view.

The western site boundary is formed by a 1.6 metre high concrete post and close boarded fence. This forms the boundary of the site with the adjoining neighbouring residential property, which also fronts Buckwell. Opposite the site, on the south side of Buckwell, is a two storey dwelling, set raised up from the road level. To east, on the opposite side of Priory are further two storey dwellings, but these do not front towards the application site and the eastern side of Priory, opposite the site is dominated by their rear boundary fences set high above a brick retaining wall. Dwellings in the area are constructed from a variety of materials.

**PROPOSAL**

This application seeks full planning permission for the erection of 3 detached dwellings. Each dwelling would be 1.5 storeys high and would have an attached single garage. The dwellings would extend back across the site in a linear layout, with vehicular access from the existing driveway to the rear of the properties. Small rear gardens would be provided in this location, with the dwellings facing east, looking across the top of the garages to Priory. The existing mature tree would be removed.

The application is accompanied by a wildlife survey which finds as follows:

Bats – there were no signs of bats in the bungalow although it was considered that the building contained potential roost sites for crevice dwelling bats. There was some evidence of bats in the western timber garage but it was likely that it was probably used as a night feeding perch. Two species of bat were detected during the dusk survey.

Reptiles and amphibians – there were possible habitats on site suitable for reptiles.

Badgers – A badger excavation (probably an outlying sett) was found beneath the timber garage in the northeast corner of the plot.

Birds – due to the time of survey, no active nests were found, however it was concluded that the site provides nesting potential for a variety of bird species.

The application is also accompanied by a tree survey in respect of the mature beech tree on the site. It concludes that despite the impressive stature when viewed from a distance, there are numerous defects apparent on closer inspection. There are structural abnormalities and wounds which have failed to heal, probably as a result of previous arboricultural operations. The crown is too dense, resulting in rubbing and there is abnormal crown dieback (premature leaf drop). Foliage was sparse for the time of year. It is also noted that most boundary hedging is over mature and of poor quality.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – The proposal is located within the settlement limit for Wellington, within 150m of the town centre, therefore, there is no highway objection in principal.

The Estate Roads team have made a number of comments relating to the Advance Payments Code, the need to prevent surface water discharge to the highway and regulations determining works to the public highway.

The proposal derives access from Buckwell which is an unclassified highway. The area outside the property is not controlled by the Highway Authority. The access would need to be retained in its current position as best practice indicates that there should be no access for vehicles onto junction radii as this can lead to confusing signalling and manoeuvring.

Parking would appear to be at a premium in this area and, therefore, it should be ensured that sufficient on site parking and turning is provided to enable vehicles to enter and leave in a forward gear. The Somerset Parking Strategy sets out that for a three bedroom unit, a maximum of 2 parking spaces should be provided per dwelling. Therefore, the provision of a garage and space in front is considered to be sufficient and in line with this guidance. On the basis that the space from the face of to the boundary of the application site to the west measures 12m to allow a vehicle to park in front of the garage and turn this would be considered acceptable.

It is essential that adequate visibility splays are provided, therefore land ownership/control across the site frontage is key to this development. There is currently visibility over this land and it needs to be ensured that it can be provided in perpetuity. The applicant has entered into a deed of covenant with the owners of 35 and 36 Buckwell to provide visibility across these frontages in addition to serving notice on these properties. The Local Planning Authority must determine whether this affords sufficient control.

The private garden areas shown are to be enclosed by planting of traditional hedges to the west of a height of approximately 5ft. To the rear of dwelling B and C this hedge is to be splayed on each side of the access to the garages to provide



improved visibility. I would seek the same splay for plot A.

Recommends that conditions are imposed requiring a properly consolidated and surfaced access, the gradient to be less than 1 in 10, the provision and maintenance of visibility splays, estate roads to be laid out in accordance with full details to be agreed, surface water shall not discharge onto the highway, the parking area to be kept clear from obstruction, garages shall only be permitted for the parking of vehicles.

*WELLINGTON TOWN COUNCIL* – Recommends that permission is refused on the grounds that it is overdevelopment and because of highway concerns that accessing and exiting the site would be difficult because of the number of properties proposed and because it was near to a junction.

