

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 9 February 2011 at 17:00.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 12 January 2011 (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 30/09/0032 – Change of use and conversion of garage block to holiday letting accommodation, formation of new vehicular access and erection of one bay green oak garage buildings at Oakwood Cottage, Pitminster
- 6 38/10/0204 – Extension to retail store and provision of new car park, landscaping and associated works at Tesco Stores Ltd, Castle Street, Taunton
- 7 38/10/0446 – Demolition of residential dwelling, change of use of land from residential (C3) to residential institution (C2) and erection of a 6 bedroom residential care home for young adults with multiple disabilities at 6 Bridgwater Road, Taunton (resubmission of 38/10/0343)
- 8 Miscellaneous Item - Residential Development of 7.65 ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull
- 9 E/0137/44/10 - Change of use of land from agricultural to residential at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington
- 10 Planning Appeals - The latest appeal lodged and appeal decision received (details attached)

03 February 2011

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 – 12 January 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, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead),  
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 Beaven in connection with application No 06/10/0044;  
Councillor Hayward in connection with application No 25/10/0024 and  
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **142. Apology/Substitution**

Apology: Councillor McMahon

Substitution: Councillor Stuart-Thorn

### **143. Minutes**

The minutes of the meetings of the Planning Committee held on 15 December 2010 were taken as read and were signed.

### **144. Declarations of Interest**

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. 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 Stuart-Thorn and Councillor Miss James declared personal interests as Taunton Deane Borough Council representatives on the Quantock Hills Joint Advisory Committee. Councillor C Hill declared a personal interest in application No 07/10/0028 as he knew the applicant.

### **145. 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:-

**06/10/0044**

**Erection of photovoltaic solar panels and associated works on land at Sandhill Park, Bishops Lydeard**

**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) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production;
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity;
- (e) Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment report and up to date Surveys dated October 2010 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; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (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) Prior to the commencement of the development hereby permitted, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
  - (h) Prior to its installation, full details of the proposed perimeter fence, gates and security cameras shall be submitted to, and approved in writing by, the Local Planning Authority. The fence shall not exceed 1.8m in height and shall be constructed in complete accordance with the approved details;
  - (i) Prior to the commencement of development, an Environmental Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of the proposed method of decommissioning the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase;
  - (j) No external artificial lighting shall be installed on the site;
  - (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site without the further grant of planning permission;
  - (l) The drainage swales shown on SPP.1589.3B shall be constructed before the development hereby permitted comes into use and shall be maintained as such for the duration of this planning permission.

(Notes to applicant:- (1) Applicant was advised that the information submitted for condition (e) relating to a wildlife strategy should include a thorough re-survey of the site for potential badger activity; (2) Applicant was advised that the proposals required by condition (g) should include a full geophysical survey of the site to ascertain areas of archaeological potential with subsequent areas with positive geophysical anomalies targeted by trial trenching; (3) Applicant was advised that Somerset County Council's Rights of Way Group advise that the health and safety of walkers on the public right of way must be taken into consideration during works to carry out the proposed development. Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. The Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It is an offence to drive a vehicle along a public footpath unless the driver has lawful authority to do so; (4) Applicant was advised that Somerset County Council's Rights of Way Group authorisation

was required for the following:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; (iv) Changes to the existing drainage arrangements associated with the public right of way; (5) Applicant was advised that if the work involved in carrying out this proposed development would:- (i) Make a public right of way less convenient for continued public use; or (ii) Create a hazard to users of a public right of way, a temporary closure order would be necessary and a suitable alternative route must be provided.

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

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some significant short term harm to the visual amenities of the area, but the long term harm in both the immediate vicinity of the site and the long distance views of and from the Quantock Hills Area of Outstanding Natural Beauty was not significant. The benefits were therefore considered to outweigh the very small harm and the proposal was acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policy 64 (Renewable Energy) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 1 (Delivering Sustainable Development), the Climate Change Supplement and Planning Policy Statement 22 (Renewable Energy). The development would not cause harm to wildlife interests, the amenities of neighbouring property, heritage assets or highway safety. It was therefore considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests), EN10 (Areas of Outstanding Natural Beauty), EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policies STR1 (Sustainable Development), 1 (Nature Conservation), 3 (Areas of Outstanding Natural Beauty) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 5 (Planning for the Historic Environment) and 9 (Biodiversity and Geological Conservation) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**07/10/0028**

### **Change of use and conversion of agricultural barn to form business units at Heatherton Park Studios, Bradford on Tone**

#### **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) (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) The units hereby permitted shall be used only for those purposes defined within Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended);
  - (f) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
  - (g) No machinery shall be operated, no process or business shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08:00 hours -18:00 hours Monday to Friday and 08:00 hours - 13:00 hours Saturday nor at any time on Sundays, Bank or Public Holidays;
  - (h) Before the units hereby permitted are brought into use, the vehicular access onto or from the access road to the south of the site shall be permanently stopped up in accordance with details that shall first be submitted to, and approved in writing by, the Local Planning Authority. All vehicular movements over this access shall cease before any unit hereby permitted is first occupied or brought into use and at no time thereafter shall the said access be opened up, with all traffic associated with this development utilising the access to the north as approved on the submitted plan;
  - (i) No external lighting shall be provided on site without the prior approval of the Local Planning Authority;
  - (j) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
  - (k) The first floor window in the north elevation shall be obscure glazed and fixed shut in accordance with details that shall first have been submitted

to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before the window hereby permitted is installed and shall thereafter be retained as such.

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

The proposed development would make a good use of an existing rural building and, given the surrounding buildings and land-uses, were 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 was 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 and Planning Policy Statement 4 (Planning for Sustainable Economic Growth).

