

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 17 November 2010 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 20 October 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.
- 5 27/10/0011 – Change of use from redundant barn to B1 use (light industrial unit) for the manufacture of horse boxes at 1 Allerford Farm Barns, Norton Fitzwarren
- 6 38/10/0318 – Change of use of part of land to store 2 no mobile trailers at 31 Shoreditch Road, Taunton (retrospective)
- 7 38/10/0376 – Change of use of dwelling to house of multiple occupation containing 8 units and one self-contained unit to include part conversion of garage to residential and erection of single storey extension to rear of 80 Alma Street, Taunton
- 8 Miscellaneous Item - Modification or discharge of a Planning Obligation (Section 106 Agreement) to allow non-family members to occupy the annexe but keep ancillary to the main dwelling at Manor Barton, Stoke Road, North Curry (24/01/0037)
- 9 Planning Appeals - the latest appeal lodged and appeal decision received (details attached)

Tonya Meers  
Legal and Democratic Services Manager

09 November 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.

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



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

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

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## **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 – 20 October 2010**

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

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Area Planning Manager), Mrs J Moore (Major Applications Co-ordinator), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor D Durdan and Councillor Ms K Durdan in connection with application No 14/10/0019; Councillor Guerrier and Councillor Mrs Waymouth in connection with application No 20/10/0017; Councillor Cavill and Councillor Mrs Waymouth in connection with application No 48/10/0036; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **109. Apology/Substitution**

Apology: Councillor McMahon

Substitution: Councillor Stuart-Thorn for Councillor McMahon

### **110. Minutes**

The minutes of the meeting of the Planning Committee held on 22 September were taken as read and were signed.

### **111. Declarations of Interest**

Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared that, although he had discussed application No 14/10/0019, he did not feel that he had fettered his discretion. Councillor Coles also declared an interest in application No 38/10/0263 as Ward Councillor and a local resident. Councillor Watson declared that he had attended a parish council meeting where application No 45/10/0005 had been discussed. However, he did not consider that he had fettered his discretion. As an owner of land in the Monkton Heathfield area, Councillor Cavill declared a prejudicial interest in application No 48/10/0036 and left the meeting during its consideration. Councillor Gaines declared an interest in application No 49/10/0034 as he knew the applicant and left the meeting during its consideration.

### **112. 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:-

**20/10/0017**

**Change of use from day school (D1) to residential care home (C2) at Staddons, Kingston St Mary (retention of works already undertaken)**

**Reason for granting planning permission:-**

With regard to the existing authorised use of the site, the proposal was considered to be appropriately located and did not increase the need to travel by private car. It was considered that the use as a care home would not have an unreasonable impact upon the residential amenity of nearby properties and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements).

**38/10/0244/REX**

**Demolition of garage and erection of dwelling at land to the east of 3 Northfield Road, Taunton (replacement of extant permission 38/07/0561)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development 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) The development hereby approved shall be carried out in accordance with the mitigation measures detailed within the Flood Risk Assessment (FRA) submitted with this application dated 1st October 2010;
- (e) Details of the arrangements to be made for the disposal of foul and surface water drainage for the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced;
- (f) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed, other than those expressly authorised by this planning permission, without the further grant of planning permission.

(Note to applicant:- Applicant was advised that the development is located within a foul sewer area. It will be necessary for the applicant to agree a

point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. Although not shown on the public sewer record drawing, it is understood there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex Water is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3m of this apparatus. The applicant has proposed to dispose of surface water to mains sewer. There should be no increase in combined flows to the combine sewer. It will be necessary for the applicant to discuss discharge rates with Wessex Water's Development Engineer. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. 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).

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

The proposal was not considered to have a detrimental impact upon visual or residential amenity, nor was there considered to be any harm on highway safety or flooding within the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) M4 (Residential Parking Provision), EN28 (Development and Flood Risk) and Planning Policy Statement 25 (Development and Flood Risk).

### **38/10/0282/LB**

### **Conversion of basement from storage to two bedrooms and bathroom with staircase and ground floor alterations at Flat 1, Belmont House, 3 Belmont Drive, Taunton**

### **Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The windows and doors hereby permitted shall be of timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works unless any variation thereto is first agreed in writing by the Local Planning Authority:- new staircase and staircase opening; and the external grate outside the entrance door;

- (e) The door frame and door to the ground floor cupboard shall be retained in their exact position unless first agreed in writing by the Local Planning Authority;
- (f) No existing feature or structure, other than those for which consent is hereby granted, shall be removed, interfered with or adapted without the prior approval of a further listed building consent.

(Note to applicant:- Applicant was advised that the presence of bats was noted during the site inspection. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007) also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places).

**Reason for granting planning permission:-**

It was considered that the proposal was in line with Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings. The listed building and its setting and any features of historic or architectural interest are, therefore, preserved in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**38/10/0287**

**Erection of single storey extension at 4 Hazel Close, Taunton**

**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.

**Reason for granting planning permission:-**

The proposed development would not harm either visual or residential amenity, neither 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).

**49/10/0034**

**Demolition of garage/store and erection of single storey one bedroom dwelling at land to the rear of 16 Style Road, Wiveliscombe**

**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) Prior to the occupation of the dwelling hereby permitted, a 1.8m high privacy fence shall be provided at the rear boundary of 16 Style Road and the application site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
- (d) The dwelling shall not be occupied until space has been laid out within the site for parking in accordance with the approved parking plan. The approved parking spaces shall thereafter be retained for the parking of vehicles in connection with the approved development and 16 Style Road as set out within the application.

(Note to applicant:- Applicant is encouraged to ensure the sustainable features indicated on the approved plans are provided and retained during the lifetime of the products).

**Reason for granting planning permission:-**

The Committee considered that the proposal would not have a detrimental impact upon visual or residential amenity, or a significant impact on highway safety with regard to the existing use of the access and was therefore considered acceptable. Accordingly it did not conflict with Taunton Deane Local Plan Policies S1 and S2 or Policies 9 and STR1 of the Somerset and Exmoor Structure Plan and accorded with the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The Committee considered the building, together with the amenity space, to be acceptable. They also felt that the vehicular access would not alter significantly.

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

**14/10/0019**

**Temporary change of use of part beer garden to erect temporary pre-fabricated unit as pharmacy on land at The Bell Inn, Creech St Michael**

**Reason**

The proposal failed to preserve and enhance the character, appearance and setting of the listed building and there was insufficient public benefit to outweigh the harm and the proposal is therefore considered to be contrary to policy HE10 of Planning Policy Statement 5.

