

Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 1 September 2010 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 30 June 2010, 21 July 2010 and 11 August 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 5 32/10/0003 - Removal or variation of Condition 04 of planning approval 32/03/0002 to allow conversion of double garage and store for ancillary residential use at The Ferns, Whiteball, Wellington (amended description).
- 6 38/10/0153 - Erection of storage warehouse (Class B8) at Chip Lane, Taunton.
- 7 48/10/0026 - Change of use of part of a Dutch Barn and sections of fields to support an Eco Tourism Yurt Site at Hill Farm, West Monkton.
- 8 Planning Appeals - The latest appeal decision received (details attached).

Tonya Meers
Legal and Democratic Services Manager

24 August 2010

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

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

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

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

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

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

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

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



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



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

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

Planning Committee Members:-

Councillor P Watson
Councillor D Wedderkopp
Councillor M Floyd
Councillor B Denington
Councillor M Hill
Councillor D House
Councillor C Bishop
Councillor J Allgrove
Councillor C Hill
Councillor L James
Councillor T McMahon
Councillor S Coles
Councillor F Smith
Councillor A Wedderkopp
Councillor R Bowrah, BEM
Councillor E Gaines
Councillor I Morrell

Planning Committee – 30 June 2010

Present:- Councillors Mrs Allgrove, Bishop, Coles, Ms Court, Mrs Floyd, Gaines, Mrs Hill, House, Miss James, McMahon, Morrell, Mrs Smith, Stuart-Thorn, Watson, Ms Webber, A Wedderkopp and D Wedderkopp

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

Also present: Councillor Mrs Lewin-Harris in relation to application No 06/10/0008

(The meeting commenced at 5.00 pm)

69. Appointment of Chairman

Resolved that Councillor Bishop be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

70. Appointment of Vice-Chairman

Resolved that Councillor Mrs Hill be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

71. Apologies/Substitutions

Apologies: Councillors Denington, C Hill and D Wedderkopp

Substitutions: Councillor Stuart-Thorn for Councillor Denington, Councillor Ms Webber for Councillor C Hill and Councillor Ms Court for Councillor D Wedderkopp

72. Minutes

The minutes of the meeting of the Planning Committee held on 9 June 2010 were taken as read and were signed.

73. Declarations of Interest

Councillors McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon also declared a personal interest as a Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor House declared that he had attended a parish council meeting where application No 24/10/0019 and agenda items 10 and 11 had been discussed and he considered that he had not fettered his discretion. Councillor Watson declared that he had attended a parish council meeting where application No 06/10/0008 had been discussed and he too considered that he had not fettered his discretion.

74. Applications for Planning Permission

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

- (1) That **planning permission be granted** for the under-mentioned development:-

24/10/0019

Change of use from residential house to children's residential home at The Orchards, Helland, North Curry

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The property shall be used for the care of no more than four children at any one time.

(Note to applicant:- Applicant was advised to ensure that the existing septic tank was in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. The consent of the Environment Agency would be required if it was found that a new system was necessary).

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or an adverse impact on highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and Policy 48 (Access and Parking) of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

06/10/0008

Erection of dwelling and garage in garden of Frog House, 43 Mount Street, Bishops Lydeard

Reasons

- (1) The development would be accessed via a private drive that did not afford adequate visibility from, or of vehicles emerging onto the public highway. It did not incorporate the necessary visibility splays which are essential in highway safety and it was therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan;

- (2) The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal was therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and S1 of the Taunton Deane Local Plan;
- (3) The proposed development would result in an increase in traffic using the lay-by on Mount Street to the front of Frog House. The lay-by did not offer sufficient visibility for vehicles emerging from the lay-by and was not wide enough to accommodate ancillary activities associated with the parking of domestic vehicles. It was, therefore, likely to lead to obstructions in the highway and additional pedestrian activity within the carriageway to the detriment of highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan;
- (4) The proposed development would result in the loss of an open area identified in the Bishops Lydeard Conservation Area Approval (September 2007) as an important green space. The contribution that this space makes to the provision of irregular open space patterns in this part of the Conservation Area would be lost to the detriment of its character and appearance. The proposal was therefore contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy 14 of the Taunton Deane Local Plan in that the character and appearance of the Conservation Area would not be preserved contrary to the duty outlined in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

75. Non-compliance with the requirements of an Enforcement Notice – Land at Lower Fyfett Farmhouse, Otterford

Reference Minute No 129/2009, reported that the enforcement notice served in respect of the change of use of agricultural land to form an access drive to Lower Fyfett Farmhouse, Otterford, Chard had not been complied with. As a result the owner had been successfully prosecuted in the Magistrate's Court and had been fined.

The owner had been given until 15 February 2010 to comply with the enforcement action and this date had been extended to 30 April 2010. However, no works to restore the site had taken place.

Reported that the owner had been informed that if works to restore the site were not completed by the end of June 2010, the Council could carry out the works itself under Section 178 of the Town and Country Planning Act 1990 and recover the costs involved.

Resolved that action under Section 178 of the Town and Country Planning Act 1990 to remove the unauthorised access track and restore the site at Lower Fyfett Farmhouse, Otterford, Chard be authorised.

76. Non-compliance with the requirements of an Enforcement Notice at Upcott Farm Cottage, Nynehead, Wellington

Reference Minute No 128/2007, reported that an enforcement notice had been served on the owner of Upcott Farm Cottage, Nynehead, Wellington on 22 January 2008 in relation to the unauthorised change of use of the property from a holiday let to a permanent residential dwelling and work to increase the height of the roof.

The owner of the property had appealed against the service of the enforcement notice but this had been dismissed on 12 August 2008.

An application for planning permission was subsequently submitted by the owner in an attempt to regularise the situation but this was refused on 8 July 2009. A further appeal against this decision was made.

Noted that following the outcome of the planning application, the Council commenced criminal proceedings in the Taunton Magistrates' Court for the non-compliance with the enforcement notice with a trial date set for 13 September 2010.

However, in the meantime, The Planning Inspectorate had considered the owner's appeal against the refusal of planning permission and had decided to allow the appeal. Permission was granted for the change of use from holiday accommodation to a dwelling but only for the occupation by the current occupants and their three children and alteration to the roof.

As a result of the Inspectorate's decision it was no longer considered to be in the public interest to continue with the criminal proceedings against the owner of the property whilst the current occupants remained at the property.

Resolved that the Solicitor to the Council be authorised to apply to the Magistrates Court to withdraw the current legal proceedings against the owner of Upcott Farm Cottage, Nynehead, Wellington.

77. Occupation of a mobile home for an agricultural worker after permission had expired at Combe Farm, Ford Street, Wellington

Reported that it had come to the Council's attention that the occupation of a mobile home for an agricultural worker at Combe Farm, Ford Street, Wellington had continued since January 2000 when planning permission, which had been granted on a temporary basis, had expired.

It had been suggested to the owner of the land that as the unauthorised use had taken place for over a 10 year period an application for a Lawful Development Certificate could be submitted to regularise the situation. However, no such application had been received.

Further reported that from the evidence available, it was clear a Lawful Development Certificate would be granted if an application was made. In the view of the Growth and Development Manager, as the use had been continuing for over 10 years it was not in the public interest to take this matter any further.

Resolved that no further action be taken.

78. Non-compliance with a Section 215 Notice at Moor House, Stathe Road, Burrowbridge

Reference Minute No 127/2007, reported that a Notice served in accordance with Section 215 of the Town and Country Planning Act 1990 on the owner of land at Moor House, Stathe Road, Burrowbridge on 25 April 2008 had not been complied with.

Although the site had been tidied immediately following service of the Section 215 Notice, the appearance of the land had since deteriorated. Over the past six months the amount of items on the land had increased and despite a number of letters to the owner requesting the further tidying of the site, no improvements had been made.

Resolved that the Solicitor to the Council be authorised to institute legal proceedings against the owner of Moor House, Stathe Road, Burrowbridge for not complying with the requirements of the Section 215 Notice.

79. Change of use of land by the stationing of vehicles/motor home and erection of a structure for residential purposes on land adjacent to King William Drove, Stathe Road, Burrowbridge

Reported that it had come to the Council's attention that the use of an area of land adjacent to King William Drove, Stathe Road, Burrowbridge had been changed without planning permission.

The change of use comprised the stationing of a number of vehicles and a motor home on the land and the erection and occupation of a "straw house". The owner of the site had been contacted and advised to submit an application for planning permission but, to date no such application had been received.

Resolved that:-

1. Enforcement action be taken to ensure the land adjacent to King William Drove, Stathe Road, Burrowbridge was not used for residential purposes and to secure the removal of the unauthorised straw structure and the vehicles; 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.