**25/10/0024**

**Flood channel improvement works to Halsewater and Ford Farm Ditch with associated works to drainage ditch adjacent to West Somerset Railway Embankment, replacement of bridge and culvert at Station Road and diversion of public footpath at land at Ford Farm, Norton Fitzwarren**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 14 October 2010 by Hyder Consulting and the following mitigation measures detailed within the FRA:- (i) The capacity of the proposed channel must be no less than the channel described in section 4 of the FRA; and (ii) The soffit of Station Road Bridge must be no lower than 22.163m AOD at the abutments and 22.447m AOD at the centre;
- (d) Any land raising or spoil stockpiling shall only be in a location that has previously been submitted to, and agreed in writing by, the Local Planning Authority;
- (e) No development shall commence until details of the construction and design of the replacement bridge at Station Road have been submitted to, and agreed in writing by, the Local Planning Authority;
- (f) No development shall commence until details of the construction and design of the weir to split low and high flows have been submitted to, and agreed in writing by, the Local Planning Authority;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on

- the advice of EAD's Ecological Impact assessment and EAD's Landscape and Ecological Management Plan dated October 2010 and further otter and water vole surveys and include:- (i) Details of protective measures for protected species to include method statements for fish, reptiles, amphibians and, if appropriate, water voles to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for nesting birds and bats. 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 and bats shall be permanently maintained. The mitigation shall include maintenance and provision of new bird and bat boxes, resting areas within the proposed bridge and the creation of habitat piles;
- (h) 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;
- (i) Ecological monitoring of the site shall be undertaken in accordance with Landscape and Ecological Management Plan prepared by EAD dated October 2010;
- (j) (i) The landscaping and planting scheme shown on drawing TD485\_13D shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (k) Prior to the commencement of any of the development hereby permitted, full details of the treatment and future maintenance of the outfall from the B3227 to the Ford Farm Ditch, together with a timetable for any required works, shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved details shall be fully implemented in accordance with the agreed timetable and thereafter retained as such;
- (l) Prior to the commencement of the development hereby permitted, full details of a maintenance strategy, including those responsible for the maintenance of the new channel, shall be submitted to, and agreed in writing by, the Local Planning Authority. The channel shall, thereafter, be maintained in accordance with the agreed strategy.

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

The proposal was considered to provide an acceptable flood channel scheme that would reduce the flood risk of the site and some other residential properties in the area. Subject to mitigation, the proposal would not impact unreasonably upon wildlife interests within the site. It was, therefore, considered to be acceptable in accordance with Policies S1 (General Principles), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and guidance contained in Planning Policy Statements 9 and 25.

**38/10/0429**

**Erection of ground floor extension to the rear/side at 14 Mountfields Road, 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) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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

**19/10/0013**

**Erection of domestic care facility for use as ancillary accommodation to dwelling at Whitegates, Mill Lane, Hatch Beauchamp**

### **Reason**

The proposed building, due to its size and location, was considered to be tantamount to a new dwelling in the countryside without sufficient justification and contrary to Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1, S7 and H18 of the Taunton Deane Local Plan.

Also **resolved** that the officers be authorised to enter into negotiations with the applicants with regard to the provision of separate ancillary accommodation within the existing curtilage.

#### **146. Appeals**

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

(The meeting ended at 9.05 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
- Alternate Director of Southwest One – Councillor Watson

30/09/0032

MR & MRS K SANDERS

**CHANGE OF USE AND CONVERSION OF GARAGE BLOCK TO HOLIDAY LETTING ACCOMMODATION, FORMATION OF NEW VEHICULAR ACCESS AND ERECTION OF ONE BAY GREEN OAK GARAGE BUILDINGS AT OAKWOOD COTTAGE, PITMINSTER AS AMENDED**

Grid Reference: 322179.119337

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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:

(A0) DrNo 09/11/01 Rev A Layout, Floor and elevations plans as amended  
(A3) DrNo 10/06/01 Revised Access Arrangements

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

3. Before any part of development hereby permitted is commenced, a scheme showing the area of hedgerow to be removed and the hedges to be retained shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to protect the retained hedges and the roots of the hedge during construction.

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

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 5. Before the access is first brought into use there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility shall be fully provided and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

- 6. Before the new access/garage is first brought into use, the access, parking and turning area as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) at all times in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7. No entrance gates shall be erected at any time nor should the garage be enclosed with any type of door or other means of enclosure at any time.

Reason: To ensure adequate parking and turning can be retained to allow vehicles to leave in forward gear. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

- 8. Before the new access/garage is first brought into use 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.

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



the Somerset and Exmoor National Park Joint Structure Plan Review.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of domestic vehicles only for Oakwood Cottage, and shall not be used for further ancillary residential accommodation or other purpose whatsoever.

Reason: To ensure adequate parking and turning can be retained to allow vehicles to leave in forward gear. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. 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.

Reason: To ensure adequate parking and turning can be retained to allow vehicles to leave in forward gear. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. The holiday letting accommodation shall be occupied for holiday purposes only.

The holiday letting accommodation shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual holiday letting accommodation on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in PPS7.

12. No development shall commence until details of the finished floor levels and flood resilience measures to be included in the buildings have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To reduce the impact of flooding to people and property in accordance with PPS25

13. No part of the development hereby permitted shall be occupied until a Flood Warning and Evacuation Plan for the site has been submitted to and agreed in writing by the Local Planning Authority.

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

#### Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
3. With regard to condition 12, the finished floor levels should be in accordance with the FRA, with raising of 350mm for the holiday let and 225mm for the garaging. The flood resilience measures in the FRA should be undertaken as part of the development.
4. With regard to condition 13, we would advise that the warning and evacuation plan allows for users to be evacuated prior to a flood event occurring where possible. Any evacuation proposals need to be formally consulted to TDBC's Contingency Planner, John Lewis. Furthermore, a boat may not be the most appropriate means of evacuation for the development: it does not consider safety risks and is unacceptable for recreational visitors to be responsible for the evacuation of the current occupiers of the site.

#### **PROPOSAL**

The proposal comprises the conversion of garage to holiday accommodation, the erection of a garage and the construction of a new vehicular access. The new garage will be constructed in timber and will be served by the new access. The holiday accommodation will be served by the existing access, parking and turning area.

Amended plans have been received which reduce the size of the garage and relocate it within the site, relocation of the access position to the west and the retention of more hedgerow.

#### **SITE DESCRIPTION AND HISTORY**

The site is located within the settlement of Pitminster. There is an existing hedgerow boundary to the rear of the property (site of proposed access). The property adjoins a nearby water source and as such the site lies within a flood zone. As the area has not been subject to a detailed study, the area is considered to fall within Flood Zone 3b, Functional Flood plain.

There is a planning history to this site the proposed development for an access:

Application 30/2006/026 was refused on highway visibility grounds and dismissed at appeal on the grounds that actual vehicle speeds were unknown on this stretch of road and therefore the length of the required visibility splays could not be calculated..