*HERITAGE AND LANDSCAPE OFFICER* – Given the poor condition of the beech tree, I accept that it should be felled. The proposals are therefore acceptable subject to landscape details. I recommend a semi-mature tree be planted at the entrance to the site to help replace some of the loss of tree amenity provided by the beech tree.

*WESSEX WATER* – No objection. The development is located within a sewered area with foul and surface water sewers. It is proposed of to dispose of surface water to soakaway. The developer will need to agree points of connection to Wessex Water systems and should check potential uncharted sewers with Wessex Water.

*NATURE CONSERVATION & RESERVES OFFICERS* – Country Contracts have carried out a wildlife survey including a dusk bat activity survey.

I agree with the surveyor's assessment that the redevelopment of the site could result in the potential loss of bat roosting sites and so support the recommendation for the provision of new bat roosting sites both before and at the end of the development. A precautionary approach is required in the demolition of the building.

I support the recommendation that further surveys are needed between May and September to determine reptile presence. Should reptiles be found then a suitable mitigation scheme is required to protect them.

I agree that the badger sett needs to be monitored over a six-week period to establish if it is active or disused. If the sett is active a licence will be required from Natural England to allow exclusion of the badgers before the garage is dismantled.

Recommends that wildlife is protected and accommodated in this development. Suggests conditions that further surveys for reptile and badger monitoring are carried out prior to the commencement of the development, and that a strategy to protect and enhance the development for wildlife is submitted.

## **Representations**

WARD MEMBER objection has been received from the ward member, Cllr. Ross Henley, stating "...I believe that three dwellings on this site is over development and could also lead to increased parking problems as well".

3 LETTERS OF OBJECTION have been received raising the following issues:

- The proposed development has a linear format, perpendicular to the existing neighbouring bungalows. Such a format cannot be described as in keeping with the surroundings.
- The proposal is backland development of high density.
- All other dwellings in Buckwell have direct road frontage.
- Buckwell is not a quiet cul-de-sac, rather it is a much used short cut from the High Street to Priory.
- The existing access is to be used with modification to the width and gradient. This is not suitable for more than one bungalow.
- Visibility would not be good for vehicles existing the development due to parked cars and visibility is poor for vehicles turning into Buckwell from Priory.
  
- There is no dedicated turning point, so if there is a vehicle parked outside each of the three garages, then a fourth would be obliged to reverse out onto Buckwell. Visitors will have to park on the already busy road.
- In order to accommodate 3 properties, property A has had to be positioned in front of the building line and concertinaed in order to fit into the curtilage of the site.
- The retaining wall along the eastern side of the site will have to be substantial once the gradient has been reduced, this is likely to be an eyesore.
- Properties A and B will have little privacy due to the need for access to property C.
- The Protected Species Survey recommends that further analysis of bat, reptile and badger activity is undertaken. This should be done prior to a decision being taken.
- The tree surgeons report is inconclusive about whether the tree should be felled. It would be better to reduce it in size and remain. It is unfortunate to fell it just to accommodate the development.
- The proposal represents over development of the site. A single additional dwelling on the site would seem more reasonable.

## **PLANNING POLICIES**

EN23 - TDBCLP - Areas of High Archaeological Potential,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
M4 - TDBCLP - Residential Parking Provision,  
STR1 - Sustainable Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Wellington and, therefore, development is acceptable in principle. The main issues in the consideration of this application will be the impact on neighbouring property; the design, layout and landscaping and their impact on the character of the area; the impact on the highway network; and the impact on wildlife.

### **Neighbouring property**

The proposed site layout is such that the rear elevations of each of the dwellings will face the neighbouring property 36 Buckwell. This dwelling is considered to be the most affected by the proposal, sharing a common boundary with it. The dwellings have been designed such that first floor rear elevation windows are either obscure glazed, serving bathrooms, or are rooflights set at a high level to prevent overlooking. The scale of the dwellings, being 1.5 storey is low, and as they are set some 9 from the boundary of number 36, they are not considered to be overbearing on this dwelling.