80. Appeals

Reported that two appeals had been lodged, details of which were submitted.

Also reported that two appeal decisions had recently been received, details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.27 pm.)

Planning Committee – 21 July 2010

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Coles, Denington, Gaines, C Hill, House,
Miss James, Stuart-Thorn, Watson, A Wedderkopp and
D Wedderkopp

Officers:- Mr B Kitching (Area Planning Manager), Mrs J Moore (Major
Applications Co-ordinator), Mr A Pick (Major Applications
Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic
Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

81. Apologies/Substitution

Apologies: Councillors Bowrah, Mrs Floyd, McMahon, Morrell and
Mrs Smith

Substitution: Councillor Stuart-Thorn for Councillor Bowrah

82. Declarations of Interest

Councillors D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Miss James also declared an interest in application No 38/10/0149. She said that she would address the Committee as one of the Ward Councillors but would then leave the meeting and would not vote in respect of the application. Councillor C Hill declared a personal interest in application No 52/10/0013 as he knew the applicant. Councillor Mrs Allgrove declared that she had attended a parish council meeting where application No 52/10/0013 had been discussed. However, she had not spoken on this application and did not therefore consider that she had fettered her discretion.

83. Applications for Planning Permission

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

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

34/10/0020

Erection of dwelling with single garage in the garden of Brookfield, Rectory Drive, Staplegrove

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

(A1) DrNo 0160_02 rev B Proposed site plan;
(A1) DrNo 0610_01 Existing site survey;
(A1) DrNo 0610_02 rev B Proposed elevations;
(A1) DrNo 0610_05 3D Images; and
(A1) DrNO 0610_02 rev B Proposed plans;

- (b) The first floor windows to be installed in the north elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed) in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall not be modified thereafter without the prior written consent of the Local Planning Authority. The obscure glazing shall be installed prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

(Note to applicant:- Applicant's attention is drawn to conditions attached to the outline planning permission 34/09/0019 and the need for compliance with said conditions at all times.)

Reason for granting planning permission:-

The proposed layout, scale, appearance access and landscaping were acceptable and were not considered to have a detrimental impact upon visual or residential amenity. The proposal was therefore considered acceptable and, accorded with Taunton Deane Local Plan Policies S1, S2 and M4.

52/10/0013

Erection of two dwellings in the garden of High Green, Comeytrowe Lane, Comeytrowe (revised access arrangements to 52/09/0048)

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 following approved plans:-

Location Plan – Drawing No. 02 Rev C September 2009;
Block Plan – Drawing No. 03 Rev C September 2009;
Proposed site layout Plots 1 and 2 – Drawing No. 19 Rev C March 2010;
Proposed ground floor plan and elevations of garage Plot 2 – Drawing No. 29 June 2010;
Existing site survey – Drawing No. 01 Rev B May 2009;
Existing and proposed elevational sections, Plots 1 and 2 – Drawing No. 25 March 2010;
Sectional elevation – Drawing No. 10 July 2009;

Proposed plans and elevations, Plot 2 – Drawing No. 21 March 2010;
Proposed elevations (Option D), Plot 1 – Drawing 11 Rev A July 2009;
and

Tree survey – Drawing No. SPP/1516/1 August 2009;

- (c) The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority reference 52/09/0048 is begun. In the event that works are undertaken for the development referred to in the permission already granted, this permission (reference 52/10/0013) shall forthwith lapse and be of no effect;
- (d) Prior to installation, 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;
- (e) No demolition or clearance works or other operations likely to disturb nesting birds shall take place during the nesting season between 1 March and 31 August unless any variance is agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access together with parking and turning space for vehicles shall be constructed (not loose stone or gravel) details of which shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The turning space and parking area shall be kept clear of obstruction at all times. Development shall be carried out in accordance with the approved details;
- (g) Prior to commencement of the development, details of the method for the disposal of surface water so as to prevent its discharge onto the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling;
- (h) At the proposed access there shall be no obstruction to visibility greater than 900mm above the adjoining road level within the visibility splays shown on the submitted proposed site layout plan, Drawing No. 19 Rev C. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (i) (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.

- (j) Prior to the occupation of the dwelling a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be completed before the dwellings(s) are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (k) All existing trees on site shall be protected in accordance with BS5837: 2005 Trees in relation to construction.

(Notes to applicant:- (1) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office. Application for such a permit should be made at least four weeks before access works are intended to commence; (2) Applicant was advised the illustrative master plan for the future expansion of the site, submitted for information, is noted. The Local Planning Authority considers that any further residential development should be part of a wider comprehensive development through the Local Development Framework process and would not support piecemeal development; (3) All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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; (4) Applicant was advised to contact the Council's Landscape Officer to discuss the requirements of the landscaping scheme. The proposed landscape scheme should include reinforcing the roadside hedgerow with a double staggered row of Hazel, Hawthorn, Field Maple and Holly to reinforce the rural character of the lane.)

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed development by reason of its siting, scale and design would not adversely affect the residential amenity of surrounding properties or the character or appearance of the area. The revised siting of the access was considered to be acceptable and would not adversely affect highway safety or the appearance of the street scene, in lieu of the previously approved access under planning consent 52/09/0048. The revised access will ensure the protected tree within the roadside hedgerow will not be disturbed. The proposal therefore does not conflict with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

- (2) That the following planning application be **withdrawn**:-

42/10/0020

Change of use of part of paddock to form extension of domestic garden for children's play area including play equipment at Little Oaks, Staplehay, Trull (retention of use)

Also recommended that enforcement action be taken to secure the removal of all play equipment from the land and the cessation of the use of the land for private domestic purposes.

Resolved that a decision relating to the serving of an enforcement notice be deferred for six months to allow the applicants time to apply for a temporary permission to regularise the situation at Little Oaks, Staplehay, Trull.

84. Erection of detached three bedroom dwelling for accommodation for warden/manager and dependants in connection with tourism business and carp fishery together with separate service and storage facilities at Mill Meadow, Parsonage Lane, Kingston St Mary (20/10/0004)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following requirements:-

- (i) Use of the dwelling as warden/manager accommodation for a three year period;
- (ii) Plot 12 not to be constructed until permission is granted for the permanent use of the dwelling as a warden/manager unit; and
- (iii) In the event no permission was forthcoming for the unit within three years, the warden/manager unit to revert to tourism purposes only and be subject to the standard tourism occupancy condition and Plot 12 shall not be constructed;

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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) Location plan;
Block plan Rev E received 20 July 2010;
 - (A3) Warden/manager accommodation ground/first floor plan;
 - (A3) Warden/manager accommodation elevations.
 - (A3) Service and storage facility elevations Drawing Nos SSF/W01; SSF/E01; SSF/S01; SSFN01; and
 - (A3) Service and storage facility ground and first floor plan. Drawings Nos SSF/G01 & SSF/F01;
- (c) Prior to commencement of development, 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;
- (d) (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;
- (e) Prior to the occupation of the development hereby permitted, a Flood Warning and Evacuation Plan must be submitted to, and agreed in writing with, the Local Planning Authority. The approved plan must identify an alternative, safe, dry access route to be used in the event of a flood. The approved plan must be maintained and operational for the lifetime of the development;
- (f) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:-
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
- (g) Prior to the occupation/use of the building(s) the recommendations of the County Contract's ecological assessment dated 20 January 2010 shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied/brought into use until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (h) 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 extensions, additions or other alterations (including dormer windows), outbuildings or enclosure, or fencing shall be carried out without the further grant of planning permission;

- (i) All existing trees, identified on the proposed plan, shall be protected in accordance with BS5837: 2005 Trees in relation to construction, or as agreed in writing with the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the alternative access route must be demonstrated to lie wholly above the 1 in 100 year flood event through a detailed topographical survey; (2) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that may be 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 undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation.)

Reason for planning permission, if granted:-

It was considered that having regard to Taunton Deane Local Plan Policies S1, S2 and S7, the proposal was considered acceptable in order to satisfy the demonstrated need on the site for tourism/fishery activities and would not adversely impact upon highway safety, residential amenity or the character or appearance of the area. As such, the proposal would accord with Government guidance contained within PPS7 and the Good Practice Guide for Tourism, and material planning considerations did not indicate otherwise.

85. Erection of dwelling on land adjacent to 61 Farm View, Taunton (amended scheme 38/10/0012) (38/10/0149)

Reported this application.