Application 30/2007/017 was refused in July 2007 on grounds of highway safety. The County Highways Authority did not object to this application (based on the visibility splays to be provided and the applicants submitted speed survey). The application was determined under the Parish Delegation Agreement.

Application 38/2007/034 was refused in December 2007 grounds that visibility splays of 2.4m x 23m to the east and 2.4m x 33m to the west could not be achieved. These visibility splays were derived from County Highways Authority speed recordings taken in September 2007.

Application 30/08/0038 was refused in September 2008 on grounds that visibility splays of 2.4m x 23m to the east and 2.4m x 33m to the west could not be achieved. The required visibility splays were derived from County Highways Authority speed recordings.

## **CONSULTATION AND REPRESENTATION RESPONSES**

*PITMINSTER PARISH COUNCIL:* - Objects.

“Proposals have previously been submitted for the formation of an access within planning applications that were refused on highway grounds. Application 38/2007/034 was refused in December 2007, and in July 2007, reference 30/2007/017 and reference 30/2008/0032 in September 2008. Another similar proposal was refused in September 2006, reference 30/2006/026, this was also dismissed on appeal.

Permission when granted for first application stated that a separate access from the village road was not appropriate and would not be permitted.

Since the houses were constructed and in Councils view the road has got busier and consequently more dangerous on blind corners etc.

The closure of Corfe Hill to laden vehicles means that more heavy lorries etc pass through the village on what is in many places effectively a single track road.

The ongoing nonsense of trying to prove that the traffic is not going at a speed to cause trouble or that the splays now meet the required standards are all smoke screens.

There have been many accidents at the bridge in the past few years without any

additional hazards of cars/caravans/boats ingressing and egressing a new access.

Reference to allowed planning applications at other sites is irrelevant and all the topographical, speed and other surveys do not diminish the fact that this is already a dangerous stretch of road and this taken with the fact that the splays still do not meet the required standards means that we have to recommend refusal. It is also considered that to convert the garage into a holiday let property would be overdevelopment of the site where 2 linked houses were the maximum that was originally allowed.

The applicant has already been permitted to extend the garage block to include an office but there should not be any further development of that building or change of its function.

Note. The application has to be determined in its entirety as it is not possible to separate out the two parts of the application.

There has been no further communication from Highways since their letter of 16.10.2010. Therefore unless new information is received from Highways, the Parish Council recommend that permission be REFUSED for the following reason:

That the proposed access does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As a consequence, the proposed development would be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted Policies 2000 and S1 of the Taunton Deane Local Plan. “

*COUNTY HIGHWAY AUTHORITY:* - Object

Initial comments dated 21 January 2010 - Objection and recommend refusal on visibility splays; no adequate turning facilities to leave in forward gear; vehicles waiting on highway whilst gates are open, causing obstruction and hazard.

Letter dated 19 February 2010 – confirms previous comments.

Further letter dated 15 March 2010 – Highway issues still not addressed and same reasons for refusal recommended.

Full comments on amended plans received by LPA on 2 July 2010, letter dated 16 August 2010.

“As the Planning Officer will be aware there is a long and complex history to this site. As part of the planning application from when the cottages were granted consent, there was a condition imposed stating there should be no pedestrian or vehicular access to the southern ,Frontage of the site.

In light of the objection previously raised by the Highway Authority, a traffic speed survey has been undertaken. The results of the speed survey have led to the location of the point of access being altered, in addition the internal layout has been re-configured with the previous two bay cad shed being replaced by a single garage and wood store. These alterations are shown on drawing no. 10/06/01.

It is proposed for the new access, garage, wood store and parking turning area to

serve the existing property of Oakwood Cottage and for the existing vehicular access to serve as a means of access to the existing garage block which would be converted to a holiday let.

Whilst the Highway Authority are aware that the proposals includes the change of use of the existing garage to a holiday let, there is an element of concern that without the change

of use, the proposal would effectively result in an over provision of parking. As such strict timing conditions would need to be considered.

It should also be noted that this location is unsustainable in terms of transport policy and the Highway Authority would not support the provision of an independent unit of residential accommodation in this location.

In addition, whilst can be viewed that the holiday let may result in a lesser number of traffic movements than a residential use, there would be nothing to stop the occupiers of Oakwood Cottage from utilising the existing access in addition to the new access. This is especially a concern if the new access were to be implemented in advance of any conversion.

The 85th percentile speed of traffic dictates the visibility splay requirements appropriate in this location. Accepting the results of the survey, splays based on co-ordinates of 2.4m x 25m will be acceptable with no obstruction greater than 900mm. It should be noted however that visibility should be taken to the nearside carriageway edge. This is not the case in the north westerly direction and as such is unacceptable in terms of highway safety.

Mr Bellamy (of Hydrock Byways & Highways) refers to another case whereby the Highway Authority accepted a visibility splay 1m from the nearside carriageway, however each application is accessed on its own merits, and this is not acceptable in this location.

Given that the Applicant already has a means of access I do not consider it appropriate that the Highway Authority lowers their standard, to suit the needs of an individual who already has an approved means of access to the property.

Therefore a recommendation of refusal is still considered appropriate from the Highway Authority's viewpoint as I would not want two substandard points of access being utilised in respect of this property:

The proposed access does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As a consequence, the proposed development would be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted Policies 2000 and S1 of the Taunton Deane Local Plan. “

*LANDSCAPE OFFICER:* - My main concern is loss of the roadside hedgerow and the construction of the garage. Both would have an impact on the rural character of the lane.

*ENVIRONMENT AGENCY*: - Originally objected due to lack of detailed Flood Risk Assessment and as identified in the Strategic Flood Risk Assessment (SFRA), the site lies within Flood Zone 3b, Functional Floodplain.

Further letter dated 24 March 2010. No objection in principle but required a new/updated Flood Risk assessment.

Comments on new/updated Flood Risk assessment submitted on 21 November:

- Recommend conditions for finished floor levels and flood resilience measures. Levels and measures as submitted FRA.
- Flood Warning and Evacuation Plan to be secured through planning condition

## **Representations**

4 letters of objection received (further letters received from same objector).