It is not considered that the proposal would impact unreasonably upon the amenity of any other nearby property, including the primary school that adjoins the site to the north.

### **Character of the area and amenity (design, layout and landscaping)**

As noted in the representations, it cannot be disputed that the prevailing character of the area is for dwellings to be sited fronting the highway. The planform of the application site is indeed perpendicular to Buckwell and, therefore, differs from the dwellings on this road. However, the site sits at a junction and therefore also has a visual frontage with Priory. In this view the garages will be in the foreground but, being flat roof single storey structures, they would appear subservient to the development, which would stand above. The collection of garages will no longer be the most dominant items in the street scene, rather the front of the new dwellings will take precedence and the dwellings would appear to have a frontage with Priory, albeit elevated.

In its original form, the proposal sought to provide a retaining wall around 2m high along the site frontage with the dwellings set up behind them. It must be considered that the eastern side of priory is formed by a high retaining wall with fences over that form the rear boundary of 64- 51 Priory and continues past Gillian Allen Court. However, as eluded to in the objections, it is considered that the application site is more dominant, being a corner plot, and the mimicking of such a feature would not be appropriate as it would lead to a very dominant feature in the street scene. Accordingly, the agent has agreed to reconsider the site levels and dwelling A will now sit lower on the site. This will lower the retaining structure by approximately 1m. At the time of writing, amended plans are being prepared, and Members will be updated at the meeting.

The scale of the dwellings has been chosen such that it makes a transition between the single storey dwellings on the northern side of Buckwell and western side of Priory to the two storey dwellings to the southern side of Buckwell and eastern side of Priory. Digging in dwelling A as per the pending amendments will help to create an appropriate scale of development in the street scene. Accordingly, they are considered to be compatible with their context in terms of scale.

The dwellings are considered to be well proportioned and designed. The proposed dormer windows sit comfortably on the roof. Precise materials have not been specified, nor has it been stated whether the dwellings would be rendered or faced with brick. However, there is variety in the surrounding area and it is considered that a variety of finishes could be successfully accommodated, subject to precise materials. Such details should be secured by condition. One of the objectors has commented that the crooked design of plot A is evidence that the site is over

developed. However, it is considered that this design allows an active road frontage to both Buckwell and Priory and is a good solution to the corner plot. It is accepted that the result is such that the front of the dwelling would come forward of the 'building line' for the north side of Buckwell, but due to the corner location, this is considered to be acceptable.

The proposal would result in the loss of a large mature beech tree, which makes a significant contribution to the amenity of the area. However, the detailed survey submitted indicates that the tree is in poor condition and on this basis, the Landscape Officer considers that it can be felled. A detailed landscaping scheme should be sought by condition and notes added that some semi-mature trees are expected to partially compensate for the loss the large tree.

The individual garden sizes are not large and are somewhat compromised by the proposed access drive. However, it is considered that they are adequate for the size of the dwellings proposed and will be usable for the future occupiers of the site. The use of hedgerows to form the boundaries will increase the amenity value of the gardens and will reduce the impact of the presence of the parking/access arrangements in the finished layout.

With regard to these matters, it is considered that the proposed development has been well designed such that it does not detract from the character and appearance of the area.

## **Highways**

The Local Highway Authority have raised no objection to the proposed development. They have noted that the visibility splays at the access are not in the control of the applicant, however, legal agreements are in place to ensure that the splays are maintained by these owners. In any case, the planning application site clearly includes this land and the condition would be enforceable against the owners of the visibility splays regardless of any private covenant. As such, it is considered that there is sufficient control to ensure the maintenance of visibility splays.

The Highway Authority have recommended a number of conditions including one requiring full details of estate roads, footways, cycleways, bus stops etc. This sort of condition is considered to be relevant to large residential developments, but is meaningless in terms of a small scale development accessed from a private drive. As such, it is recommended that such a condition is not imposed.

In terms of other matters, it is considered that the parking and turning facilities on the site are adequate, achieving the maximum parking provision allowed in the Somerset Parking Strategy. Subject to the imposition of other conditions, the access to the site and parking arrangements are considered to be appropriate.