Resolved that subject to the receipt of additional details regarding the proposed parking space and pedestrian access to the rear of 61 Farm View, Taunton, 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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo 15A Proposed plans and elevations;
 - (A2) DrNo 13 Existing site plan;
 - (A2) DrNo 14 Rev A Proposed site plan;
 - (A4) DrNo 02 Block plan; and
 - (A4) DrNo 01 Rev A Location plan;
- (c) 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;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e)(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;
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to occupation;
- (h) Details of the means of foul and surface water disposal in respect of the new dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to occupation of the dwelling.

(Note for applicant:- Applicant was advised that the alteration to the access will involve construction works within the highway limits. These works must be agreed in advance with the Highway Service Manager at the Taunton Deane Area Highways Office. He will be able to advise upon and provide relevant licenses necessary under the Highways Act 1980.)

Reason for planning permission, if granted:-

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

86. Appeals

Reported that an appeal decision had recently been received, details of which were submitted.

Resolved that the report be noted.

87. Business requiring to be dealt with as a matter of urgency

The Chairman reported that he had certified that the item covered by Minute No 88 below should be dealt with as an urgent matter.

88. Injunction proceedings at Oxen Lane, North Curry

Submitted report previously circulated, concerning whether injunction proceedings against the remaining families occupying land at Oxen Lane, North Curry should be continued.

Following the unauthorised occupation of the land in October 2004, the Council had instituted injunction proceedings against all the residents, with a view to securing their removal from the site and the re-instatement of the land to its former agricultural condition.

In April 2007 an interim injunction was granted preventing any occupation of the land for the purposes of a residential gypsy site, although this was not enforceable against those families resident on the site at April 2007.

There were two remaining families on the site (the Smiths and the Hollands) who were currently protected from the terms of the interim injunction.

Reported that earlier in the year the Council had instructed its Counsel to prepare committal proceedings against the only remaining resident on the site who was not protected under the terms of the interim injunction.

However, prior to the issue of those proceedings the resident left the site for a short period of time during which the Council took direct action to remove his caravan and possessions from the land. These were placed in safe storage and subsequently transferred to an authorised site at Otterford.

Deane DLO then proceeded to clear the bulk of the land of all unauthorised fences, hard standings and the road way as far down as the two remaining Plots 8 and 16 which were lawfully occupied.

Currently the gravel taken from the hard standings and road way was stored on site in the form of a rough bund but this was not a permanent feature. Without ownership of the land the Council was unable to secure the land physically against further incursions.

In accordance with earlier instructions the Council's Barrister was instructed to prepare papers to re-instate the injunction against the two remaining families and seek their permanent removal from the land.

Both the Smith and the Holland families had been offered a permanent alternative site and further personal needs assessments had been carried out, details of which were reported.

Further reported that the Council had recently received a planning application on behalf of both families for two pitches at the end of the site currently forming Plots 8 and 16. The agent acting for the families had asked the Council to withhold taking any further enforcement action as it was believed the application had a chance of success because the works carried out by the Council to clear the rest of the site "precluded further occupation by other families"

This however was not the case. The Council could not physically secure the land, as explained above, and the current arrangements were therefore temporary. In addition, both families had been offered alternative permanent sites at Otterford.

Resolved that the injunction proceedings to secure the removal of the remaining families at Oxen Lane, North Curry and the re-instatement of Plots 8 and 16 to their former condition be continued.

(The meeting ended at 7.02 pm.)

Planning Committee – 11 August 2010

Present:- Councillor Bishop (Chairman)
Councillors Mrs Allgrove, Bowrah, Brooks Coles, Denington, Mrs Floyd, C Hill, House, Miss James, McMahon, Mrs Smith, Mrs Stock-Williams, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Area Planning Manager), Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major Applications Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

89. Apologies/Substitutions

Apologies: The Vice-Chairman (Councillor Mrs Hill) and Councillors Gaines and Morrell

Substitutions: Councillor Brooks for Councillor Mrs Hill and Councillor Mrs Stock-Williams for Councillor Gaines

90. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Allgrove declared an interest in Agenda Item No 8. She considered she had fettered her discretion and would withdraw from the meeting when this item was reached.

91. 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:-

14/09/0043

Conversion of barn to provide accommodation for seasonal farm workers at West Newton Fruit Farm, Adsborough

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) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) All rooflights hereby approved shall be flush fitting Conservation Style with a central glazing bar;
- (e) The windows and doors hereby permitted shall be of timber only and thereafter maintained as such, unless otherwise agreed in writing with the Local Planning Authority;
- (f) 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 Alex Crossman Ecological Consulting's wildlife survey dated June 2009 and any further surveys and include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest 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. 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 and thereafter the resting places and agreed accesses shall be permanently maintained;
- (g) Before the seasonal workers accommodation hereby permitted is first occupied, the first 6m of the access shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (h) Parking and turning for the seasonal workers accommodation hereby permitted shall be limited to the area shown on drawing 41108/5 Rev B and this area 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;
- (i) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m to the left of the access and 25m to the right of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (j) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses and shall (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or

if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; and (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works, the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;

- (k) The seasonal workers accommodation shall not be occupied between the months of November to February (inclusive) in any one year;
- (l) The occupation of the seasonal workers accommodation shall be limited to a person or persons solely or mainly working on West Newton Fruit Farm;
- (m) Notwithstanding the provisions of Article 3, Schedule 2, Part 5, 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) the land edged red shall not be used as a caravan site for the accommodation during a particular season of a person or persons employed in farming operations or forestry on land in the same occupation being a circumstance for which a caravan site licence is not required as referred to in Section 2, Schedule 1, paragraphs 7 and 8 of the Caravan Sites and Control of Development Act 1960 without the further grant of planning permission;
- (n) 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, D and E of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) Prior to conversion work commencing, a traffic management scheme during the construction period shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed.

(Notes to applicant:- (1) Applicant was advised that Condition (f) 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 this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised that the alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the

Highway Services Manager; (3) Applicant was advised that it will be necessary, if required, to agree a point of connection with Wessex Water for water supply. The applicant 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 the applicant 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 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; (4) Applicant was advised that soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (5) Applicant was advised that with reference to condition (g), the use of a concrete or similar is considered a more appropriate material for a countryside location than tarmac; (6) Applicant was advised that, with reference to the installation of the septic tank, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. Environment Agency Consent to Discharge to underground strata may be required.)

Reason for granting planning permission:-

The proposed scheme was in association with a need for seasonal workers accommodation. The conversion of the barn could be undertaken without any adverse ecological impact or harm to the character of the rural building, the setting of the nearby listed building or to the appearance of the surrounding area. The scheme, as amended, was not considered to result in detriment to the amenities of neighbouring properties or to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EC6 (Conversion of Rural Buildings) of the Taunton Deane Local Plan.

20/10/0007

Change of use of land for the stationing of a temporary mobile home for an agricultural worker at Sweeters Pocket, Pickney Lane, Kingston St Mary

- (a) The permission hereby granted shall be for a limited period expiring on 11 August 2013 on or before which date the mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the Local Planning Authority beforehand;
- (b) The occupation of the mobile home shall be limited to a person solely or mainly working on the land known as Sweeters Pocket, as identified in the application, in agriculture or a widow or widower of such a person, and to any resident dependants;
- (c) Prior to occupation, details of the foul water drainage system and surface water drainage works shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency should be contacted prior to any works to extract water from a borehole; (2) Applicant was advised that percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage. The Environment Agency's Consent to Discharge to underground strata is also required; (3) Applicant was advised that details as to why a connection to a public sewer is unfeasible would be required. If a new septic tank or treatment plant is the only feasible option for the disposal of foul water, or there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from the Environment Agency prior to any discharge and before any development commences).

Reason for granting planning permission:-

It was considered that, having regard to Taunton Deane Local Plan Policies S1, S2, S7 and EN12, the proposal would not adversely affect visual or residential amenity and would comply with the tests set out in Annex A of PPS7, and material planning considerations did not indicate otherwise.

34/10/0019

Erection of first floor extension to the side to enlarge two bedrooms at 3 Nash Green, Staplegrove

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) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification) the en-suite window to be installed in the south elevation of the extension shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (e) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no windows or dormer windows shall be installed in the first floor elevation of the development hereby permitted unless the window is obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

(Note to applicant:- Applicant was advised to view the Considerate Constructors Scheme website).

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, the appearance of the street scene, 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).

92. Erection of part two-storey/part single storey rear extension, front porch, covered yard to side and alterations to side garage at Rose Cottage, Staplehay (42/10/0030)

Reported this application.

Resolved that subject to no further objections being received, 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) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) 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, the garage doors shall be hung so as to open inwards only and shall thereafter remain as such.