- Dangerous having new access close to a tight bend on small country road.
- Lane is very narrow.
- Numerous collisions on or close to bridge.
- Speed Survey results could have been affected by hi-visibility jacket, someone holding radar gun, and type of road. More effective and reliable speed check would have been to have used pneumatic tube recording excessive speeds of drivers. Inspector quote from appeal APP/D3315/A/06/2024763 "I cannot be certain what effect the proposed increase in visibility along this stretch of road would have on traffic speeds".
- Visibility splay goes through bridge wall in land the applicants do not control.
- Use of holiday let will further increase traffic at this awkward spot; brings extra development that is excessive and spoiling to area.
- In original approval for property, stated application for driveway access onto road would not be sought/granted; also no pedestrian access.
- Proposed boardwalk would disturb hedge/planting and viewing platform would look into our garden.
- Disappointed to see hedgerow removed.
- Questions raised over some survey work submitted.
- Challenge to statement submitted by Hydrock Byways & Highways Ltd: survey not done in accordance with guidance TA22/81; no speed recordings from East; possibility of speed gun inaccuracies; 1m off-set from roadside edge not acceptable; vehicles from East have no forward vision of proposed site entrance; highway safety about not just about cars, also used by cyclists; visibility splays short of requirements; 85<sup>th</sup> percentile value of speed survey was rounded down.
- Visibility splays do not provide suitable stopping sight distance, as within Manual for Streets, Page 90, para 7.5.2.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

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

S&ENPP49 - S&ENP - Transport Requirements of New Development,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations are highway safety, flooding and impact on the character and appearance of the lane.

### Access

To proposed new access will allow for access to the proposed garage and Oakwood Cottage, retaining the use of the existing access for the holiday accommodation. Within the site there is sufficient parking and turning to allow any vehicle to leave in forward gear.

Since the application was first submitted, the applicant has appointed a Highway Engineer to conduct a traffic speed survey. The results of the speed survey have led to the Highway Authority reducing their visibility splay requirements. Based on the newly submitted speed survey results, the County Highways Authority require visibility splays of visibility of 2.4m x 25m in either direction. The previous requirements were for a 33m splay to the west, but as this has now been reduced, the access can be moved further to the west and the 25m splay can be achieved to the east (towards the bridge). The County Highways Authority are now satisfied with visibility to the east.

However, it is not possible to fully provide a 25 metre splay to the carriageway edge to the west of the access. This is the basis of the County Highways Authority objection. They do not consider it appropriate to lower the standard when there is already a means of access to the property.

A 25m splay can be provided to a point of 60cm from the carriageway edge and the applicant's highway consultant suggests that traffic such as bicycles and motorcycles do not 'hug' the roadside edge and will be at a point that is more than 60 cm from the roadside edge and hedge. Therefore they will be able to be seen by anyone using the proposed access. Cars will also be able to be seen as they are wider than 60cm. Given the high hedges that abut the road, it is accepted that cyclists and motorcyclists would not ride in such close proximity to the hedge and therefore would not be prejudiced by the 60cm offset.

Although the access has been previously refused and dismissed at appeal. This application is different than the previous applications, as an updated traffic speed survey has been submitted, resulting in a reduced visibility splay requirement. This current proposal is considered to be acceptable in terms of highway safety and visibility.

Given the adequate parking and turning within the site and that a splay of 25m in each direction can be achieved, though not as suggested by the Highway Authority, the proposal is not considered detrimental to highway safety as to now warrant refusal.

### Flooding

The initial concern raised by the Environment Agency regarding the sites location within a Functional Flood Plain (Flood Zone 3b) has been removed. The Existing dwelling and garage are now considered to be within Flood Zone 3a and no objection has been raised to this element, subject to a sequential and exception test and suitable flood mitigation measures. The access/turning and new garage are still considered to be within Flood Zone 3b, though no objection is now raised. The access will be constructed in a permeable surface and a new garage would normally be granted using standard advice for householder applications.

As requested by the Environment Agency a Flood Risk Assessment has also been submitted. The flood resilience measures proposed are considered acceptable and the Environment Agency has suggested conditions in granting approval.

The new access and garage are not considered to cause a significant loss of floodplain and are not considered cause an increased flood risk. The proposed holiday let will have flood mitigation measures applied, including an evacuation plan. Furthermore, users on the ground floor of the building have access to the first floor, which also has an external door leading to a raised decking area. As such, the proposals are not considered to increase flooding or cause harm to users of the building.

#### Holiday let

The building is suitable for conversion to small scale holiday accommodation, is partially screened by existing landscape and has adequate parking. Pitminster has a Public House and is in close to the Blackdown Hills, an Area of Outstanding Natural Beauty, and to Taunton Town Centre. Access to the holiday let will be from the existing access. A Flood Risk Assessment has been submitted with mitigation measures to protect the occupiers of the building.

Given the size of the building and close proximity to the main dwelling, it is unlikely to be suitable for separate living accommodation.

#### Garage

The proposed new building has been reduced in size, from a double garage to a single garage and wood store. This allows for greater movement within the site. The garage will be constructed in timber, which is considered acceptable in this rural location. Furthermore, some hedgerow will be retained to provide some screening into the site. As such, the garage is not considered to have a detrimental impact on the visual amenity of the area.

#### Landscape

The new access will involve the removal of a small section of hedgerow; though the new visibility splay can be achieved by cutting back/partial remove of the hedge. The area in front of the remaining hedgerow will be grass verge. The partial removal of the hedge, and creation of a grass verge, is not considered to harm the character of the area.

Since the comments of the Landscape Officer, the application has been amended. The amended plan retains more hedgerow, reduces the size of the garage and moves the garage away from the boundary edge.



The proposal is considered to offer visibility splays that would allow for the new access to function without harming highway safety. The access and garage are not considered to harm the character and appearance of the area. 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**

38/10/0204

TESCO STORES LTD

**EXTENSION TO RETAIL STORE AND PROVISION OF NEW CAR PARK, LANDSCAPING AND ASSOCIATED WORKS AT TESCO STORES LTD, CASTLE STREET, TAUNTON**

Grid Reference: 322082.124593

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to a Section 106 Agreement to provide land for the cycleway link to Somerset College and a monetary contribution to fund flood storage alleviation and improvements to the pedestrian/cycle route network and provision of an agreed Travel Plan.

The proposal is considered not to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Town Centre and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Parking Provision) EN6 (Tree Protection) and PPS4 relating to the town centre, PPS9 relating to biodiversity and PPS25 relating to flood risk. In addition the proposal does not conflict with Taunton Town Centre Area Action Plan policy Tg3 and complies with policy F1. The access and parking are considered acceptable and in accordance with Somerset and Exmoor National Park policy 49.