## **Wildlife**

The submitted wildlife survey found that bats forage in the area although their habitats are unlikely to be directly affected by the proposals. It is possible that badgers and reptiles may use the site but further investigation is required. Since it is possible to relocate badgers and reptiles, these further surveys can be requested by condition following the grant of planning permission as there will be a solution that allows for development to proceed. However, in accordance with PPS9, it would be

reasonable to seek an enhancement of the site for wildlife potential. This can be required by condition.

### **Other matters**

The site is within an area of high archaeological potential. The comments of the County Archaeologist are awaited at the time of writing, but it is expected that it is likely that any concerns can be dealt with by a monitoring condition and watching brief. Members will be updated at the meeting.

### **Conclusions**

The site is capable of being developed without unreasonable impact upon neighbouring property, the character of the area, the highway network or wildlife. Accordingly, it is considered that the proposal is acceptable and it is, therefore, recommended that planning permission is granted.

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

Recommended Decision: Conditional Approval

The proposal is considered to be acceptably designed, not impacting unreasonably upon the character or appearance of the area, neighbouring property, the highway network, or wildlife. It, therefore, accords with policies S1, S2, M4 and EN3 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) Drg No 1671-01 Block Plan  
(A3) Drg No 1671-02 Site plan  
(A3) Drg No 1671-03 Illustrative street elevations  
(A3) Drg No 1671-04 Dwelling A Floor Plans  
(A3) Drg No 1671-05 Dwelling A Elevations  
(A3) Drg No 1671-06 Dwelling B Floor plans  
(A3) Drg No 1671-07 Dwelling B Floor Plans  
(A3) Drg No 1671-08 Dwelling C Floor Plans  
(A3) Drg No 1671-09 Dwelling C Elevations  
(A3) Drg No 1671-10 Indicative section A-A

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence (including any ground works or site clearance) until reptile and badger monitoring surveys have been carried out and have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish the presence of reptiles on site and the use of the existing badger sett on site in the interests of protecting local wildlife interests in accordance with policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

4. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report dated September 2009 and the surveys required by condition 3 and include:

- 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 enhancement of places of rest for protected species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the approved scheme shall be permanently maintained thereafter.

Reason: To protect protected species and other wildlife and their habitats from damage given the loss of hedgerow, vegetation and potential resting places resulting from the development in accordance with Planning Policy Statement 9.

5. No development 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.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 13 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16.

6. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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 area in accordance with Policy S2 of the Taunton Deane Local Plan.

7.
  - (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 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.

8. Prior to the commencement of the development hereby permitted, full details (including plans and sections) of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. The details shall show:
  - (a) The proposed surfacing material of the access (which for the avoidance of doubt shall not be loose stone or gravel).
  - (b) That the gradient shall not exceed 1 in 10.
  - (c) That visibility splays shall be provided on both sides of all parking spaces to the nearside of the private drive based upon co-ordinates measuring 3m along the access drive by 3m along the edge of the parking space, except that this shall not apply to the northern side of the parking space for plot C.
  - (d) Provision for surface water drainage so that none is allowed to drain onto the highway.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The first floor windows to be installed in the rear (west) elevations of the building shall be obscure 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) in accordance with details that

shall first have been agreed in writing with the Local Planning Authority prior to their installation and shall not be modified thereafter without the prior written approval 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.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 43m to the west of the access, and to the edge of the junction to the east (as shown on the submitted plan, drawing no. 1671-01). Such visibility shall be fully provided prior to occupation of any of the dwellings hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. The garages 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.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

#### Notes for compliance

1. It is recommended that Wessex Water are contacted to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense. It is recommended that the point of connection to Wessex Water systems is agreed with them prior to the commencement of development.