Reason for planning permission, if granted:-

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

93. Car sales business operating from 6 Showell Park, Staplegrove, Taunton

Reported that it had come to the Council's attention that a car sales business was being operated from 6 Showell Park, Staplegrove, Taunton contrary to planning guidelines.

The occupier of the property had been approached and had confirmed that he was a motor trader with a business located at St Audries Garage, West Quantoxhead. However, he regularly brought cars to Taunton as it was often

more convenient to exchange cars with clients rather than at his business premises.

Initially, following the intervention of the Enforcement Officer, the activity at Showell Park had diminished. However, in recent months neighbours had reported that the number of test drives and cars being traded from the property had substantially increased.

Further contact with the occupier during the middle of July 2010 revealed that although he no longer had his business at West Quantoxhead, he had found alternative premises and would shortly be moving his vehicles to that location.

By the end of July however, complaints were still being received about vehicles being parked at the Showell Close property and on the highway and sales which appeared to still be taking place.

Resolved that:-

- 1) Enforcement action be authorised to stop the property at 6 Showell Park, Staplegrove Road, Taunton being used to operate a car sales business;
- 2) Should the business use not cease or if, after ceasing, it was recommenced from the property within the next 12 months, an enforcement notice be served; and
- 3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

94. Appeals

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

Resolved that the report be noted.

(The meeting ended at 6 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon

32/10/0003

ONE 2 ONE

REMOVAL OR VARIATION OF CONDITION 04 OF PLANNING APPROVAL 32/03/0002 TO ALLOW CONVERSION OF DOUBLE GARAGE AND STORE FOR ANCILLARY RESIDENTIAL USE AT THE FERNS, WHITEBALL, WELLINGTON (AMENDED DESCRIPTION)

Grid Reference: 309909.118961

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval subject to the receipt of a site layout plan that will indicate the provision of at least three parking spaces to be used in connection with the dwelling.

The proposal is considered not to have a detrimental impact upon parking provision serving the dwelling house and will not adversely affect highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

None

Notes for compliance

1. You are advised to seek advice from the Local Planning Authority prior to undertaking any works to the garage so as to ensure that all works undertaken are in accordance with permitted development rights.

PROPOSAL

The application seeks permission for the removal or variation of condition 04 of planning permission 32/03/0002. The application forms state that this is in order to allow the conversion of the detached garage with store above to form additional ancillary accommodation.

Condition 04 reads:

The garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.

REASON: In order that satisfactory parking facilities are maintained in accordance

with policy M3a.

SITE DESCRIPTION AND HISTORY

The Ferns is a detached bungalow located on a strip of land between the A38 to the north and an unclassified, unnumbered highway to the south at Whiteball, Wellington. Following the grant of planning permission for an extension (32/03/0002) the dwelling provides for five bedrooms over two floors. The property is surrounded by neighbouring dwelling houses to the south, east and west, all of which have elongated gardens that reach for approximately fifty metres in a northerly direction. The Ferns is accessed off of an unclassified highway to the south and leads onto a steep driveway that runs along the eastern boundary of the site to the northern area of the rear garden where a detached double garage is located.

The dwelling house is believed to have been used for approximately two years as a dwelling for young people requiring an element of care. The agent has confirmed verbally that the property is generally occupied by three young people with one carer living as a single household although there is sufficient space to house up to five people requiring an element of care; it is anticipated that a letter setting out the use and occupation of the building will be received prior to the application is considered by the councils planning committee. The agent has further confirmed that a minimum of four parking spaces will be provided within the site for the parking of vehicles and a plan to this effect is also expected prior to determination.

Planning permission has been granted previously for extensions to the dwelling house, together with the erection of a garage and store (the subject of this application) under planning reference 32/03/0002. The garage within the site is finished externally in horizontal timber cladding and concrete interlocking roof tiles. The roof space of the building, which has been converted from a store into an office is accessed via a staircase to the west elevation. The Building has two parking bays internally accessed through metal garage doors to the south elevation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection raised. Recommended that details of proposed parking layout plan be submitted and advised as to parking requirements for residential properties. Questioned number of bedrooms within the property and the number that any possible conversion may create. The Somerset Parking Strategy sets out the following parking provision:

C3 Flats and Homes

1 bedroom unit

2-3 bedroom units

4+ bedroom units

1 car space per dwelling

2 car spaces per dwelling

3 car spaces per dwelling

Further advised that the Highway Authority would not support the use of this building as a separate unit of accommodation in what is considered an unsustainable area in transport terms. Acknowledges limited visibility to the existing access and comments that a second dwelling within the site would exacerbate any existing problems.

SAMPFORD ARUNDEL PARISH COUNCIL - Objection to the proposals for the

following reasons:

- Already a lack of on site parking;
- Problems with existing foul waste system - increased accommodation will exacerbate the problem
- Property is no longer a private dwelling but a business premises
- Extra traffic will cause aggravation to neighbours
- Parking on the road is not a safe option

Representations

5 letters of objection to the proposed development, raising the following issues:

- Increased accommodation and cars will lead to parking obstructing the highway
- Use of the building as a separate dwelling is contrary to the local plan
- The septic tank is inadequate and seeps onto the main road - a dwelling would exacerbate this problem
- Cars belonging to carer's are often parked on the highway for several days which is an inconvenience and block access and forms a traffic hazard on a narrow highway - increased carer's/residents will exacerbate this problem.
- Condition should require carer's to park on the considerable parking area available at The Ferns
- Back land development is inappropriate
- Access to the site is inadequate if serving two separate properties
- Allowing an alternative use of the garage would set an undesirable precedent for infilling on quite extensive land to the rear of neighbouring properties
- People already spending the night in the store
- Noise, light pollution and other disturbances will affect neighbouring amenity
- Two recent incidents caused outside the Ferns after carer vehicles parked on highway

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
M4 - TDBCLP - Residential Parking Provision,
PPG13 - Transport,

DETERMINING ISSUES AND CONSIDERATIONS

The application seeks the removal a condition that restricts the use of the garage at The Ferns so as to remain available in perpetuity for the parking of domestic vehicles only. Condition 04 was attached to planning approval 32/03/0002 in order to ensure that "satisfactory parking facilities" were maintained at the property. The reason for attaching the condition does not relate to any possible harm to surrounding amenity or that the site is considered to be an inappropriate location for new buildings. As such, the pertinent issue that requires consideration in determining the proposal is whether or not the removal of condition 04 will have any adverse impact upon parking provision at the dwelling house and whether or not there would be any material harm to highway safety by virtue of the loss of two parking spaces within the garage.

The use of the dwelling house is pertinent in order to establish the necessary level of parking provision required within the site. Currently, the property is being occupied and used for residential purposes with an element of care for young people and

therefore it may be reasonable to believe that the property to fall within class C3(b) of the Use Class Order (a dwelling house). As such, it stands that provision should be made within the application site for the parking of 3 or more motor vehicles as required by the Somerset Parking Strategy for dwellings with 4+ bedrooms. The proposal will in effect result in the loss of two retained parking spaces and representations have been received raising concern as to the impact that this will have in increasing the number of vehicles parking along the highway to the south, from which The Ferns is accessed.

Upon visiting the site, it appeared that the garage was not in use for the parking of vehicles at present; two cars were parked in front of the garage and four to the front/side of the dwelling house. Notwithstanding this, it is important to ensure that sufficient parking is provided within the site with which to serve the level of need. Therefore having regard to the ongoing use of the site, which falls within use class C3 (Dwelling houses), despite the possible loss of two parking spaces, I am of the opinion that there will continue to be sufficient space with which to provide parking for the number of vehicles currently visiting the site; preventing any future encroachment onto the adjoining highway is therefore beyond the scope for control of the local planning authority with sufficient parking available on site. Such is exemplified by the Highway Authority Officer who has not objected to the proposal subject to the receipt of a plan clarifying a proposed parking layout.

Notwithstanding the above, objections have been received from neighbouring residents concerned with the condition of the septic tank serving The Ferns and the exacerbation of the problems if additional accommodation is created within the garage that would need to connect to the existing system. These concerns are noted, however they do not form a significant material consideration in determining the proposal. Issues regarding the septic tank, its condition and seepage from the tank are being handled by the councils Environmental Health Officer who is aware of the situation and is in the process of handling the matter and has been in correspondence with the owner recently.