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

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

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

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

(A3) DrNo 6527\_PL01 Site Location  
(A1) DrNo 6527\_PL10 Proposed store sections  
(A3) DrNo AA TL 02 Tree Categories  
(A3) DrNo AA TPP 03 Tree removal plan  
(A1) DrNo. 6527\_PL12RevC Proposed Site Plan  
(A1) DrNo. 6527\_PL11RevA Proposed Elevations  
(A3) DrNo.ASP2RevF Landscape Masterplan

(A3) DrNo. ASP4RevF Planting Plan  
(A3) DrNo.AA\_TPP\_06 Arboriculture  
(A3) DrNo. 6527\_PL30RevB

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

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

4.
  - (i) The landscaping on drawing ASP4 RevF together with details of the replacement for the TPO trees, 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 before work on the new car park commences.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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

6. All existing trees on site shall be protected in accordance with details on drawing AA TPP 06 and a method statement to be agreed in writing by the Local Planning Authority prior to work affecting any trees commencing.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Aspect Ecology 's submitted report, dated June 2010 and updated water vole surveys and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when species could be harmed by disturbance
  3. Measures for the 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 and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented.

Reason: To protect birds, bats, badgers, water voles, otters and reptiles and their habitats from damage bearing in mind the law protects these species.

8. The new extension to the building shall not be brought into use until the means of vehicular access and parking has been constructed in accordance with the plan 6527 PL30 RevB hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

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

9. Details of the footway crossing for vehicles including the means of protecting the safety and right of way for pedestrians/cyclists shall be submitted to and approved in writing by the Local Planning Authority prior to the new car park construction commencing and the details shall thereafter be provided as agreed.

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

10. A flood evacuation plan shall be provided and agreed in writing by the Local Planning Authority and shall thereafter be made available in store.

Reason: In the interests of protecting against flood risk in accordance with PPS25.

11. Details of the means of flood resilient design to be incorporated into the store design shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing and shall thereafter be

included in the construction.

Reason: In the interests of protecting against flood risk in accordance with PPS25.

12. Details of any new lighting to the car park areas shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and thereafter installed as agreed.

Reason: To protect the streamside habitat for bats in accordance with PPS9.

13. The new car park level shall be no lower than 16.27m AOD and agreement to anything higher shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting against flood risk in accordance with PPS25.

14. Details of the levels of the footway/cycleway to the south west of the new car park shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction.

Reason: In the interests of the amenity of the area in accordance with policy S1 of the Taunton Deane Local Plan.

15. Secure covered cycle parking shall be provided in locations identified on the plan or as otherwise agreed in writing by the Local Planning Authority and shall be provided prior to the new store extension being brought into use.

Reason: In order to comply with Taunton Deane Local Plan policy M5.

#### Notes for compliance

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

**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 tree(s) 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 tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **PROPOSAL**

The proposal is to erect an extension of 1145 sq.m. on the north western side of the existing store and the formation of an extended car park area on the northern side of Steps Water with a bridge crossing. The spaces within the existing car park will be reconfigured and an additional 35 spaces overall will be provided. A new mezzanine level in the extension will provide a new customer café and staff facilities while an extended warehouse and re-configured service yard will enable an extension of the Dot Com delivery service.

The applicant has submitted a Planning Statement, a Design & Access Statement, a Flood Risk Assessment, Landscape Statement, Ecological Assessment, Environmental Sustainability Statement, Energy Statement, Transport Assessment, Travel Plan and Statement of Community Involvement with the submission.

## **SITE DESCRIPTION AND HISTORY**

The application site lies to the north-west of Castle Street and south of the Millstream and consists of an existing Tesco store and car park, while the land to the north-west across Steps Water consists of unused agricultural land and the former ATC temporary buildings, recently vacated for a new site.

An outline application for a retail foodstore together with associated parking, servicing, access improvements and recycling centre was granted in January 2000, reference 38/98/0007.

A full planning permission for erection of a retail foodstore, together with parking and recycling areas, service and access roads and off-site improvements was granted in February 2001, reference 38/00/0370.

An application 38/05/0221 was submitted in 2005 for the erection of an extension to create additional retail floorspace, an atrium and traveller lobby and erection of a decked car park. This proposal however was subsequently withdrawn.

The erection of a bulk store and van canopy at the rear of Tesco was granted in October 2006 reference 38/06/0346.

The construction of a lobby extension to act as a wind break to the store entrance and adjustments to street furniture was granted full permission in July 2008, reference 38/08/0255.

The construction of a lobby as a wind break to the main entrance to the store (an amended scheme to 38/08/0255) was granted permission in December 2008, reference 38/08/0471.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - I have no objection in principle to the proposed development. The details however are very important. You will be aware a significant amount of correspondence regarding technical issues around the store access, pedestrian and cycle access points, the car park extension and overall levels of car parking. I consider that these issues are resolved. Discussion with Tesco's Transport Consultant has resulted in agreed alterations and they are included on drawing 6527-PL30 Revision B which is attached.

A Travel Plan has been submitted which is as yet not approved and there are outstanding issues. This must be amended and approved prior to commencement of any work on site and be included within and attached to a Section 106 Agreement. I have mentioned the new area of car park, the western end of this incorporates an area of footway/cycleway which is the southern end of the route to SCAT. It has been agreed between Tesco and Somerset County Council that this land is dedicated to Somerset County Council as Highway as part of a land swap with some land on the Castle Street frontage.

Discussions have taken place regarding Planning Obligations to provide either infrastructure or contributions to sustainable travel. These are the footway/cycleway across the new car park extension which should be re-shaped to the final levels and the provision of a new cycle/pedestrian bridge across the Mill Stream at the northern corner of the main site. It is my view that both items should be a requirement of this development and therefore based on costs provided by colleagues and the developer's transport consultant I would require a contribution of £135K which will fund both pieces of work.

In addition to this it is essential that the proposed widening of Marshalsea's Walk and works to existing public highways are appropriately constructed and adopted. These alterations will need to form part of the Section 106 agreement. Provided the applicants enter into a Section 106 agreement to deliver, implement and monitor an approved Travel Plan and the financial contributions outlined above I have no objection to the proposed development.

*BRITISH WATERWAYS* - After due consideration of the application details British Waterways has no comments to make.