2. 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 Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
3. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to any works commencing on site and thereafter maintained until the use of the site discontinues.
5. It is expected that the landscaping scheme required by condition 7 includes provision of at least 1 semi-mature tree in order to mitigate the loss of tree amenity caused by the felling of the mature tree currently on site.
6. The condition relating to wildlife requires the submission of information to protect species. the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by the development proposal.
7. It should be noted that if the badger sett on site were found to be active then the developer would need to apply to Natural England for a licence. Natural England will only issue a licence with confirmation of planning permission and would restrict the works to the months of July to November inclusive.
8. 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.

**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**

**DEMOLITION OF BUNGALOW AND CONSTRUCTION OF NEW DWELLING AT 21 GREENWAY, MONKTON HEATHFIELD, AS AMENDED BY DRWGS. 1A, 2A, 5, 6 AND 8 SENT WITH LETTER DATED 11 FEBRUARY 2010, AND PROTECTED SPECIES SURVEY RECEIVED ON 12 FEBRUARY 2010, AND ADDITIONAL AMENDED PLANS NOS 9, 10 AND 11 RECEIVED ON 08 MARCH 2010.**

325346.126962

Full Planning Permission

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**PROPOSAL**

The proposal is to demolish a 3 bed 'Woolaway' bungalow, and construct a new 4 bed dwelling, with integral garage and car parking area to the front. Two bedrooms would be sited on the ground floor with a large master bedroom and second bedroom within the roof space, with two dormers to the front, and two dormers and a gable with partially enclosed balcony facing the rear/west. The proposed materials would be mainly render with brick detail and double roman tile roofing. The ridge would be in line with adjacent bungalow No 23; boundaries are shown to be 1500mm high fences. The original distance to No 23 to the north was shown to be approx 1.7m and to No 19 as 1m.

The plans have been amended to reduce the width, bring the proposal forward of the originally proposed siting, retain the existing hedge to the southern side and part eastern side, retain an element of green space with provision for tree planting. The revised plans also dimension the plans, and show the extent of a rear dormer extension which could be constructed under permitted development and revise the street elevation. The amended dwelling would be 13.33m wide by approx. 10m deep (beside No 19) and 11.5m deep (beside No 23), with the central part being 12.5m. There would be a gap of 1m to No 19 and a gap of 2.5m to No 23. The front of the garage would be approx 12.4m from the highway. The front of the main dwelling is in line with the original position of the existing bungalow. There would be space for car parking (2 spaces) in the front forecourt as well as in the integral garage. There is also a lay-by parallel to Greenway.

No 23 has 2 side windows, one to the living room and one to the kitchen/diner, both rooms have main windows facing front and rear respectively. There are no windows in the northern elevation of No 19. The revised siting of the dwelling to bring it forward is to increase light to the side window to the kitchen diner of No 23. A wildlife survey has indicated no evidence of nesting or roosting barn owls, no signs of roosting bats nor bird nests in or on the existing building. The last amendments confirms the position of the existing bungalow in relation to the new dwelling (the front is in the same position, the garage and porch project approx. 1.5m), and confirms the relative position of No 23, the distances to the edge of the highway and deletes one rear facing dormer.

**SITE DESCRIPTION AND HISTORY**

The site is on the western side of Greenway, with open countryside to the rear. The

dwellings on this side are mainly bungalows, although there are some two storey dwellings; there are chalet type bungalows on the opposite, side of the road. The site currently has a 3 bed Woolaway bungalow, measuring approx 11.5m in width, by 6.5m in depth on a site measuring approx. 16.83m in width by 46.4m. There is a garage/outbuilding to the rear, adjacent to the boundary with No 23. The ground level at No 23 is above No 21; No 19 and 21 have approximately the same ground level.

Residents have referred to previous applications in the area. Proposals for first floor, single and two storey extensions at 35 Greenway were refused in November 2002, the ridge being approx 7.8m high. A subsequent proposal for a first floor, single storey extension with 3 dormer windows was approved in April 2003, the ridge being approx 6.5m high.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - This would be a replacement dwelling thus the vehicle movements would remain unchanged; the proposal uses the existing access to the highway which provides good visibility in either direction. In terms of parking, the proposed dwelling will provide an integral garage which meets the minimum internal dimensions set out the Local Transport Plan, the site will provide sufficient room for the parking of two vehicles and allow them to turn and leave in a forward gear.