**Reason for refusing planning permission contrary to the recommendation of the Development Manager:-**

The Committee felt that the application would not enhance the listed building.

**113. Demolition of 31 no dwellings and erection of 64 no dwellings, parking, landscaping and associated infrastructure at 1-32 Victoria Gate, Taunton (38/10/0263)**

Reported this application.

**Resolved** that subject to:-

- (1) No further comments raising new comments being received by 21 October 2010; and
- (2) A legal agreement being agreed with the developer to provide a contribution towards local leisure and recreation provision,

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:-

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No construction 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) (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) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective

fencing and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;

- (f) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (g) The front boundary walls to the dwelling units shall be retained as indicated on the submitted drawing unless otherwise agreed in writing by the Local Planning Authority;
- (h) None of the dwellings shall be occupied until a drainage strategy for the site including maintenance for the lifetime of the site has been submitted to, and approved in writing by, the Local Planning Authority and the agreed works have been completed in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority;
- (i) No dwelling shall be occupied until cycle and bin storage has been provided for within the site in accordance with the submitted plan unless otherwise agreed in writing by the Local Planning Authority. The cycle and bin storage areas shall thereafter be retained as agreed;
- (j) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath to at least base course level between the dwellings and highway;
- (k) The applicant shall ensure that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the construction of the site is completed;
- (l) The proposed estate roads, footways, footpaths, tactile paving, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, visibility splays, accesses and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, materials and method of construction shall be submitted to the Local Planning Authority;
- (m) Prior to commencement of any trenching works within the canopy spread of existing trees, all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the

- Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (n) The windows shown to be obscure glazed on the submitted residential elevations of the buildings shall be carried out and be fixed or limited opening in a manner to be agreed and glazed with obscure glass of a level to be agreed in writing prior to installation and this shall thereafter be retained. There shall be no alteration or additional windows in the elevations without the further grant of planning permission;
  - (o) The development hereby permitted shall not be commenced until details of a strategy to protect birds, bats and reptiles has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Aardvark's Ecological Consultant's submitted report, dated December 2009 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) Measures for the replacement and enhancement of places of rest for the species. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority, and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Wildlife and the law - the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the site must comply with the appropriate wildlife legislation. Breeding birds -nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the trees should be checked for nesting birds before work begins. Bats - the applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007) also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the trees, work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (2) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications must be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted

concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway).

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

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

**114. Demolition of bungalow and erection of pair of semi-detached dwellings and alterations to access at Nerine, West Bagborough (45/10/0005)**

Reported this application.

**Resolved** that subject to no further objections raising new issues from the County Highways Officer, 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:-

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development 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;
- (d) All rooflights hereby approved shall be flush fitting conservation style with a central glazing bar and thereafter retained as such;
- (e) All windows and doors hereby approved shall be of timber and of the design shown on the approved plans and thereafter retained as such;
- (f) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or

- shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
  - (h) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be completed before the buildings hereby permitted are occupied and thereafter maintained as such;
  - (i) No development shall take place until a plan showing the details of the chimney has been submitted to, and approved in writing by, the Local Planning Authority. The chimney shall thereafter be implemented in accordance with the approved details prior to the occupation of the dwellings and thereafter retained as such;
  - (j) All services shall be placed underground;
  - (k) No development shall take place until details of the Sustainable Urban Drainage System (SUDS) have been submitted to, and approved in writing by, the Local Planning Authority;
  - (l) 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, other alterations, including balconies, windows, chimneys, flues, or curtilage structures (of the types described in Schedule 2 Part 1 Class A-G of the 1995 Order) other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
  - (m) The development hereby permitted shall not be commenced until details of the timing of the works to implement all of the precautionary measures and wildlife enhancements for bats, reptiles and nesting birds made in the wildlife survey report of Acorn Ecology Limited dated October 2010 has been submitted to, and approved in writing by, the Local Planning Authority. 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 bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
  - (n) Before works commence on the development there shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel over the entire site frontage either side of the access. Such visibility shall be fully provided and shall thereafter be maintained at all times;
  - (o) Before the dwellings are occupied, the proposed access over at least the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone

- or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (p) No entrance gates shall be erected at any time;
  - (q) Before the dwellings are occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (r) The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

(Notes to applicant:- (1) Applicant was advised that soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (2) Applicant was advised (i) that it will be necessary, if required, to agree points of connection with Wessex Water for water supply and the satisfactory disposal of surface and foul flows; (ii) to 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/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; (iii) due to the close proximity of the West Bagborough Sewage Treatment Works, the applicant should be made aware of the possibility of odour nuisance from the normal operation of Wessex Water's works; (3) Applicant was advised that with reference to Condition (g), modern concrete kerb stones should not be used to demarcate the entrance from the road. Modern kerbing gives an immediate impression of suburban or urban environments and are not typical characteristics of Quantock villages; (4) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager and any application for such a permit should be made at least four weeks before access works are intended to commence; (5) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (6) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for those 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).

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

The site lies within the defined limits to development where the principle of residential development was acceptable. The proposed dwellings were not considered to be out of character with the surrounding pattern of development and have been designed to respect the traditional design of neighbouring properties, hence enhancing the appearance of the Quantock Hills Area of Outstanding Natural Beauty. The proposed scheme would not result in material detriment to the amenities of the occupiers of neighbouring properties or to the long term health of trees of amenity value within the site. As such, the proposal was in accordance with the West Bagborough Village Design Statement and Policies S1 (General Requirements), S2 (Design), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows), EN10 (Areas of Outstanding Natural Beauty) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

**115. Application for reserved matters for Phase 1 residential development consisting of 327 dwellings, associated highways, landscaping including public open space, first section of relief road and roundabout on A38 Bridgwater Road at land off Bridgwater Road, Monkton Heathfield**

Reported this application.