*ENVIRONMENT AGENCY* - As you will be aware, we have had concerns regarding the proposals and the known risk of flooding at the site which is located in Flood Zone 3, at a high risk of fluvial flooding. In accordance with the requirements of

PPS25, the new development should be adequately protected from flood risk (in this case up to and including for the 1 in 100 year fluvial flood event with an allowance for climate change), and seek to provide a betterment of the existing situation.

We have discussed several measures with the agent to secure this level of protection from flooding, including the widening and diversion of the Steps Water (which would have significant detrimental impact on the biodiversity value of this watercourse) and a flood defence scheme (wall / bund) to protect both the new and existing development. The developer has concluded that the latter option would compromise the financial viability of the development and we understand from your letter of 06 January 2011 that your LPA supports this view.

The application as submitted will not ensure that the new extension is protected to the 1 in 100 year level with an allowance for climate change, nor will it offer any additional flood protection to the existing store. The scheme will however, offer some betterment by formalising and improving evacuation procedures during a flood event, albeit with an increased number of users on site.

Given that the development is the extension of an existing store (and therefore flood defence and mitigation measures are limited) and confirmation that the LPA are happy with the principle and need for the development, we consider it appropriate to WITHDRAW our previous OBJECTION subject to CONDITIONS

IMPORTANT: The following provisions must be secured as part of any permission:

- Maintenance responsibilities and regimes for the Steps Water and River Tone along both banks at the site, the new bridge and the surface water drainage system; and
- Off site flood compensation to offset the impact of raising levels at the new car park.

It was discussed on site that the applicant would be willing to take on responsibility for maintenance for the watercourses, which are currently maintained by your LPA on behalf of us. Provided that this can be agreed, we would have no access requirements along this stretch and the revised Site Plan (Rev C) is acceptable. Flood compensation agreements must be agreed with Project Taunton. Our legal advice has indicated that these matters are most appropriately secured through a separate legal agreement. We would be happy to assist in the wording of any such agreement.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed permanent or temporary works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. This includes the River Tone, and the Galmington Stream (the Steps Water). This is separate from obtaining planning permission. Any queries in relation to this matter should be directed to our flood risk engineer Sam Capel (01278 484 810).

The landowner has a duty to ensure that the surface water drainage regime is not adversely affected as a result of works on site, and this should be considered should any further works be proposed that are likely to impact on this aspect.

*HERITAGE AND LANDSCAPE OFFICER* - Generally supportive of the proposals



subject to further detailed tree comments; substitution of Hornbeam for Ash or Oak and amendment of eastern corner of service yard to reduce encroachment on to Mill Stream landscape corridor.

Subject to a method statement showing how impact on tree roots can be minimised the proposals may be acceptable.

*DRAINAGE ENGINEER* - Comment awaited.

*SCC - RIGHTS OF WAY* - I can confirm there is a cycle track which crosses the area of the proposed development highlighted on your plan at the present time (footpath no. T33/29). This path is also a cycle track. The developer needs to be informed that the grant of planning permission does not entitle developers to obstruct a cycle track or public right of way. Development insofar as it affects a cycle track or right of way should not be started and the way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the way is built on or is otherwise interfered with.

If the work involved with carrying out the proposed development would make a cycle track less convenient for continued public use or create a hazard to users of a cycle track then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper.

Further comments applicable to this application are

1. Priority should be given to users of the cycle track at the new crossroads that will be created where the existing car park links to the new area of car park.
2. The provision of a cycle link to SCAT will be of great benefit.
3. There is no reference to improving access over the bridge marked with a red star over the Mill Stream. This bridge is inconvenient for two way use by walkers and cyclists that wish to access the site from the French Weir side of Taunton and as such should be improved or replaced to allow enough width.

*WESSEX WATER* - The development is located in a sewered area with foul and surface water sewers. The developer proposes to dispose of surface water to surface water sewers. It will be necessary for the developer to agree points of connection onto our systems for the satisfactory disposal of foul and surface water flows generated by the proposal. This can be agreed at detail design stage. In respect of water supply there are water mains within the vicinity of the proposal. The developer should check with Wessex Water to ascertain whether there are any uncharted sewers or water mains within or near the site. If any such apparatus exists, applicants should plot the exact position on the site layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out 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.

*SOMERSET WILDLIFE TRUST* - No comment received.

*NATURE CONSERVATION OFFICER* - The application is for the extension of the Tesco store with associated parking and landscaping at Castle Street Taunton.

The site comprises of the store itself with hardstanding and an area of rank grassland and scrub to the north separated from the main store by a watercourse and a shared foot and cycle path. The area to the north also contains a gas compound and a number of buildings, now empty but, formerly associated with Taunton Air training Corps (ATC).

The development also involves the demolition of the buildings north of the watercourse, the construction of a bridge over the watercourse and the felling of some of the trees.

Aspect Ecology carried out an ecological assessment of the site from May 2009 -May 2010.

This assessment included extended phase 1 habitat survey work, reptile surveys and emergence bat surveys undertaken in October 2009 and May 2010. The date of the subsequent report is June 2010.

Bats - No signs of bats were found during the internal and external inspection of all the buildings on site at the time of survey. The trees on site were inspected for features such as cracks, cavities etc that could support roosting bats. One Lombardy poplar was noted to support a split that could offer potential for bats. I support the surveyor's recommendation that this tree should be thoroughly inspected before soft felling. The emergence surveys indicated that bats forage along the site watercourse as well as visiting the site itself. I support the recommendation that vegetation along the watercourse should be reinforced in places with additional landscaping using native species (existing open spaces should be mown to encourage grasses and water voles). Lighting in this are should be kept to a minimum and carefully designed to lessen impacts on the bats.

Badgers - Two badger latrines were found on the land to the north of the watercourse but no badger setts were found on site. Given the presence of badgers in the vicinity, I support the surveyor's recommendations with regards to badgers.

Reptiles - The rank grassland was found to support slow worms. I agree that reptile translocation between April- September is necessary to clear the site prior to the commencement of construction works.

Water voles - The presence of water voles utilizing a section of the watercourse to the north of the existing store car park was confirmed on site during the survey work. The locations where the water voles are present are to be retained and protected under the proposals, however I agree that the works, in particular the new bridge crossing, has potential to affect water voles. I support the surveyor's recommendation that a detailed method statement be drawn up for the detailed construction of the bridge to ensure that water voles are protected during the works.