*WEST MONKTON PARISH COUNCIL* - The Parish Council believes this proposal is out of character; the neighbouring properties are bungalows, some of which have dormers, but this proposal is over large and over width in comparison with its neighbours.

*DRAINAGE ENGINEER* - surface water shown to be discharged to soakaways, these to be BRD 365.

*NATURE CONSERVATION & RESERVES OFFICERS* - Bats may be present given the existing bungalow has tile hanging; need a wildlife survey. Comments following receipt of survey - The surveyor noted that there were opportunities for biodiversity gain in this development in the form of bird and bat boxes. In accordance with PPS9 I would like to see wildlife protected and accommodated in this development.

*HERITAGE AND LANDSCAPE OFFICER* - subject to retention of existing roadside boundary hedgerow and establishment of a hedgerow on the western boundary the proposals are acceptable.

*WESSEX WATER* - the site is within a foul sewered and water main area, points of connection required, developer to agree with WW, need for developer to check if there are any uncharted sewers or water mains close to or in the site.

### **Representations**

A petition with 10 local residents signatures objecting on grounds that the building is too high; the dormer windows to the front are out of character with the original bungalows; the new dwelling would be out of character with the other bungalows

which are the older type; Greenway of a sort after area for the type of bungalows that are already there, something more in keeping would be acceptable.

8 letters of objection from 6 residents.

Object to demolition of bungalow and replacement by a 2 storey house; out of character with the area; roof height too high; would not be in line with other bungalows; loss of light to rooms; loss of outlook; loss of views; removal of garage will not result in more light to side windows; overlooking; it is not possible to scale from the plans; there are 2 sewer pipes between no 19 and 21, there is no indication that these will be protected; the balcony will result in loss of privacy to rear garden; unhappy that the Highways officer considers this a replacement, when it is nothing like the existing, and may have more cars; whilst the plans show the height to be the same as no 23, this has a floor level higher than the site; should be the same height as no 19; the gable end dormers are out of character with the properties in the area; loss of privacy from dormers, extending the property sideways will reduce the amount of parking available; there will be an increase in car parking given the number of bedrooms; additional parking will go on street which will be a hazard on street; children use this road to walk to/cycle to school; detract from look of road and adverse affect on people using the road; any replacement should be more in character with the area; the existing garage is predominantly asbestos construction, and its demolition presents Public Health issues; Greenway is a sought after area, this will not be in keeping with that character; overdevelopment; 'a mini-mansion' in an area of bungalows; loss of privacy to dwellings opposite; there have been 3 cars parked at the property already; previous applications in the area, which have proposed increases in roof heights and dormers, have been refused as these were out of character; precedent of other proposals being refused as these were out of character due to design, height and size.

4 letters on revised plans

The new proposals will bring the building within 2.5m of the boundary, will still result in loss of light, loss of views and privacy; plans do not look professional; bringing the house forward will result in less room for parking; the rear of the proposal looks like a factory with its different roof heights; the new house will be forward of the established line of bungalows and be even more out of character; overlooking to residents opposite will be worse now building has been moved forward; the street scene plans omit some details and thus misrepresent the scale of the proposal; the previous comments still apply, but these are made worse by the bringing forward of the proposal; the roof/dormers will be more prominent as the building is brought forward.

## **PLANNING POLICIES**

PPS3 - Housing,  
T1 - TDBCLP - Extent of Taunton,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