**Resolved** that subject to the satisfactory resolution of the following issues:-

1. Affordable housing;
2. Surface water drainage;
3. Public open spaces including children's play areas and playing fields;
4. Parking;
5. Provision of a revised Section 106 Agreement between the County Highway Authority and the applicant to include:- (a) the provision of a new roundabout on the A38 south of Mill Hill, together with traffic calming works on the A38 and a light controlled pedestrian crossing all as generally shown on Drawing No 100591SK105B, or any subsequently approved revision; and (b) the substitution of at grade multi-user controlled crossings to replace the foot/cycle bridges

And the submission of the following outstanding details:-

1. Full details of the foul sewage tank beneath the secondary sports pitch. Somerset County Council Education currently object to the inclusion of this in the drainage strategy for health and safety reasons and due to concerns over any maintenance works which could put the field out of use. There is concern that this has been devised with no prior discussion or agreement as they will be the future landowners. Full information on the tank detail maintenance regimes should therefore be submitted;
2. Archaeological project design/programme of works;
3. Affordable housing plan which differentiates between social rented and shared ownership housing so that the proposed clusters could be properly assessed;
4. Maintenance regimes and arrangements for:-



- a) Foul drainage;
  - b) Surface water drainage;
  - c) Landscaping structural areas, community woodland;
  - d) Public open spaces including children's play areas and playing fields;
  - e) Acoustic fencing;
  - f) Revised house details for corner plots, in keeping with the local area;
  - g) Full details of the pocket park attenuation feature, including cross sections and summary of maximum water depth and amount of time expected to have water in;
5. Revised plan showing wall and fencing details, including the replacement of fences used to separate parking courtyards;
  6. Reissue of design and access statement to reflect current proposals (details to follow);
  7. Revision of the design and access statement to correct the error in the title of Redrow Homes affordable housing provision;
  8. Revision of design code (detail to follow);
  9. Details of parking.
  10. Samples of materials to be used;
  11. Details of cycle parking;
  12. Details of the layout of the junction of the northern roundabout to serve the development before the remainder of the road is commenced;
  13. Hedges used as front boundaries along the main highway to have railings (metal or timber depending on their location) to ensure safety and security;
  14. Details of the cycle parking provision required adjacent to public realm areas;
  15. An energy statement to show a 10% reduction of the energy supply from decentralised and renewable or low carbon sources in line with the requirements of the Secretary of State's condition and in line with the proposed Design Code. Details of the solar roof panels, including a plan showing which plots will have the panels and elevation drawings for those houses;
  16. Details of a waste management plan in accordance with Somerset Waste Local Plan Policy W18 to be submitted (provision for the assembly of materials for recycling within the boundary of the development proposal or the storage of boxes for recyclables);
  17. Confirmation that the private drives and parking areas will have permeable paving;
  18. The layout plan should include details of the bus stop to be provided adjacent to Brittons Ash;
  19. A revised landscaping layout is required with amendment to the planting details;
  20. Details of wildlife mitigation and a Habitats Regulation 9 statement referring to impact on European protected species;

the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman or Vice-Chairman and, if the detailed plans were approved, the appropriate conditions (details of which will be reported to the Planning Committee in due course) be imposed.

**116. Items of a non-agricultural nature stored on land south-west of Allerford Farm known as Gaia**

Reported that it had come to the Council's attention that items of a non-agricultural nature were being stored on land south-west of Allerford Farm, Hillfarrance known as Gaia.

The owners of the site had been contacted and requested to remove the non-agricultural items. However, to date the site had not been cleared.

**Resolved** that:-

1. Enforcement action be authorised to remove the storage of non-agricultural items from land south-west of Allerford Farm, Hillfarrance known as Gaia; 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.

**117. Land between 13 and 15 South Street, Taunton – Section 215 Notice**

Reported that it had come to the Council's attention that an area of land between 13 and 15 South Street, Taunton was in an untidy condition.

The owner of the site had been contacted and requested to clear the land and some improvements had been made. However, further deterioration of the site had now taken place.

**Resolved** that:-

- 1) A Notice under Section 215 of the Town and Country Planning Act 1990 be served requiring the owner to clear the site of unsightly items; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Section 215 Notice not be complied with.

**118. Non-compliance with condition imposed by Planning Inspector following an appeal at Sunnydene, Dene Road, Cotford St Luke**

Reported that a condition imposed by the Planning Inspectorate following an appeal had not been complied with at Sunnysdene, Dene Road, Cotford St Luke.

The Inspector had imposed a number of revised conditions including the requirement to submit a development scheme including landscaping, improved visibility splays, parking areas and siting of touring caravans.

The Inspector had stated that the permitted use should cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such should be removed within 28 days of the date of the occupants failing to meet any one of the requirements set out in the Inspector's decision. Although the owner had been requested to comply with the requirement to submit a development scheme, to date no scheme or timetable for implementation had been agreed.

**Resolved** that:-

- 1) Enforcement action be authorised requiring the occupation to cease and all caravans, structures, equipment and materials to be removed at Sunnysdene, Dene Road, Cotford St Luke;
- 2) Enforcement action to be deferred for one month; and
- 3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to institute legal proceedings should the enforcement notice not be complied with.

## **119. Appeals**

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

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

**Resolved** that the report be noted.

(The meeting ended at 9.30 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

27/10/0011

WRENCON DEVELOPMENTS LTD

**CHANGE OF USE FROM REDUNDANT BARN TO B1 USE (LIGHT INDUSTRIAL UNIT) FOR THE MANUFACTURE OF HORSE BOXES AT 1 ALLERFORD FARM BARN, NORTON FITZWARREN**

Grid Reference: 317933.125088

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the views of the Environmental Health Officer

The proposed development would make a good use of an existing rural building, and given the surrounding buildings and land-uses is considered to comply with specific policy requirements for the conversion of rural buildings.

The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal is considered to be acceptable and in accordance with policies S1 (General Requirements), S2(Design), EC6 (Conversion of Rural Buildings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and policies STR1 (Sustainable Development), STR6 (Development outside Towns and Villages) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review.

**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:

989/01 Survey floor plan & section A-A  
989/02 Survey elevations  
989/03A Floor plan and roof plan  
989/04A Proposed elevations and site plan  
842/05 Revised location plan

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

3. The site shall be used for the manufacture of horse boxes only and for no other purpose.

Reason: Other uses have the potential to cause detrimental impacts to the amenities of neighbouring properties and may lead to increased traffic that would be detrimental to highway safety, 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.

Members will be updated as to other conditions recommended by your Environmental Health Officer.

Notes for compliance

## **PROPOSAL**

The application seeks planning permission for the change of use and conversion of a redundant agricultural building to B1 use at 1 Allerford Farm Barns, Norton Fitzwarren. The proposed use, which will allow for the manufacturing of towable and motorised horse boxes.

The proposal involves the re-cladding of the external frame with plastic coated, insulated metal sheets and new concrete block work where required, all to match the existing. The unit will be served by two roller shutter doors, one to the south east and one to the north east elevations. Internally the building will provide for an open plan workshop, two offices, a staff room, two toilets and bike store. A waste skip area will be provided to the north east of the unit.

The unit will be accessed via the existing site access that serves the existing contractor's office and store at Wrencon; it is proposed to provide 6 parking spaces to the east of the unit, accessed off the informal drive way and concrete turning area. The application is supported by a wildlife survey that concludes neither further emergence surveys nor a Natural England development license are required.