I agree that update survey work will also be necessary immediately prior to construction works.

Otters - The surveyor noted that the watercourse offers potential opportunities for otters. In fact wildlife surveys carried out in connection with planning applications on nearby sites found evidence of otters in the vicinity. Otters should be fully safeguarded during the construction in line with Natural England guidance

Birds - The site is likely to support nesting birds. Demolition of buildings and clearance of vegetation should take place outside of the bird-nesting season.

As with all developments of this nature there are opportunities for biodiversity gain. In accordance with PPS9 I would like to see wildlife protected and accommodated in this development

I suggest a condition to secure the submission and implementation of a strategy to protect wildlife.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comment received.

*TOWN CENTRE MANAGER*, - No comment received.

*SOMERSET & AVON CONSTABULARY* -

*NATURAL ENGLAND* - The protected species that are impacted upon by this proposal are the water vole, the otter and bats. All three species are present in the area and are a material planning consideration when determining the application. Natural England requests that the recommendations of Taunton Deane Borough Council's Nature Conservation and Reserves Officer, The Environment Agency Conservation Officer and Somerset County Council's ecologist are also taken into consideration when determining the application and attaching conditions. The officers have visited the site for a meeting and they have discussed the impacts of this development upon protected species, and the River Tone Wildlife Site. Natural England was not at the meeting although it is a site well known to us as it is adjacent to our Taunton office.

## **Representations**

2 Letters of objection raising the following issues:

- The extension would be first step in changing the store size to it becoming a full size town centre development.
- The development increases the development footprint of the store overall.
- The land appears to be green belt on the far side of Galmington Stream (Steps Water) and not within the town development area.
- There is no need as there is wasted space within the store and plenty of space internally for a first floor covering all the extra floor area they need.
- The new parking area and access across a footpath is a potential death trap with poor visibility for drivers.
- The crossing is equivalent to a railway level crossing that would have flashing lights and a safety barrier. There is no existing demand for additional parking, the car park is rarely full and space available could be increased by limiting the use by linking it to purchases in the store or by charging.
- Additional parking would increase traffic problems and danger on exiting the site onto a busy link road. There is no need as the town is already well served by supermarkets, including more than one Tesco, and further expansion is likely to reduce competition.
- The banking for the cycleway would impeded run-off and may lead to flooding, it would obstruct views, destroy privacy, decrease security and lighting and

noise would be an intrusive nuisance.

1 Letter of reservation on basis of safety with cars crossing cycle and footpath to the bridge. Impact on oak tree with boundary to Steps Way and loss of trees, an oak and four poplars subject to a Preservation Order.

## **PLANNING POLICIES**

S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP60 - S&ENP - Floodplain Protection,  
S1 - TDBCLP - General Requirements,  
PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS4 - Planning for Sustainable Economic Growth,  
PPS9 - Biodiversity and Geological Conservation,  
PPG13 - Transport,  
PPS25 - Development and Flood Risk,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP21 - S&ENP - Town Centre Uses,  
S&ENPP44 - S&ENP - Cycling,  
S&ENPP48 - S&ENP - Access and Parking,  
S2 - TDBCLP - Design,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M3 - TDBCLP - Non-residential Development & Transport Provision,  
M5 - TDBCLP - Cycling,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN25 - TDBCLP - The Water Environment,  
EN28 - TDBCLP - Development and Flood Risk,  
T1 - TDBCLP - Extent of Taunton,  
TG3 - TTCAAP - Tesco,  
F1 - TTCAAP - Developments within the Floodplain,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are the compliance with policies in government guidance in PPS4 to safeguard the town centre, compliance with the Taunton Deane Local Plan and Town Centre Area Action Plan policies, consideration of the flood risk issues involved, the wildlife issues and landscape, tree and amenity issues. The issues of the access, parking, safety and cycle and pedestrian access are also important matters to be considered.

### Policy Issues

The proposal involves the extension of the existing retail store on this site, which has been identified in the Taunton Town Centre Area Action Plan (Policy Tg3) as a site for a replacement food store. The Area Action Plan allows for a gross floor space of 7000 sq.m. while the current proposal would provide only 5665 sq.m. An assessment of the scheme in respect of PPS4 has been carried out by the applicant and the conclusion that the scheme for the extension of this edge of centre store complies with PPS4 and its development management policies is agreed. The development

will enhance the retail offer of Taunton while not impacting on the town centre or prejudicing the opportunity to comprehensively redevelop the site at a later date.

The development provides for an extension to the side of the existing store (approximately 14 x 42m), a minor re-configuration of the service yard with an extension 10m towards the road and a new area of parking across the northern side of Steps Water. Land on this side of the stream was previously allocated for development through the Taunton Town Centre Area Action Plan. This allocated land was for a new food store under policy Tg3. The policy sets out a number of requirements to be met as part of such a development. While the current scheme does not provide a replacement store on the site, it is necessary to ensure that the proposal does not prejudice any future scheme. Included in the requirements of Tg3 are vehicular access from Castle Street, a landscaped surface car park north of Steps Water, improvements to Marshalsea Walk along the northern site boundary and the footbridge over Mill Stream and provision of a new pedestrian and cycle routes from Marshalsea Walk and French Weir to Somerset College. The car park north of Steps Water is provided as part of the current proposal as is an improvement to Marshalsea Walk and provision of the land for the County Council to provide the footpath/cycle route to Somerset College. Consequently the scheme provides elements of policy Tg3 and does not prejudice its future implementation and it is therefore considered an acceptable scheme that complies with government guidance and Development Plan policy in terms of its retail impact.

### Flood Risk

The site lies within a flood risk area and a Flood Risk Assessment (FRA) has been submitted with the scheme and detailed discussion with the Environment Agency has taken place. As the site has been identified for redevelopment under the Taunton Town Centre Area Action Plan the principle of use of the site has been considered under the Strategic Flood Risk Assessment carried out by Black and Veatch. The site falls within Zone 3a and it is accepted that there is no alternative option to providing a store extension on the site and there is therefore a need to look at options for controlling and mitigating flood risk. The Environment Agency's preferred option is the control of flood risk at the site through providing a flood defence around the existing and proposed site consisting of a wall and bund. The option of providing this has been considered by the developer. One implication of providing such a bund and wall would be the need to provide compensatory flood storage for area created. It is accepted by the Local Planning Authority that the cost of such storage, at over one and a half million pounds, would make the development an unviable one. There are also issues in terms of impact on the TPO trees on the site boundary and landscaping impacts adjacent to watercourses.