In Planning Policy terms there is no presumption to keep bungalows in the area, and street scenes often have a staggered building line. The main front line of the new building is in the same position as the original bungalow, the porch and garage will

project 1.5m. Some variety in dwelling sizes already exists in the road, there are some two storey dwellings further north and south in Greenway. Any proposal should ensure that there is no material detriment to the occupiers of the immediately adjoining residents. The amended plans which move the proposal slightly towards the highway and away from No 23 should result in some increase in the amount of light and less of a loss of outlook to the side window of the kitchen/diner, when compared with the originally proposed dwelling. This is considered to be an improvement from the original submission for these residents. There is sufficient parking on site for at least 3 cars on site, the Local Plan requires 2 spaces for a four or more bed property. Whilst the originally submitted plans showed a larger area in the front of the dwelling, it was all hard surfacing, which was considered inappropriate to the area. The amended plans result in the retention of the front and side hedge, some grassed area and with provision of a new tree. In respect of the comment about the Highways Officer viewing the proposal as a replacement when it is in fact larger; the Highways Authority considers use of the land, thus this is a replacement of one dwelling by another dwelling. In terms of distances between buildings, there is no minimum distance required; the dwellings opposite the site, on the other side of the road, are set approximately 35m from the proposed dwelling. This is considered acceptable.

As regards overlooking from the proposed balcony, the side and parts of the rear facing west walls of this are shown to be solid brickwork, this it would be similar to an upper floor window. The latest amendment deletes one of the rear facing dormers, but retains one dormer nearer No 23. At present the adjoining properties are not overlooked by upper floor windows, but the side facing windows of No 23 currently overlook the application site, there is a relatively low fence and No 23 is sited on a slightly higher ground level. Thus there will be some overlooking of the gardens by the upper windows in the new dwelling, but this is not considered to be sufficient reason to refuse the proposal. Whilst the design is different to the existing building and the other dwellings in the area, this is considered to be acceptable. The Council's Environmental Health Department has been advised about the possible asbestos in the garage. In respect of previous applications in the area for dwellings or dormer extensions or other enlargements in the roof area, each application is treated on its merits, and in particular the revised proposal at No 35 was approved as a 4 bed dwelling with 3 flat roofed dormers as a part roof extension part rear extension.

In summary, the new dwelling will have rooms within the roof, and the adjoining dwellings are bungalows with no upper floors, the dwellings opposite are two storey, albeit that the rooms are within the roof space, and there are two storey dwellings on the western side of the road away from the site. The dwelling is considered to be appropriate in this area.

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

Recommended Decision: Conditional Approval

The proposal for this replacement dwelling is considered not to have a detrimental impact upon visual or residential amenity of the locality or the immediate neighbours and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The variety in dwelling type is considered acceptable and brings character into this area in accordance with

**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. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Site Location Plan  
(A3) DrNo. 1 Floor Plan  
(A3) Dr No. 2 Elevation  
(A4) DrNo. 3 Street Elevation  
(A4) DrNo 4 Site Layout Plan  
(A3) DrNo 9 Floor plan- Revised scheme  
(A3) DrNo 10 Elevations- Revised scheme  
(A4) DrNo 11 Site layout plan revised

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

4. 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 area in accordance with Policy S2 of the Taunton Deane Local Plan.

5. Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development. For the purposes of this condition permeable means either the hard surface shall be made of porous

materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with guidance contained in Planning Policy Statement 25.

6. The bathroom window, side dining room windows, toilet windows and utility room door to be installed in the southern and northern elevations of the building shall be obscure glazed and the windows shall be 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) to the satisfaction of the Local Planning Authority 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.

7. (i) The landscaping/planting scheme shown on the submitted plan 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.

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.

8. The dwelling, hereby approved shall not be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m



behind the highway boundary and hung so as to open inwards only.

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

10. 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 be limited to domestic and private needs of the occupier and shall not be used for any business or other purposes whatsoever.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy M4 of Taunton Deane Local Plan and relevant guidance in PPG13.

11. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife consultant's submitted report, dated February 2010 and include:

1. Details of protective measures to avoid impacts on protected species during all stages of development;
2. Measures for the enhancement of places of rest for protected 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 bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To enhance the development for protected species in accordance with PPS 9 Biodiversity and Geological Conservation.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A, B and/or C 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 to protect the character of the area and consider any potential impact on neighbouring in accordance with Policy S1(D) of the Taunton Deane Local Plan.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order

1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in any 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.