The application is before the Taunton Deane BC Planning Committee for determination as the applicant is an elected member and leader of the council.

## **SITE DESCRIPTION AND HISTORY**

Allerford Farm barns are located in a remote area of open countryside, approximately 1.5 km to the south west of Norton Fitzwarren. The site is accessed along narrow rural lanes off of the main county route highway at Norton Fitzwarren. The development site comprises a redundant steel portal frame building clad externally in metal profile sheets and concrete walls to the lower section of the building. A large concrete yard area is located to the east of the building, which is surrounded by similar former agricultural buildings, some converted to alternative business use and storage.

## **CONSULTATION AND REPRESENTATION RESPONSES**

## **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – comment:

"The proposed development site is outside the development limit of Norton Fitzwarren and is, therefore, remote from any urban area and therefore distant from adequate services and facilities. In addition, public transport services are infrequent or located some distance away from the site. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use and/or any other overriding planning need outweighs the transport policies that seek to reduce reliance on the private car.

In detail the approach roads leading to the site are substandard in terms of width and alignment and the junction with the B3227 (County Route) , to the west of the railway bridge, suffers from restricted visibility. There have been three personal injury accidents in close proximity of this junction in addition to one on the approach road between the site and the junction. Consequently, this is not a location where I would wish to see an increase in traffic generation.

It is considered by the Highway authority, that a commercial use, and the type of traffic associated with a B1 use, in this location will be unacceptable due to the substandard nature of the approach roads and junctions in terms of width, alignment and visibility.

I have looked at the previous consent referred to, for a storage facility (27/03/0005), which had a number of conditions, which would appear to have been imposed to keep traffic movements to a minimum. My concern is if a general "B1" consent is granted, if the business grows it would be difficult to control future expansion as a precedent will have been set. A transport assessment/statement and/or travel plan will be required, because the development is located where the transport infrastructure is inadequate, in particular substandard approach roads.

The Somerset Parking Strategy sets out that 15 spaces is appropriate for the proposed B1 Use Class, however only 7 (car parking) spaces are proposed which is significantly below the required standard in this unsustainable location. I would therefore seek that the maximum level is provided."

*OAKE PARISH COUNCIL* – Awaited.

*NATURE CONSERVATION & RESERVES OFFICERS* - No objection. Recommended condition for timing of works to avoid bird nesting season as birds found to be using the building.

## **Representations**

None.

## **PLANNING POLICIES**



S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EC6 - TDBCLP - Conversion of Rural Buildings,  
M1 - TDBCLP - Non-residential Developments,  
PPS1 - Delivering Sustainable Development,  
PPS4 - Planning for Sustainable Economic Growth,  
PPS7 - Sustainable Development in Rural Areas,  
PPG13 - Transport,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application will be the principle of the development, the impact on the visual amenities of the area, the impact on neighbouring property and highways.

### **Principle**

The site is in the open countryside, where there is a general presumption against development. However, Planning Policy Statement 7, supported by policy EC6 of the Taunton Deane Local Plan, encourages the re-use of rural buildings for employment uses. It is considered that this proposal complies with the specific requirements of policy EC6 in that it is sited near a public road, is generally in keeping with the surroundings and has a size and structure suitable for conversion without major rebuilding, extension or alteration.

The building itself, is a modern steel portal framed building and, therefore, lends itself to the use proposed. The building would require the sides to be blocked up, but the general form of the building would remain the same and in the context of the other existing portal framed buildings on the site, the required works are not considered to amount to significant alteration.

### **Visual amenity**

As noted above, there will be changes to the external appearance of the building, but the general form of the buildings will remain. The building adjoins two similar buildings that have been adapted to office/storage space for the applicants business. In this context, it is not considered that any harm would arise to the visual amenities of the area, as a result of the proposed development. The existing access would be utilised without modification and, therefore, there would be no alterations to boundary hedgerows etc. which front the public highways.

### **Neighbouring property**

There is residential property immediately to the southeast of the site. It is not considered that the physical alterations to the building would cause any adverse impact on the neighbouring property. The proposed use has the potential to increase disturbance, by introducing manufacturing floorspace to the site.

Formal comments from Environmental Health are awaited, however, verbal discussions have not resulted in any concerns that should warrant the refusal of permission. It is likely that the Environmental Health Officer will recommend that conditions are imposed to control the hours of operation and the acceptable noise

levels at the façade of adjacent residential properties. Members will be updated at committee.

Notwithstanding this, the manufacture of horse boxes on this scale is likely to fall within Class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended, and as such the grant of permission could lead the way to various other uses, which could have a significant impact upon neighbouring property. Given the proximity of the neighbouring dwellings, a condition limiting the use to the specific activities sought is considered to be necessary.

## **Highways**

The Highway Authority have raised objection to the proposed development due to the isolated location of the site. However, given that the principle of the development is supported by national and local planning policy, it is not considered to be reasonable to object on this basis.

Concern has also be raised over the standard of the access roads, however, the site is already home to the building contractor's yard and as such accommodates some degree of heavy traffic. There are also nearby equestrian developments, so a number of horse boxes and similar traffic already use this part of the rural highway network. In this context, given the limited size of floorspace concerned, and the fact that this proposal is to convert an existing building, it is not considered that the increase in traffic would be detrimental to highway safety.

The Highway Authority have also requested that a travel plan is submitted and agreed. However, the application forms state that the proposal would employ an additional 4 people, and it is not considered that a travel plan is justified for this small scale of development. Similarly, in light of the proposed staffing levels, it is not considered necessary to request the increase of parking spaces suggested by the Highway Authority. In any case, the site is some distance from the access point onto the public highway and it is highly unlikely that an under provision of parking would give rise to any detriment to highway safety.

As with the impact on neighbouring property, the conclusions reached on this issue are dependent on the specific use applied for and it is considered reasonable to impose a condition to retain control over other uses in the future.

## **Conclusion**

The proposed development would make a good use of an existing rural building, and given the surrounding buildings and land-uses is considered to comply with Policy EC6 of the Taunton Deane Local Plan. The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

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



38/10/0318

MISS T BRISTOW

**CHANGE OF USE OF PART OF LAND TO STORE 2 NO. MOBILE TRAILERS AT  
31 SHOREDITCH ROAD, TAUNTON (RETROSPECTIVE)**

Grid Reference: 323901.123231

Full Planning Permission

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**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).

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

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

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

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

(A4) Location Plan  
(A4) Block Plan

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

3. The area of land hereby approved shall only be used for the storage of commercial trailers in association with a business run by the owners/occupiers of 31 Shoreditch Road.