Taking into consideration the above issues and having regard to all other matters, subject to the receipt of a site layout plan that will indicate the provision of at least three parking spaces to be used in connection with the dwelling, the proposal is considered to accord with the relevant development plan policies and therefore it is considered acceptable to allow the removal of condition 04 of planning permission 32/03/0002.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

ARCHIAL ARCHITECTS LTD

ERECTION OF STORAGE WAREHOUSE (CLASS B8) AT CHIP LANE, TAUNTON AS AMENDED BY LETTER DATED 11/08/10 AND PLANS ALTERING PARKING LAYOUT.

Grid Reference: 322209.125492

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements). The proposal is considered to be an acceptable use in an area of employment, and will be a positive step for economic development in accordance with PPS4. Any adverse impacts to local residents are considered to be outweighed by the need to provide employment in suitable area, and this site is appropriate and sustainable in accordance with PPS4.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

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

(A2) DrNo 101 Rev A Site as proposed
(A3) DrNo 080102018/200 Site section as proposed
(A3) DrNo 080102018/100 Site location plan
(A2) DrNo.101/Rev B Site as Proposed Parking Arrangement

73245/AR/A05/A 8M Box van Servicing
73245/AR/A04/A 8M Box van Servicing
73245/AR/A03/A 10M Rigid vehicle Servicing
73245/AR/A02/A 10M Rigid vehicle Servicing
73245/AR/A01/A 16.5M Articulated vehicle Servicing

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

3. The premises shall be used for storage warehouse and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Having regard to the Taunton Deane Local Plan Policies to restrict uses to appropriate locations, and having regard to the proximity of local residents and to help minimise any adverse effects on their amenities.

4. No deliveries shall be taken at or dispatched from the site outside the hours of 19.30 hrs – 07.30 hrs nor at any time on Sundays, Bank or Public Holidays, without the prior written approval of the Local Planning Authority.

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

5. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Policy S1(D).

6. The area allocated as a service yard on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the use of the premises as B8 warehouse and no servicing of the premises shall take place from the adjacent highway.

Reason: To ensure that adequate off-street servicing facilities are provided within the curtilage of the proposed development, thereby to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

7. There shall be no working, machinery operating, processes carried out or other activities within the building or the site edged red between the hours of 19.30 and 07.30 hrs nor at any time on Sundays, Bank or Public Holidays.

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

8. The scale of the building shall be no greater than the illustrative plans submitted with the Design and Access statement.

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

9. The development shall provide for covered and secure storage facilities for cycles, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the commencement of use of the building to which it relates and shall thereafter be retained for those purposes.

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

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

11. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences 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 M3.

12. Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. 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.

Notes for compliance

1. You are advised that landscaping should include trees and shrubs along the southern boundary of the site.

2. The drainage officer advises the applicant investigates the use of sustainable drainage systems (SUDS) in order to reduce the rate of run-off.
3. 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.
4. 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. 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.
5. The developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin, as the proposed works are in close proximity to the railway boundary.
6. The developer is advised to contact Network Rail (NR) if there is any intention to alter any ground levels. There should be no excavations near railway embankments, retaining walls or bridges. A 1.8m high trespass resistant fence be erected parallel to but separate from the railway fence. All buildings should be at least 2m from the boundary fence for construction and maintenance works. There should be no increased flows of surface water onto Network Rail land, culverts or drains, and no soakaways within 10m of NR boundary. No scaffolding, plant or cranes to be such as may fall onto NR land in the event of failure.
7. You are advised that there is a Section 106 agreement covering this site which you should seek to alter prior to commencement of any works on the site (Planning Application no 38/92/0368).
8. The developer is advised that the site is not within an industrial area, and therefore noisy activities associated with B2 uses are not likely to be acceptable in respect to condition 3. In addition refrigerated vehicles may cause a nuisance to nearby residents and these should not be parked at this site.
9. The site is adjacent to an area of High Archaeological Potential and Importance (alongside the northern part of the site). Should any excavations be considered to occur in this area, the developer should first contact Mr S Membery at Somerset County Council Historic Environment Service, srmembery@somerst.gov.uk. 01823 347459.
10. You are advised that it would be preferable to use a similar design to that approved on the adjacent buildings, planning reference 38/10/0205.

PROPOSAL

The proposal is an outline application for the erection of a B8 storage warehouse building. The outline plans indicate a building, 15 to 16m in width, and 29 to 30m in depth with 2 floors giving approx 465 sqm on each floor, the eaves height would be between 6.5m and 7.0m and the ridge height being between 8.5 and 9m in height. The agent indicates 4-6 employees, but no details are given of proposed lorry movements. External appearance will be a reserved matter for future consideration. Six parking spaces are shown adjacent to Chip Lane, and vehicular access is will be via the existing access with Chip Lane. The accompanying drawings show access, turning routes for different sized vehicles including a 16.5m articulated vehicle. The applicant advises that 100 car parking spaces can be located within the site after the site is developed and the Northern Inner Distributor Road (NIDR) and junction constructed. Amended plans show a revision to the car park layout as requested by County Highway Authority, due to the requirements for improvements to the footway/cycleway network associated with the NIDR.

SITE DESCRIPTION AND HISTORY

The site, which is currently hardstanding, is between Chip Lane and the main railway line, and between the retail units to its west and the Post Office Sorting Office (POSO) to the east of 40 steps (footbridge). There are residential properties on the southern side of Chip Lane, including Ashleigh Gardens, a residential care home with access to Chip Lane, and pedestrian access to The Avenue. The southern side of Chip Lane has unrestricted parking, and there is usually a line of parked cars in this location. The route of the proposed Northern Inner Distributor Road is located just to the north of the site boundary.

Part History of application and adjacent site:

38/74/0181 CoU from garage/showroom to retail shopping centre and parking – refused (09/04/75) on basis of volume of traffic, particularly in peak hours, increased use of direct access to trunk road, and intensification of use of the premises would be detrimental to local residents by reason of additional traffic, disturbance and loss of privacy. (Whole site from Staplegrove Road to eastern end of whole site).

38/76/0096 - wholesale and retail unit – Great Mills – (now POSO) approved.

38/76/0098 industrial and warehouse buildings (O/A) approved with conditions including no working on Sundays or between 7.30pm and 7.30 am. Same site as 0096.

38/89/0371 - CoU to POSO approved.

38/92/0368 – CoU to Retail, including food, approved with legal agreement to alter parking when new road (NIDR) constructed.

38/98/0304 – extension to form a B8 storage unit (in front and to the east of the current retail units), (O/A) approved, but not built.

38/07/0562 & 38/10/0205/REX - refurbishment of retail unit with new exterior cladding and curved roof, approved 05/08/10, not yet implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal will see the erection of storage warehouse at Chip Lane. The Highway Authority comments were delayed to as further research had to be carried out in regards to the impact on the new major road development in the vicinity of the application. The proposed development would lead to the loss of the some of the existing parking provision within the site. In terms of the site itself this is not considered to be a significant issue as the existing parking arrangement is not used to its full capacity. However it should be noted that the site is in close proximity to the proposed Northern Inner Distributor Road (NIDR) and although this proposal is not directly effected by this development should be a material consideration.

From speaking with colleagues it is apparent that the existing post office car park (for both workers and the general public) will be lost to make provision for a footbridge. Although this does not directly effect this proposal it would lead to the loss of the existing parking area for the sorting office. It is therefore likely that they will make use of the parking area situated around the existing retail units. This could potential see parking becoming a premium in this location and the loss of the additional spaces due to this proposal would only exacerbate the situation.

In addition after conversions with the Local Planning Authority it is understood that there is a current legal agreement tied with the site in regards to it providing a continued provision parking. I would suggest that this legal agreement would need to be annulled before this proposal can proceed.

I understand that there have been some concerns raised by the existing businesses within the site that the construction of this building would stop delivery vehicles reaching the rear of the existing retail units. As part of the development the applicant provided tracking diagrams for a number of different vehicles in regards to there ability to manoeuvre within the site. From the diagrams provided I am satisfied that the proposed development would not cause obstruction to larger vehicles wanting to access the rear of the existing retail units.

It is noted that the proposed storage warehouse will have a B8 use class. From reviewing the planning documentation no information has been provided in regards to the amount of vehicle movements associated with this proposal. Looking at the guidance on Transport Assessments and the thresholds provided it is likely that this proposal would usually require the submission of a Transport Statement as the proposal is within the bracket of >3000 <5000 sq. m. However I have taken the opportunity to speak the Authorities Traffic Modelling Officer on this matter. It is his opinion that the vehicle movements generated by this proposal, although an increase, would not have a significant impact on the existing Chip Lane/Staplegrave Road junction.