#### Notes for compliance

1. You are advised to contact the Council's Environmental Health Department in respect of the garage and dwelling prior to any demolition, in case there are any hazardous materials present.
2. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, connection(s) onto Wessex Water infrastructure.
3. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications (Wessex Water, Claverton Down, Bath, BA2 7WW, 01225 526000).
4. The soakaways should be constructed to BRD 365 (September 1991).
5. You are advised to have regard to the position of any drains or other underground services which may cross the site or be close to the boundaries of the site.
6. Provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
7. The alteration of the access will involve construction works within the existing highway limits. These must be agreed in advance with the Highway Service Manager at Taunton Deane Area Highway Office, Burton Place, (0845 345 9155). He will be able to advise upon and issue the relevant licenses necessary under the Highways Act 1980.
8. The condition (11) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that may be affected by this development proposal.
9. 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.

Bat and bird boxes can be obtained from Alana Ecology, The Old Primary School, Church Street, Bishop's Castle, Shropshire SY9 5AE Tel 01588 630173 [www.alanaecology.com](http://www.alanaecology.com)

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

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

## Planning Committee – Wednesday 24 March 2010

### Report of the Growth and Development Manager

#### Enforcement Item

##### Parish:

1. **File/Complaint Number** 30/09/0018
2. **Location of Site** Westercombe Deer Park, Westercombe Estate, Culmhead, Taunton
3. **Names of Owners** Mr and Mrs Hankey and Ballacallow Property Co Ltd, Westcombe Estate, Culmhead, Taunton, TA3 7DT
4. **Name of Occupiers** Ms JM Gilroy
5. **Nature of Contravention**  
Continued occupation of an agricultural mobile home
6. **Planning History**

Temporary Planning permission was granted for a mobile home for an agricultural worker in 1999. The permission was subsequently renewed every 3 years until 2006. When the last application was renewed, additional information attached to the certificate advised the applicant that it is unlikely that a further renewal would be looked upon favourably. This permission subsequently expired on 30th June 2009. Despite the note the applicant submitted a further application after the expiry date in July 2009 but information regarding the viability of the enterprise, location plan, correct fee, details of the mobile home etc were missing therefore the application has not been registered. The applicant has been contacted many times requesting the information but nothing has been forthcoming. The applicant is still residing in the mobile home and tending her red deer.

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

No agricultural need for the occupation of the mobile home has been submitted, so the siting and occupation of the mobile home is contrary to guidance in Planning Policy Statement 7, Annex A. The business does not appear to have been planned on a sound financial basis, insufficient information having been submitted to justify the forecast costs and incomes, contrary to guidance contained in Planning Policy Statement 7, Annex A.

Consequently, it represents unjustified development in the open countryside, increasing the likely need to travel by private transport, contrary to policies S1 (General Requirements) and S7 (Outside Settlement) of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

It is also considered that due to the number of renewals for the mobile home in the past it would not be appropriate to continue to renew the permission following the information contained on the last planning approval.

## **8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the cessation of the occupancy of the mobile home. Also take prosecution action subject to satisfactory information being obtained that the notice has not been complied with.

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

**CONTACT OFFICER:**

**Mr John AW Hardy Tel: 01823 356466**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 24 MARCH 2010**

<b>Appeal Proposal</b>	<b>Start Date</b>	<b>Application/Enforcement Number</b>
ERECTION OF 11KW WIND TURBINE (18.3 METRES HIGH TO HUB WITH ROTORS AT 13 METRES DIAMETER) AT BRIDGETS FARM, TOLLAND	26 FEBRUARY 2010	41/09/0026
NEW ACCESS BEING FORMED ONTO CLASSIFIED ROAD, CEDAR MOOR, MEARE GREEN, STOKE ST GREGORY, TAUNTON, TA3 6HS	04 MARCH 2010	E0269/36/08
REPLACEMENT OF ANCILLARY BUILDING (GARAGE/WORKSHOP) WITH BUILDING COMPRISING OF GARAGE AND ANCILLARY ACCOMMODATION TO THE DWELLING HOUSE AT NETHERCLAY COTTAGE, THURLBEAR, TAUNTON (RESUBMISSION 28/09/0001)	10 MARCH 2010	28/09/0002/INV