Reason: To prevent a separate commercial use and subdivision of the site that may lead to an impact on residential amenity and intensification of the access, in accordance with Policy S1 (E) of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Other than the siting of two mobile trailers hereby granted permission, there shall be no further storage of commercial mobile trailers within the site and garden of 31 Shoreditch Road without first submitting a planning

application.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1 (E) of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan review.

Notes for compliance

## **PROPOSAL**

The proposal comprises the change of use of part of a garden to allow for the storage of two hot food trailers. The area proposed to be used includes a concrete area within the garden and a gravel area to the side of the dwelling.

The application is solely to allow the storage of two trailers and does not allow the owner to trade from the area.

The application description includes the word 'retrospective' as at some point in the past the area has been used to store two trailers. At the time of this application only one trailer is stored on the concrete area, this does not require planning permission. For clarity, the description has also been amended to remove the word 'temporary'.

The application has been submitted following investigation from the Planning Enforcement Team (see site history).

## **SITE DESCRIPTION AND HISTORY**

The storage area forms part of the garden of 31 Shoreditch Road, a detached bungalow sited off Shoreditch Road and accessed via a private track. The site is bounded by a timber fence and adjoins residential properties.

### Site History

Initial enquiry received in March 2010 regarding the provision of a hard standing to park a catering trailer.

A visit was made on Thursday 25th March 2010. Ms Bristow was cleaning the larger of the two trailers ready for their yearly inspection by EHO. This happens every year. She said that no more than one trailer is usually parked at the premises as most of the time they are kept at the trading location except when maintenance was required.

Over the following weeks further complaints were received regarding the parking of the two catering trailers at the premises and the boundary treatment. Also concern was raised at the size of the hard standing that had been created and whether planning permission was required.

The matter was referred to the Legal section for confirmation that the stationing of one unit did not require permission. The provision of the hard standing did not require planning permission. It was decided that a PCN (Planning Contravention

Notice) should be served to ascertain how often two trailers were stationed at the premises. This was served on 8th April 2010.

A complainant continued to be concerned over the possibility that more than one trailer would be kept at the premises. Following this the owner agreed to submit a planning application for the times when more than one trailer is stationed at the property.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objection: -

- Site served from private drive.
- Access provides good visibility in either direction of standard to accommodate these two vehicles.
- Unlikely the proposal would see increase in vehicle movements over existing situation.
- Measures put in place to stop any growth of existing business which would see an increase in vehicle movements.

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*ENVIRONMENTAL HEALTH - FOOD SAFETY* - No observations.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comment.

### **Representations**

FOUR LETTERS OF OBJECTION: -

- Alien to residential area; not an industrial storage area; unacceptable level of commercial activity.
- Loss of enjoyment of garden/dwellinghouse as view looks onto advertising board.
- Precedent set if granted; could lead to appeal to Local Government Ombudsman.
- Should be located near entrance of 31 Shoreditch Road premises as there trees and foliage that provide better screening than existing location.
- Concern of future ownership and further larger trailers.
- Would not be objecting if trees had not been removed and would support reinstatement of tree screen.
- Running business from domestically-rated home.
- Commercial food and gas deliveries; gas cylinders not stored safely.
- Early morning disturbance.
- Narrow un-adopted lane to 31 Shoreditch Road is unsuitable for commercial trailers and there is potential for highways issues.
- No drainage to concrete hardstanding.
- Ms Bristow has right of way over private road, would of thought it was for residential use only, oppose increase in commercial traffic.
- Trailers frequently being backed up lane, being driven over flowerbeds and grass.
- Increased parking in lane due to number of vehicles parked at 31 Shoreditch Road.
- Increased commercial activity of lane is an intrusion
- If granted: advertising board should be hinged and trailer covered in green tarpaulin; time and noise limits, not before 7am or after 10pm (similar to deliveries at adjoining nursing home); confirmation that no drainage required to prevent

rodent activity; investigate propane gas cylinder storage; limit deliveries; repair fence panels.

- Application: is retrospective; does not list other commercial activities; concrete area (50m x5m) larger than required; would swear affidavit that never seen trailer parking prior to concrete hardstanding; Previous owner never parked commercial vehicles; old-pre-fabricated garage not 'large' as stated; concrete hardstanding not indicated on drawings; not all fencing remains; declares no other storage, yet food and gas deliveries; statement 'rarely left here', incorrect, summer usage mainly at weekends and less in winter.

Other comments within the letters of objection refer to civil and legal matters regarding the removal of a hedge and the positioning of replacement boundary fencing. These issues are not a consideration for this application. Further comments regarding the behaviour/planning behaviour of Ms Bristow are also not relevant to this application.

A 'record of events' submitted by an objector have been noted but not included within this report. These events are prior to this application being submitted and contain further civil and legal disputes. The necessary Enforcement action has been taken which has led to the submission of this application.

#### LETTER OF OBJECTION FROM WARD COUNCILLOR: -

- Retrospective, should be enforcement issue as business been running from premises for some time.
- Large scale self catering upwards of 4 mobile units from suburban residential area is upsetting in neighbourhood.
- Trailers, transit vans, huge sign writing are detrimental to visual amenity.
- Deliveries of catering supplies and gas fuel bottles to site.
- No secure storage for gas canisters.
- No drainage for new concrete drive, so raw and cooked foodstuffs simply washed out of vehicles.
- Disturbance to neighbours as trailers can be moved in early hours.
- Access to property from narrow un-adopted lane; poor visibility onto Shoreditch Road; unsuitable for large vehicles.
- Trailers cannot be compared to employee parking works vehicle at home in evening.

#### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,

#### **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration are impact on visual and residential amenity.

##### Amenity

The trailers are sited within the garden of 31 Shoreditch Road, approx 65m from the public footway on Shoreditch Road, that can only be accessed via a private track. Given the distance from the footway to the site and the private use of the track, there is not considered to be any impact on the street scene at this point or wider locality.

The existing trailer is visible above the height of the boundary fences of neighbouring properties. Though visible, the trailer is not considered to cause any detrimental loss of light or amenity to the neighbouring properties. It should be noted that:

- The trailer currently on site does not require planning permission.
- The rear of the dwellings within Tamar Avenue are approx 25m to the boundary of the site.
- The height of the trailer (10ft) is lower than an outbuilding that could be built as permitted development, if more than 2m away from the boundary.

### Highways

The Highway Authority has raised no objection to the change of use. The site is accessed from a private road that does not come under the control of the Highway Authority and the existing access is considered to provide suitable visibility onto the Shoreditch Road. The storage of two trailers is not considered to increase vehicle movements over the existing situation.