Therefore to conclude the proposal will not be directly effected by the NIDR, the major project will have an impact on the surrounding environment as it will see the loss of the existing parking area for the sorting office, which could impact on the existing parking area. I am satisfied that the swept pathway analysis data provided will still allow vehicles to the rear of the existing retail units. Finally in regards to the loss of parking provision I am satisfied that although this development will see the loss of a number of spaces there is a sufficient amount of spaces within the site to accommodate for this loss. Therefore I raise no objection to this proposal.

WESSEX WATER - points of connection to be agreed, and note re any uncharted sewers or mains.

DRAINAGE ENGINEER - Note that surface water run off is to be disposed of the main sewers. It is recommended that the applicant investigates the use of Sustainable Drainage Systems (SUDS) for surface water drainage on the site, in order to reduce the rate of run-off, also be made a condition of any approval.

NETWORK RAIL - need a 1.8m high fence alongside railway, and notes re safety levels, layout, drainage and scaffolding adjacent to tracks.

FORWARD PLAN & REGENERATION UNIT - No problem with this, but we should control employment/B uses to prevent even more retail leakage out of the town centre.

Representations

Cllr Sue Lees objects on grounds that Chip Lane is already a well used road, which in her opinion is not able to cope with the additional traffic that would be produced by this development. The additional traffic would result in increased noise level for the residents living in the immediate vicinity. Should be a Committee decision.

Cllr Jefferson Horsley objects on grounds of additional traffic movements on Chip Lane, the impact on the local community of the extra noise and disproportionate size of the proposed storage warehouse.

16 letters of objection (inc 3 from one occupier)

- What will the use be?
- More traffic will be generated;
- Additional noise;
- Additional fumes;
- There are already vans and lorries going day and night along Chip Lane to the PO Sorting Office;
- The road is already narrow with cars parked one side of the road;
- The access is not suitable;
- It is difficult to exit from Ashleigh Gardens;
- This is a residential area;
- The warehouse should go to an industrial site;
- There will be parking problems for people visiting the PO Sorting Office;
- When Langdons were operating from this area, there were noise problems, especially from the reversing warnings and refrigeration units running all night; if granted, then there should be limitations on all operations including arrivals and departures;
- Articulated vehicles will not be able to turn in the restricted area, which will have an impact on the operation of business;
- Loss of valuable sky space/overpowering effect due to height;
- Further light pollution;
- Restrict hours to Monday to Friday – working hours only;
- Backlog of lorries waiting to load/unload and associated noise from ‘bleepers’, engines and fumes;
- The PO Sorting Office is losing its carparking due to the 40 steps bridge relocation;
- Access and parking for collecting of parcels from post office blocks the end of The Avenue’s drives;
- Loss of value of properties;
- Noise from the construction site as well as noise from lorries/deliveries to the

- retail units and residential home;
- There was an understanding that the use of these units was restricted to light industry between 9am and 5pm;
- Out of keeping, should be a contemporary design;
- Inaccurate plans which do not show a temporary showroom, a portacabin or fenced compound, so giving a misleading impression of space and available parking areas;
- The pedestrian access to the new pedestrian footbridge will conflict with the Chip Lane traffic;
- This is just to infill the site with no consideration to the local residents;
- This is a residential area, with houses dating from 1826;
- More people use the sorting office to collect parcels etc after ordering on line, thus there is already an increase in traffic on Chip Lane;
- A unit was unlet for years prior to use by a charity, thus there is little need for an additional unit;
- Other sites have better access to major roads and motorways;
- The plan shows trees which were a condition of a previous permission, and cut down some time ago;
- Is this a way to increase the value of the site, as it may be needed in future road plans;
- It is currently difficult to access Ashleigh Gardens due to cars –parked on Chip Lane;
- Photographs submitted showing parked lorry on application site whilst another is being unloaded;
- The type of lorry being used by a current occupier of the units is larger than those shown in the plans, and this size is used more frequently.

PLANNING POLICIES

PPS4 - Planning for Sustainable Economic Growth,
 PPG13 - Transport,
 STR1 - Sustainable Development,
 STR2 - Towns,
 STR4 - Development in Towns,
 S1 - TDBCLP - General Requirements,
 M3 - TDBCLP - Non-residential Development & Transport Provision,
 T1 - TDBCLP - Extent of Taunton,
 EN23 - TDBCLP - Areas of High Archaeological Potential,

DETERMINING ISSUES AND CONSIDERATIONS

The existing area of land is generally unused apart from occasional parking of vehicles. The units to the west have permission for use as retail use, but the current occupiers have relatively low customer usage, and thus the areas previously shown as parking area for these units to the eastern end of the site are generally unused. The agent advises that there is sufficient number of car parking spaces for the existing units after construction of the proposal. The County Highway Authority does not object to the proposal, and also considers the amount of parking sufficient for all the uses on the site, and the officer is aware of the history of this site. The Highway officer's opinion is that the vehicle movements generated by this proposal will not have a significant impact on the existing junction with Staplegrove Road junction. The proposal has been considered in the light of the proposed NIDR, and there is no 'conflict'.

In policy terms Central Government (PPS4) (Policy EC10: Determining Planning Applications for Economic Development), recommends - Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. This application site is not in the town centre nor an 'industrial estate', however it is in a 'commercial area' with retail uses one side, the Post Office Sorting Office the other, and is next to the main line railway line, and eventually will be adjacent to the Northern Inner Distributor Road, and thus generally uses such as B8 will be seen in a favourable light. It is acknowledged that the site is on the northern side of Chip Lane and the southern side of this part of Chip Lane is residential. Chip Lane could be considered as the dividing line and the northern side could not be described as a residential area. The site is well within settlement limits, close to the A3027 (Staplegrove Road), its bus routes and is within walking distance of Taunton Town Centre and railway station, thus is considered to be sustainable in vehicular and employee access.

The main line railway with its associated trains and the line of the NIDR are/will be noise sources, albeit these routes are to the north of the site away from residents, and therefore it is considered that the introduction of a storage use at this location will not significantly add to noise levels. Noise during construction works will be inevitable. History on the site shows the current application site as an area for parking and vehicle turning area, including a S106 relating to amended parking areas in relation to the previous planned connections with the NIDR (now significantly altered). However having regard to current parking/usage, the former Staplegrove car sales area to the west of the retail units, now being vacated, and the County Highway Authority comments, it is not considered that parking and turning facilities for the existing units would be adversely affected should the proposal be implemented.

The local Members and local residents have many concerns, summarised above. In respect of use, this is an outline application and any eventual occupier is unknown. It is likely that some additional traffic will be generated, but the numbers of vehicles, any associated noise and nuisance are not considered to be significantly above the existing levels associated with traffic using this road. Whilst it is acknowledged that the residents have found accessing/exiting Ashleigh Gardens difficult on occasions, such situation results from existing parking. The POSO parking situation may alter when the NIDR and associated works are constructed, and at that time parking is likely to be at a premium. However it is not reasonable in planning terms to refuse this proposal on the basis of what may occur on the adjacent site. It is acknowledged that noise is emitted from reversing and refrigerated lorries, however the Local Planning Authority cannot control vehicles on the public highway, and only has a degree of control over vehicle movements within sites. Working hours could be limited by condition, which would cover the application site, but would not cover any lorries waiting to load/unload in the vicinity. The construction of a building on this site is unlikely to have a significant effect on light pollution, and the building would be sited at least 33m to the north of the nearest dwelling so would not have an overpowering effect on dwellings. Design has not been submitted but the illustrative plans show a two storey building with pitched roof, a recent approval shows curved roof and re-cladding the adjacent retail units. The Local Planning Authority is not in a position to insist that a different location is more appropriate.

In conclusion, the proposed B8 unit is considered to be acceptable on this site, there

is likely to be some increase in traffic, noise and general activity, but not to such an extent that would merit refusal. The proposal will bring some employment in a sustainable location in easy reach of the town centre. In addition the building could help screen some noise from the railway line and proposed NIDR. In order to give some protection to local residents, it is proposed to condition working hours on the application site, although this will not cover use of Chip Lane and other parts of the larger site. Use would be restricted to B8 only so that the Local Planning Authority could control future proposed uses, and the applicants will need to amend the S106 relating to the larger site which shows this area as parking.

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

48/10/0026

MR M CAVILL

CHANGE OF USE OF PART OF A DUTCH BARN AND SECTIONS OF FIELDS TO SUPPORT AN ECO TOURISM YURT SITE AT HILL FARM, WEST MONKTON

Grid Reference: 324811.129487

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision:

The proposal is considered to support the economic viability of the existing farm enterprise and provide tourist accommodation in close proximity to Hestercombe House and Gardens, recognised Heritage Assets and the Quantock Hills Area of Outstanding Natural Beauty in compliance with Taunton Deane Local Plan policy EC8 and EC24, in addition the proposals are not to have a detrimental impact upon wildlife, visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and PPS9 Biodiversity and Geological Conservation.

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:

Drg no 231/10/001A Rev A

Drg no 231/10/002A Rev A

Drg no 231/10/003A Rev A

Drg no 231/10/004A Rev A

Applicants Drg no 1 titled Detailed Proposed Yurt Locations submitted on 24th June 2010.

3. Reason: For the avoidance of doubt and in the interests of proper planning. Only those materials and colours specified in the designated access statement shall be used in the development unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the visual and environmental impact of the

development on the area in accordance with Policies S1 and S2 of the Taunton Deane Local Plan and Planning Policy Statement 9 Biodiversity and Geological Conservation.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1 and S2.

5. Prior to their erection on site full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. Only the lighting hereby permitted shall be installed on site and thereafter maintained. No other lighting shall be erected on the site at any time without the prior written consent of the Local Planning Authority.

Reason: In order to protect the wildlife interests of the site and local area and to reduce the landscape impact of the proposal in accordance with Taunton Deane Local Plan policies S1, S2 and Planning Policy Statement 9 Biodiversity and Geological Conservation.

6. The Yurts, connecting paths and car parking shall be constructed/installed in complete compliance with the details contained within the Design and Access Statement unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposal does not have a detrimental impact on the wildlife or landscape of the area in accordance with Taunton Deane Local Plan policies S1, S2 and PPS9 Biodiversity and Geological Conservation.

7. Prior to the commencement of works on site a scheme for the provision and maintenance of new bird boxes is first submitted to and approved in writing by the Local Planning Authority and the provision of the bird boxes, resting places and related accesses have been fully implemented. Thereafter the resting places and bird boxes shall be permanently maintained in accordance with the approved details. Prior to the occupation of the Yurts

the applicant shall undertake all of the recommendations contained within the submitted Bird and Bat survey by George Bamment dated 2009 and Neil Hassine's wildlife survey dated may 2010. The works shall be implemented in accordance with the approved details and timings unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance facilities for bats and breeding birds in accordance with the requirements of Planning Policy Statement 9 Biodiversity and Geological Conservation

Notes for compliance

1. The landscaping scheme should reflect the proposals as outlined in the submitted Design and Access Statement.
2. The condition relating to wildlife requires a mitigation proposal that will maintain a favourable status for these species that rare affected by this development proposal.
It should also be noted that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

PROPOSAL

The proposal is for the erection of 10 Mongolian Yurts for use as tourist accommodation to support the existing farm enterprise at Hill Farm, West Monkton. The proposal would also convert 1 bay of an existing 3 bay farm building to provide toilets, washing facilities and a communal rest/dining area.

The proposal would be installed in a phased manner comprising the toilet, kitchen and 4 Yurts in phase 1; 2 more Yurts in phase 2 and the final 4 Yurts and rest area in phases 3 and 4. The access to the site is via the existing farm entrance lane.

The application is being reported to the Planning Committee as the applicant is related to an elected member.

Letters of support have been submitted with the application raising the following points:- the proposal will support the main farming enterprise and aid the economic health of the area; there is a strong environmental element that may prove to be a beacon for other sustainable tourism enterprises; the attraction of more visitors will bring benefits to the wider Taunton area;

A letter of support was also provided by the former Tourism Officer and Agricultural Development Officer in January 2010 this type of development fits into the sustainable tourism agenda of the new TDBC Economic Development Strategy. It would be unique in its offer in the Deane and would provide visitors with a high quality eco holiday and as such would raise the profile of the Taunton Deane area. The project also addresses the following:- part of the Somerset Community Strategy and Somerset LAA, which focuses on economic development and enterprise through

a more competitive Somerset economy; parts of the South West of England Sustainable Farming and Food Delivery Plan 2008-2011 in i) Objective 1- Achievement of a profitable and efficient farming enterprise and food industry by promotion of sustainable farming diversification opportunities ii) Objective 2 Enhancement of the regions environmental assets through low carbon initiatives, business opportunities to protect the environment and the reduction of environmental costs by supply chains

SITE DESCRIPTION AND HISTORY

Hill Farm is situated in the open countryside 260m to the north of Monkton Heathfield and 730m from the limit of Taunton (measured via the road network). It is 120m to the east of the northern boundary of Hestercombe Gardens, a Garden of Special Historic Interest and a European Special Area of Conservation(SAC) due to a colony of Lesser Horseshoe Bats.

There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Object. The proposed development lies in a non sustainable locations but as the application is for a tourism use the development must also be viewed in line with other policies as set out in National, Regional, County and Local Policies. It is therefore a matter for the Local Planning Authority to decide if the development is appropriate in these terms. In detail, the applicant has set out a transport management scheme in the design and access statement. This includes providing taxi service to the railway station, town centre, bicycles for use and hire and storage for visitors cycles. These proposals are to be commended but I am concerned that in practice these proposals might not work and visitors would use the car. The highways to the site consist of single track roads which are poorly aligned and have limited passing places. The roads do not provide sufficient footways and I have concerns that this proposal would lead to pedestrian/vehicle conflict and I raise objection to these proposals.

WEST MONKTON PARISH COUNCIL - Support this local rural business initiative

LANDSCAPE OFFICER Subject to landscaping proposals as described in the Design and Access Statement it should be possible to mitigate any local landscape impacts. I recommend setting down the Yurts both to soften any Landscape impacts and to improve ease of access and Health and Safety.

NATURE CONSERVATION AND RESERVES OFFICER no objection subject to conditions.

Representations

None received in response to neighbour notification and statutory publicity

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,

DETERMINING ISSUES AND CONSIDERATIONS

This proposal is for the provision of a tourism linked accommodation that would enable the farm to diversify in order to support the economic viability of the farm and as such Policy EC8 and EC24 are relevant.

The farm has been placed in a nitrogen vulnerable zone and the animal stocking levels will have to be reduced. The applicant has submitted a business plan that indicates that the Yurt enterprise would financially support the existing farm. In addition the proposal is considered to be compatible with the agricultural operations on the farm and will utilise part of the existing barn to provide linked facilities. This is in accordance with the requirements of policy EC8.

The proposed Yurts would be retained on site available to provide accommodation for tourists all year round, and for this reason are comparable to static caravans or chalets. Policy EC24, for the provision of static caravan and holiday chalets, requires proposals to be adequately screened and not harm the landscape; provide for access and turning by transporter lorries (not relevant in this case as the units, like tents, are erected at the site); have good access to the highway network and are not in a flood plain or at risk of flooding.

In this case, due top the local topography there would only be limited points where the yurts would be seen. The proposals for the development include screening proposals that are considered to adequately screen the proposal as required by the policy. Unlike caravans the Yurts are erected like tents and would be able to be transported to the site on smaller lorries so that the need for space for transporter lorries access and turning is not required. The County Highway Officer has objected to the proposal as he considers that the local highway network consists of single width roads which are poorly aligned, limited passing places and do not have sufficient footways for pedestrians to walk along the road without causing a conflict with vehicular traffic. The applicant has submitted a green travel plan which includes offering lifts to and from the railway station to enable visitors who do not use the car, providing bicycles for use by visitors to reduce the need for all trips to be undertaken by car; to have details of bike hire available for cycling enthusiast; provision of walking and biking maps to local shops and amenities and providing secure storage for visitors own bikes. The applicants have also provided photographs to illustrate that when the verges are cut they can be used a s safe refuges for pedestrians. The proposed site is on a plateau near the top of the hills and is not at the risk of flooding or in a floodplain.

Government Guidance on Economic and Tourism development in the open countryside is equally split on the guidance between farm diversification and tourism accommodation. Policy EC6.2(f) in Planning policy statement 4 supports farm diversification and policy EC7.1 sets out requirements for the provision of tourist accommodation and accepts that proposals may be a key element in rural and farm diversification. Generally the policy advice focuses provision of new accommodation to sites in or adjacent to villages. In this case Hill farm does not comply with that but National Policy EC7.1(e) requires Local Authorities to recognise that area statutorily designated for their natural or cultural heritage qualities will have scope for tourist and leisure related developments. In this case Hill Farm is immediately adjacent to

Hestercombe Garden, a heritage asset and is in the foothills 0.1km to the south of the Quantock Area of Outstanding Natural Beauty.