### Environmental health

Environmental Health have no comment to make on the application. Given the nature of this proposal, the storage of two trailers, the cleaning of the trailers internally and externally, is not considered to be a hazard to the amenity of the area. It should be noted that the trailer has been there for a number of years, previously screened, and as far as I am aware there have been no issues relating to public health from the storage of the trailers.

### Future measures

As the application is for the siting of two trailers, any further trailers would require planning permission. A condition will be attached to this permission to prevent any trailers being placed within the remaining garden area. The storage area will only be available for ancillary use to 31 Shoreditch Road, not available as general commercial storage. These conditions will prevent any intensification of the site that may cause harm to the amenity of the area.

### Response to objections

Though some deliveries have taken place at 31 Shoreditch Road, there is no evidence to suggest a change of use of the premises from a dwelling to a commercial use has taken place.

The new concrete area did not require planning permission or building regulations, and as such no drainage facility was required.

Attaching the trailer to a vehicle is not considered to cause any nuisance beyond a commercial vehicle or car that may start its engine early in the morning.

The Fire Safety Officer has been notified and we await any comments that the Officer may have. Though it should be noted that any comments received may not affect the outcome of this application which is for the change of use of land. The storing of gas cylinders would come under different legislation than planning if



storage of more than 25 tonnes of LPG were involved.

It is not considered appropriate to limit times that trailers may be taken from the property and in turn affect the outcome of any business. As stated above, the moving of the trailer is not considered to give rise to any disturbance above other commercial vehicles. There has been no condition restricting delivery times at the adjoining nursing home (app 38/95/0160).

### Conclusion

As the storage of one trailer does not require planning permission, the increase to two is not considered to harm highway safety nor is there any detrimental harm to residential amenity. There is not considered to be any harm to public health and the Environmental Health Officer has no comments/observations to make. A number of objections and concerns relate to matters that are not a consideration in determining this application. Given the above, the proposal is therefore considered acceptable.

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

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

**CHANGE OF USE OF DWELLING TO HOUSE OF MULTIPLE OCCUPATION CONTAINING 8 UNITS AND ONE SELF-CONTAINED UNIT TO INCLUDE PART CONVERSION OF GARAGE TO RESIDENTIAL AND ERECTION OF SINGLE STOREY EXTENSION TO REAR OF 80 ALMA STREET, TAUNTON**

Grid Reference: 323195.124364

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed HMO is not considered an inappropriate use in this location and due to the close proximity to the town centre facilities, is acceptable as a car free development. Cycle storage will be provided to encourage sustainable transport methods. The proposal will not result in harm to the street scene or the appearance of the surrounding area and will not result in material detriment to the residential amenities of the occupiers of nearby properties. As such, the proposal is in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

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

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

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

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

(A2) Proposed ground floor plan  
(A2) Proposed first floor plan  
(A2) Proposed elevations  
(A3) Block plan  
(A4) Location Plan  
(A2) Existing First Floor Plan  
(A2) Existing Elevations  
(A2) Existing Ground Floor Plan

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

3. Before the development hereby approved is occupied, the area allocated for the storage of refuse and cycles, as shown on the submitted site plan shall be made available for this purpose, and shall thereafter remain available and not be used for any purpose, other than for the storage of refuse and cycles in connection with the development hereby permitted. The cycle storage shall be fully lockable.

Reason: To ensure that adequate cycle and bin storage is provided, in order to promote sustainable travel and prevent harm to the street scene or neighbouring amenities, in accordance with Taunton Deane Local Plan Policies M4 and S1 (b), (d) and (e).

#### Notes for compliance

1. Notes at request of Wessex Water:

- Although not shown on the public sewer record drawing, it is possible there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.
- Surface water should not be discharged to the foul sewer.
- It will be necessary, if required, for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows.
- 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.

## PROPOSAL

80 Alma Street is a substantial end-terrace dwelling, separated from the pavement by a small front garden/yard area with a low brick wall to the front. The adjoining properties to the north-west and opposite comprise a uniform row of smaller terraced dwellings staggering in ridge heights, the majority of which have off road parking. There are parking restrictions along Alma Street, by means of double and single yellow lines. The surrounding properties are largely residential with some commercial businesses on Silver Street. There is one registered House of Multiple Occupation in Alma Street and seven in close proximity on Silver Street.

An application for planning permission for the change of use of the dwelling to a house of multiple occupation containing 11 units was received earlier this year. This application sought permission for the conversion of the dwelling to a house of multiple occupation (HMO) containing 11 units and included partial conversion of the garage to living accommodation and a single storey extension to the rear. Each of the 11 bedrooms had an en-suite shower room with two kitchenettes and a boiler room/laundrette downstairs and one kitchenette upstairs. A communal yard area remained to the rear, accessed solely through the property, there was no alternative access to the rear. All units were to be accessed through the front door, although to reach rooms no.5 and 7, it was necessary to go outside through the communal yard and then in through the kitchenette. The front element of the garage was allocated for refuse and cycle storage, whilst the front garden wall was proposed to be removed. The application was withdrawn following concerns raised by the case officer.

This application now seeks planning permission for the change of use of the dwelling to a HMO containing 8 units and 1 self-contained unit to include part conversion of garage to residential and erection of single storey extension. This would include 5 en-suite units at ground floor level (one also with a private kitchen) and a communal kitchen. There will now be a larger element of the garage available for cycle and refuse storage. At first floor level, there will be a further 4 en-suite units and a communal kitchen. One staircase now serves all rooms. The garden wall to the front is proposed to remain and no car parking spaces will be provided as part of the scheme. As such, a car-free development is proposed with adequate cycle storage.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal relates to the change of use of a dwelling to a HMO. The application site is located in close proximity to the town centre and provides good access to other modes of sustainable transport. I am therefore satisfied that car free development is acceptable in this location. It is noted from the Design and Access Statement that the applicant talks about the opportunity to park vehicles on the highway. It should be noted that Alma Street has both single and double yellow lines along its entire length. Therefore no vehicle should be parking on the highway in this location. In addition the Highway Authority would have concerns with any proposal which would see the generation of any on street car parking.

As part of the proposal sufficient bicycle storage should be provided for each unit. The ground floor plan indicates this bicycle storage area will be shared with the refuse bins and it should be ensured that there is sufficient room for both. The applicant should note that the cycle storage area should not be used in conjunction with any other use. In addition further details would be required in relation to how the bicycles will be stored.

Taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

*WESSEX WATER* - The development is located within a foul sewered area and there are water mains within the vicinity of the proposal. It will be necessary for the

developer to agree a point of connection onto the system, if required, for water supply and for the satisfactory disposal of foul flows generated. Developer should investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways) and Council should be satisfied with arrangements for surface water disposal. Suggests note to applicant regarding uncharted sewers or water mains and easements for public sewers.

## **Representations**

At the time of writing, 11 letters of objection have been received from local residents on the grounds of:

- Concerns regarding anti-social behaviour including noise, litter, disturbance associated with loud music and arriving home late, possible drug/alcohol abuse, violence and crime
- Concerns following crime/problems experienced from existing nearby HMOs
- Inadequate car parking resulting in unlawful parking
- Concerns as to where refuse bins will be stored
- Changing nature of this area of town, housing style and community in Alma Street has many families and long standing residents, sought after area will be lost if too many HMOs

Other matters raised including:

- The Alma Inn project has had limited demand
- No authorised bedsits in Alma Street (to objectors knowledge)
- Conditions in Silver Street are unsatisfactory and difficult, don't want this to spread into Alma Street.
- If the front wall was knocked down there would be enough car parking for four cars and this should be the maximum number of units allowed
- Taunton is being overrun with bedsits and many are built and still vacant
- Alma Street is a desirable street and no.80 is one of nicest properties, a good family home. Shame to spoil it by carving it up into bedsits.
- Extension proposed to rear by back gardens in urban areas no longer brownfield sites suitable for building on
- Bedsits are acceptable in areas of student accommodation but not in family residential areas
- Suggestion that 4 flats for families and 3 single units may be more acceptable.
- Possible decreases in police budgets, could result in increase in anti-social behaviour

## **PLANNING POLICIES**

T1 - TDBCLP - Extent of Taunton,

STR2 - Towns,

STR4 - Development in Towns,

M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,

M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site lies in close proximity to the town centre, with easy access to adequate

services and facilities. It is therefore an appropriate location for a car free development and sufficient lockable cycle storage is provided. No parking is provided as part of the scheme, which the County Highways Authority are satisfied with and the front wall will be retained so as not to be available for car parking.

Due to the close proximity to the town centre, this is considered an ideal location for a HMO and there is evidence of other HMOs in the area, one already in Alma Street and seven in close proximity on Silver Street, as well as a significant number of flats. There is no specific policy within Taunton Deane Local Plan pertaining to HMOs and their concentration.

Whilst concerns are raised regarding nearby flats still being vacant, it is important to note that the former Alma Inn site is a different nature of development. The HMO proposed would provide young people the opportunity to have an element of independent living, that many cannot afford. There is therefore a demand for this type of development.

No changes are proposed to the front of the building, with the exception of the proposed replacement of the garage door with iron gates and therefore there will be no impact on the street scene or the surrounding area. As there will be no alterations to window openings, there will be no increased overlooking of neighbouring properties. There is already a high boundary wall on the west boundary at the rear of the property and the increased height of this wall to allow a single storey extension is not considered to result in material harm to the amenities of the occupiers of that property.

A large element of the existing garage will be available for refuse and cycle storage, enabling these items to be stored out of view, with no adverse impact on the appearance of the street scene.

The existing property is large with seven bedrooms and therefore already has the capability of being occupied by a large quantity of people. There is already an HMO present on Alma Street, of which no mention has been made by objectors. The use of the property as an HMO is not considered to result in material harm to neighbouring properties that would outweigh the need for accommodation for young people and it is important to note that there is other legislation that governs noise, anti-social behaviour and crime.

Further information is awaited regarding surface water disposal and this will be updated on the Committee Update Sheet

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

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

MISCELLANEOUS REPORT FOR 24/10/0014

MR W J CARRESS

**MODIFICATION OR DISCHARGE OF A PLANNING OBLIGATION (SECTION 106 AGREEMENT) TO ALLOW NON-FAMILY MEMBERS TO OCCUPY THE ANNEXE BUT KEEP ANCILLARY TO THE MAIN DWELLING AT MANOR BARTON, STOKE ROAD, NORTH CURRY (24/01/0037)**

**BACKGROUND**

In April 2010 the above application was submitted to vary an Existing Section 106 Agreement. As a very rare type of application, the Council had no set procedure for dealing with this and neither the Ward Members or Parish Council were consulted.

The application was determined without reference to the Planning Committee, however if the Parish Council and Ward Members had been consulted, it is likely that they would have supported the proposal (based on their subsequent comments) and the application would have been referred to the Planning Committee

The application was refused for the following reason:

- 1 There has been no physical change in the layout of the buildings or to the junction to Stoke Road that would overcome the Council's original objections to the provision of a separate unit of accommodation to the rear of Manor Barton. In particular the Council objects to the creation of a separate dwelling for the following reasons:-

The close physical relationship between Manor Barton and the Annexe is considered to result in an unacceptable level of overlooking between properties and insufficient amenity space for the occupiers contrary to Taunton Deane Local Plan policies S1, S2

The likely increase in the use of the substandard junction with Stoke Road such as would be likely to result from the provision of a separate unit of accommodation would be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Structure Plan policy 49.

The lane to the property, by reason of its restricted width and substandard junction with Stoke Road is considered unsuitable to serve as a means of access to the proposed development contrary to Somerset and Exmoor National Park Structure Plan policy 49.

I proposed that the Parish Council and Ward Members were given the opportunity to comment on the submitted proposal and respond in the way that they would have if the application had not been determined. Those responses have been received and included in the report below.

## **RECOMMENDATION**

That Members endorse the decision to refuse modification of the Section 106

## **PROPOSAL**

Planning permission was granted in 2002 for the creation of an annexe accommodation in the rear garden of Manor Barton, Stoke Road , North Curry. This proposal is for the variation of the Section 106 agreement which stated that "the accommodation was to remain as ancillary accommodation to the main residential use known as Manor Barton aforesaid and shall at no time become a separate unit of accommodation" to enable its use as a separate unit of accommodation.

## **SITE DESCRIPTION AND HISTORY**

Manor Barton is a detached bungalow located to the west of Longs House, North Curry. It is accessed off the main road by a single width access drive with poor visibility onto Stoke Road. The annexe is located at a distance of 6 metres to the rear of the bungalow on land which is at a higher ground level than the bungalow. All of the main living room windows of the annexe face directly towards the rear of the main bungalow causing a high level of inter visibility between the two. There is a parking space to the north of the bungalow and this provides parking space for 2 cars with no on site turning.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTH CURRY PARISH COUNCIL* - support:

"I would like to thank you on behalf of North Curry Parish Council for the constructive approach you have taken in allowing this application to be re-considered.