The fields are located in close proximity to the Lesser Horseshoe Bats at Hestercombe and the proposal has had to ensure that this is taken into account. A bat and bird survey was submitted with the application and the mitigation measures that are recommended have been supported by the Nature conservation and Reserves Officer

In my opinion the proposed Yurts will provide economic support for the farming enterprise and that has to be weighed against the concerns in terms of highway safety and the rural location. In my opinion the proposed travel plan will enable a level of use that is not wholly dependant on the car and the close proximity to Hestercombe, the Heritage Asset, AONB and local footpaths support the provision of the Yurts in this location and I consider the proposal to be acceptable in this case.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

APPEAL DECISION FOR COMMITTEE AGENDA – 1 SEPTEMBER 2010

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/10/2123265	Erection of 11kw wind turbine (18.3 metres high to hub with rotors at 13 metres diameter) at Bridgets Farm, Tolland, as amended by design and access statement received 29 October 2009, email dated 19 November 2009 with accompanying plan and environmental noise assessment dated 28 November 2009	The application site is located in an attractive area of countryside where it is considered that the proposed development, due to its size, form and siting, will have a significant adverse impact on the local landscape character by reason of its visual intrusion which will adversely affect the setting of this landscape. As such the proposal is considered contrary to advice given in PPS1, PPS7 and PPS22, and Taunton Deane Local Plan Policies C13(A) and EN12.	41/09/0026	The Inspector concluded that, subject to the controls as outlined in the decision document, the development would cause only limited harm to the local landscape character and that this harm would be outweighed by the environmental benefits that could reasonably be expected to flow from the scheme. He therefore ALLOWED the appeal.



Appeal Decision

Site visit made on 26 July 2010

by **R W N Grantham BSc(Hons) C.Chem**
MRSC MCIWEM

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
13 August 2010

Appeal Ref: APP/D3315/A/10/2123265

Bridgets Farm, Willett, Lydeard St Lawrence, Taunton, Somerset TA4 3QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Morrell against the decision of Taunton Deane Borough Council.
- The application Ref 41/09/0026, dated 7 October 2009, was refused by notice dated 26 January 2010.
- The development proposed is the erection of an 11kW turbine (18.3m high to hub with 13m diameter rotor).

Decision

1. I allow the appeal, and grant planning permission for the erection of an 11kW turbine (18.3m high to hub with 13m diameter rotor) at Bridgets Farm, Willett, Lydeard St Lawrence, Taunton, Somerset TA4 3QD, in accordance with the terms of the application Ref 41/09/0026, dated 7 October 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application and appeal; these are an Ordnance Survey site map and a drawing titled Gaia – Wind 11kW Footprint.
 - 3) No development shall take place until details of a scheme to decommission and remove the turbine hereby permitted, and restore the site, have been submitted to and approved in writing by the local planning authority.
 - 4) No later than 25 years from the date of this permission, the turbine hereby permitted shall be decommissioned and removed from the site, and the site shall be restored, in accordance with details approved pursuant to condition 2.
 - 5) Within three months of any continuous period of six months, within which the turbine hereby permitted does not operate, that turbine shall be decommissioned and removed from the site, and the site shall be restored, in accordance with details approved pursuant to condition 2.
 - 6) Noise emissions from the turbine hereby permitted shall not exceed 35dB(A) $L_{A90, 10min}$, when measured at the façade of the farmhouse at Bridgets Farm, for wind speeds of up to 10m/s at a height of 10m above ground level alongside the turbine mast.

Procedural Matters

2. The above description of the development is more succinct than that given on the application form, but is sufficiently accurate and is adapted from the description given on the Council's refusal notice.

Main issue

3. The main issue here is the impact of the development on the local landscape character and whether any harm to that character would be outweighed by the environmental benefits of this renewable energy installation.

Reasons

4. This twin-bladed grey turbine, with its tapering mast, would have a tip height of about 25m and is expected to have an operational life of up to 25 years. It would stand alone, high on a hillside field and about 200m away from some of the main buildings on the appellant's farm. I agree that this attractive landscape is of good quality and medium sensitivity, being part of the locally defined Brendons landscape character area (LCA) of exposed grassy hills, with large fields, low beech hedges and deeply dissected wooded river valleys. There are no national or regional landscape designations here.
5. Given the topography, the turbine would not be visible in public views from the west or north but, contrary to Policy C13 of the (2004) Taunton Deane Local Plan, it would be seen to break the skyline in views up the hillside from nearby to the south. Nevertheless, its grey colour is designed to minimise the turbine's visual impact when seen against the sky. In any event, such views would be limited primarily to occasional views obtained from a public footpath, just to the east of Tolland; the view through a break in the high hedge on a lane just to the south of here; and, the view from a short descent on another small lane a little further to the south east. I recognise that the blade movement would be noticeable from these points, but the appearance of the hillside would still be dominated by the patchwork of fields separated by treed hedges and interspersed by farm buildings.
6. The most significant views would be from a short stretch of the B3224 as it approaches towards the farm, from the south-east. This road is a popular route for visitors to Exmoor and the turbine would be clearly visible from here and from points on lanes nearby to this stretch. However, from this angle and elevation, the tower and blades would be seen as part of the farm's built complex and against a backdrop of the wooded hilltop. Unlike the distant communications mast, it would not break the skyline, let alone be prominent upon it.
7. I accept that there is another point, further east on one of the lanes, from where the structure might be seen to project above the horizon. But this would be at a distance of about 1.5km and, again, the structure would be seen to be closely related to the farm buildings.
8. The Council's concerns would be overcome if the turbine were to be positioned some 150m to the south of the proposed site, where the ground level is about 25m lower. However, the turbine's efficiency would be less here, further down the hillside, and trees to the west would need to be felled in order to reduce

- turbulence that might otherwise shorten the installation's life through fatigue damage. Whilst I do not attach great weight to it, this loss of trees would itself detract from the quality of the landscape.
9. The appeal scheme does not represent a large-scale renewable energy project but, as PPS22¹ points out, small-scale developments should also be encouraged. They should even be permitted within nationally designated landscapes, such those within AONBs² and National Parks, provided that there is no significant environmental detriment to the area concerned. Although I accept that appellant's proposals would have an impact on the appearance of the locally designated Brendons LCA, I do not believe that the scheme would cause significant harm to the character of this area.
 10. Local Plan Policy EN12 requires the siting and design of development to respect the character and appearance of LCAs. However, since that Plan was adopted in 2004, national policy³ has highlighted the fact that tackling climate change is a key priority for the planning system. Agriculture is needed to support the population and, in providing for such needs, it is important to secure the highest viable resource and energy efficiency and reduction in emissions.
 11. At its proposed location, the turbine would be expected to generate about 36MWh of electricity each year. This is approximately 45% of the farm's usage although, at times of low demand, surplus energy would be fed into the grid. Indeed, I have no doubt that wind power is the most suitable form of renewable energy for the appellant's agricultural enterprise, given the farm's energy consumption and the wind resource that is available on this hillside.
 12. I understand that other potential locations for a turbine were considered and discussed with the Council, before the appeal site was chosen. From the evidence that is available, I am satisfied that the eventual choice strikes a reasonable balance between the need to optimise energy generation whilst minimising any adverse impact on the landscape. That balance would shift once the turbine has reached the end of its useful life or prior to that if it is no longer being put to good use. At that point, the turbine should be removed and the land restored; this is a matter that can properly be controlled by conditions, as the appellant points out. I have considered the wording of these controls against the advice in DoE Circular 11/95 and, in order to avoid the risk of extensive delay caused by disagreement over the decommissioning arrangements, it is necessary to ensure that suitable arrangements are put in place from the outset. Should those arrangements not provide the necessary flexibility to deal with circumstances that might arise in the future, it would be open to the operator to seek permission for a suitable change.
 13. Subject to such controls, I am led to conclude that the development would cause only limited harm to the local landscape character and that this harm would be outweighed by the environmental benefits that could reasonably be expected to flow from the scheme.
 14. The appellant's farmhouse is the nearest residential property to the proposed turbine. It is also the property that is most likely to be affected by noise, but

¹ Planning Policy Statement 22: Renewable Energy

² Areas of Outstanding Natural Beauty

³ 2007 Planning and Climate Change supplement to PPS1

an assessment has shown that noise levels are expected to be low, even here. Certainly I am satisfied that a condition, along the lines suggested in the Companion Guide to PPS22 and recommended by the Council's Environmental Health Officer, could be used to control noise to reasonable levels. I also consider it necessary, otherwise than as set out in this decision and conditions, to ensure that the development would be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

15. I have taken account of all other matters raised but, for the reasons given above, I conclude that the appeal should be allowed.

Rupert Grantham

INSPECTOR