The Parish Council considered the application on 11th August 2010 and voted unanimously to support the proposal on the following grounds:

- This is a 'technical' modification only and there are no concerns in terms of property footprint or planning impact.
- The modification would still leave the main condition of the original 106 obligation intact i.e. that the annex must remain as ancillary to the main house and cannot be sold or developed as a separate property.



- The objections raised by Highways in terms of traffic use and access were not accepted at the time of the original application and have not proved to be an issue in the intervening years - there is parking available for 3/4 cars on the site, access is acceptable and usage rate will be no different under the modification if granted - in fact it may be less as the family members who occupied the annex until recently were multiple car owners and frequent car users.

- If the modification is not granted the annex will remain unoccupied - as the owner's children have now grown and left home - and it will only deteriorate in condition, the Parish Council cannot see how this can be preferable to granting the modification.

In the light of the above mentioned points the Parish Council would be grateful if you would reconsider the original decision to reject the modification.”

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal would result in the creation of a separate dwelling which could result in an additional 8-10 vehicle movements per day on the substandard lane with a substandard junction with Stoke Road which could be prejudicial to highway safety

## **Representations**

8 letters of support received raising the following issues:

- Allowing someone to live in the annexe can service the need for housing in the area.
- An empty property has no beneficial use.
- Traffic would remain the same.

Letter received from Ward Member Cllr Phil Stone:

“I have discussed this application with Mr Carress and his wife. I do feel there is a good case for the removal of the 106 condition restricting the use of their annex for a wider range of use. Having looked at the issues which you raised in your letter and those which came up at the time of the original application I do not feel that there are strong arguments against allowing the annex to be used as a longer term let or perhaps for business use associated with Manor Barton itself. The relevant issues seem to be ;-

1) The visibility onto the main road is not up to full standard but is not dangerous and the increased use would be relatively little, if any increase at all on the present use. Stoke Road has a 30 mph speed limit which most drivers observe.

2) There is scope for the parking of 4 cars with a small modification to the existing drive. This would be sufficient for the uses envisaged.

3) The location of the property is such that any changes to the use are very unlikely to affect the neighbours. Allowing persons other than the family to rent the property would make no difference to the neighbours.

4) Although business use has not been applied for in this application any such use would be office use and this would not generate noise or disturbance.

Mr Caress says that he has been trying to sell the property for 3 years and that a removal of some of the restrictions would help considerably with this.

The use of the annex for business, perhaps restricted to the owner of Manor Barton would help encourage economic development in a rural area. In sustainability terms this would reduce the need to travel and so would be a positive thing.”

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
H18 - TDBCLP - Ancillary Accommodation,  
EN14 - TDBCLP - Conservation Areas,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S2 - TDBCLP - Design,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Planning permission was granted by planning committee in 2001 for the erection of a replacement building in order to form a new dwelling to be used by family members, ancillary to the existing bungalow known as Manor Barton. The annexe is 6m away from the rear of the existing bungalow and was not considered to provide a sufficient level of amenity, privacy and access required for a separate new dwelling. The applicant wrote a supporting letter stating the reasons for the proposal. This stated that the proposal would provide ancillary accommodation for the applicant's family and later as a granny annexe for the applicant himself. His letter confirmed that the extra accommodation would not be for sale as the access would not allow for this. During the course of the application the Highway Authority stated that they would recommend refusal for the provision of a separate dwelling but not if the accommodation was ancillary as this would not be likely to generate such an intensification of use. As a result the applicant entered into a section 106 agreement with the Council which stated “ The owner hereby covenants with the Council that the development proposal shall at all times remain as ancillary accommodation to the main residential use of Manor Barton aforesaid and shall at no time become a separate unit of accommodation”

The applicant contacted the planning department as he was having trouble selling the property and had an interested purchaser who wanted to let the two separately. The

applicant has now applied to modify to the Section 106 agreement to allow the annexe to be let as a separate unit of accommodation to enable its upkeep and maintenance.

The annexe is located on raised land to the rear and above Manor Barton. It is in extremely close (6m) proximity to the rear of the bungalow and has all of its main windows and doors facing the rear of the bungalow. I consider that the separate use of the two buildings would result in unacceptable levels of privacy or amenity for future occupants. In addition the formation of two separate dwellings would result in an increase in the use of the substandard access lane and junction with Stoke Road and would be detrimental to highway safety.

Should the Section 106 be amended as requested, then the building would cease to be an annex and become a separate unit of accommodation, albeit in the same ownership as the bungalow. This would be a fundamental change to what was permitted in 2001.

**Contact Officer – Mr Bryn Kitching 01823 358695**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 17 NOVEMBER 2010**

<b>Proposal</b>	<b>Start Date</b>	<b>Application/Enforcement Number</b>
REPLACEMENT OF WINDOWS AT MELBURY, BULFORD LANE, WELLINGTON, AS AMPLIFIED BY APPLICANT'S EMAIL DATED 13 APRIL 2010 AND SUPPLEMENTARY DRAWINGS DATED 09 APRIL 2010	18 OCTOBER 2010	43/10/0017LB

**APPEAL DECISION FOR COMMITTEE AGENDA – 17 NOVEMBER 2010**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/C/10/2132259/WF	Erection of dwelling and garage in garden of Frog House, 43 Mount Street, Bishops Lydeard as amended by plans received 30 June 2010 (block plan 6695.3 rev c)	<p>(1)The development would be accessed via a private drive that does not afford adequate visibility from or of vehicles emerging onto the public highway.</p> <p>(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.</p> <p>(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 does not offer sufficient visibility for vehicles emerging from the lay-by and is not wide enough to accommodate ancillary</p>	06/10/0008	<p>The Inspector concluded the proposal would harm the character and appearance of the Bishops Lydeard Conservation Area as:</p> <p>The proposed dwelling would be visible above the existing boundary wall and harm the openness of the existing garden.</p> <p>The proposed works would include extending the length and width of the lay-by and removing two trees. The Inspector further concluded that that the proposed development would harm highway safety contrary to ‘saved’ Policy 49 of the Structure Plan and Policy S1 of the Local Plan as:</p> <p>the proposed alterations would be likely to result in an increase in manoeuvring on the public highway and effectively double the number of vehicles using this facility to the detriment of the free flow and safe movement of traffic on the highway.</p> <p>The Inspector therefore concluded the appeal should be DISMISSED.</p>

		<p>activities associated with the parking of domestic vehicles.</p> <p>(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.</p>		
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**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park