The mitigation approach put forward for the scheme is through flood warning and evacuation for the site and ground raising of the proposed new car park with limitation of surface water run-off. Car parking is deemed acceptable on land subject to flooding in line with the recommendations of the PPS25 Practice Guide. This is on the basis that the proposed car park is designed to a safe level of flooding. This will entail the raising of ground level to 16.27m AOD and providing compensatory flood storage. This can be provided at Long Run Farm and the provision will need to be secured through a Section 106 or unilateral undertaking.

### Transport

The proposed store extension, altered service yard and new car park are works that the County Council's Transport Development Group are satisfied with in principle. There are outstanding issues however which the County request are addressed through a Section 106 Agreement. These issues include the agreement of a revised Travel Plan for the site, the dedication of land for the footway/cycleway, the adoption of the highway improvements and monetary contribution to provide infrastructure improvements in the area. The main issue here is the level of contribution required. The scheme is not a total redevelopment of the site and therefore it is not reasonable to require all of the highway improvements required in policy Tg3. The cost of £135k required by the County Council would fund a replacement bridge over the Mill Stream and the footway/cycleway route through the edge of the new car park site. However the funding for the footway/cycleway to SCAT no longer exists and there is no way of knowing when this would be provided in the future. It is therefore considered that rather than spending money on a section of footway/cycleway that doesn't lead anywhere, the offer of £50k from Tesco be better spent towards the replacement bridge over the Mill Stream which is a well used route to the site. The recommendation is therefore made on this basis as it is considered a reasonable one.

Local concern and objection has been raised in respect of the car park and the crossing of the footway to access it. The Highway Authority are satisfied with the proposed car park extension north of the Steps Water including the means of access across the public right of way and the number of spaces to be provided. The parking increases the number of spaces only by 35 due to the loss on the existing site due to the store extension and access route re-configuration. This increase however does satisfy the provision in policy Tg3 in not exceeding 1 space per 14 sq.m. of floor space.

### Landscape Issues

The proposal will have an impact on landscape in the area as the store extension will encroach towards the TPO trees on the existing site boundary and this will require protection works, while the new car park will result in the loss of vegetation, including 4 Lombardy Poplar trees, part of a TPO in this area. The scheme makes provision for tree protection works during construction and planting on the frontage is partially retained and provided to assist in the screening of the new boundary to the service yard. The planting scheme has been amended to accord with the species requested by the Landscape Officer and an element of existing planting has been retained adjacent to the Mill Stream.

With the new parking provision it is unfortunate that the existing poplar trees cannot be retained. However an arboricultural assessment of these trees has been made which recognises that they are a non-native ornamental species with a propensity for structural failure. Given their maturity and size it is unlikely that they will not experience structural decline in the future and in order to retain them the only form of appropriate management would be ongoing and significant pruning. This would result in a significant reduction in amenity value and loss of visual impact. The arboricultural advice is that the trees not be a constraint to the development, despite their existing value, and that their removal would represent an opportunity to replace with sensitive replanting. This advice is agreed with by the Landscape Officer and a condition to address the landscaping scheme is proposed.

### Wildlife

The applicant has submitted an ecological assessment of the site and this has identified a number of species within the area. The watercourses in the area are County Wildlife sites and in line with PPS9 and the Habitats Directive it is necessary to ensure there is adequate protection and enhancement of habitat. Alternatives to the current new car park scheme have been considered including re-routing Steps Water around the car park. However this was deemed to have a negative biodiversity impact, particularly on water voles, as well as being too costly. There are two main elements of the development affecting wildlife, the new bridge provision and the removal of vegetation. The site of the new bridge over Steps Water is in a location that already has engineered banks and the provision of a bridge here would not directly impact on species using the stream in the long term. Necessary protection and mitigation during construction will be required and this can be secured by condition and is recommended by the Nature Conservation Officer. The removal of trees and bushes to provide the new car park will be compensated for by replacement planting around the site and this is designed to safeguard wildlife habitat. A condition also addresses this provision and a further condition controlling lighting is also considered necessary to safeguard bats using the watercourse or hedge boundaries.

### Sustainability

The proposal is the extension to an existing store which is considered to be in a sustainable location with access available to a range of modes of transport. In addition the applicant has produced an energy statement in relation to the site and the provision of a combined heat and power (CHP) plant to service the site will be provided as the means of reducing energy consumption at the site. This envisages a reduction in carbon dioxide of 44% in comparison to the Building Regulations and a reduction in emissions for the store as a whole by 21%. A range of alternative renewable options has been considered and the most effective solution for the site selected and these involve energy efficiency measures incorporated into the design, such as energy efficient lighting, and the provision of the CHP plant. Water conservation measures are also incorporated into the design.

### Summary

In summary the proposed store extension is considered to be suitable one in terms of amenity, wildlife and highway safety impacts. The retail impact is also acceptable and does not prejudice the Town Centre Area Action Plan policy Tg3. The scheme provides for elements of the Tg3 policy including the new car park provision, improvements to Marshalsea Walk and pedestrian/cycleway infrastructure and the potential future provision of the footway/cycle path link through the site. The contribution for improvements to the pedestrian/cycle route network are considered reasonable and subject to the other legal requirements and conditions set out in the recommendation the development is supported.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**





CREAM RESIDENTIAL CARE

**DEMOLITION OF RESIDENTIAL DWELLING CHANGE OF USE OF LAND FROM RESIDENTIAL (C3) TO RESIDENTIAL INSTITUTION (C2) AND ERECTION OF A 6 BEDROOM RESIDENTIAL CARE HOME FOR YOUNG ADULTS WITH MULTIPLE DISABILITIES AT 6 BRIDGWATER ROAD, TAUNTON (RESUBMISSION OF 38/10/0343)**

Grid Reference: 324830.124944

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed care home is considered to be in a location where sustainable transport methods are available and would not result in detriment to highway safety. It has been designed to reflect the style and design of other properties along Bridgwater Road and whilst it would change the appearance of the street scene, would not result in detriment to its character. Although the proposal would change the nature of the site, it is not deemed to 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) and S2 (Design).

**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  
(A3) DrNo CCBRII-PP04 Proposed block plan  
(A3) DrNo CCBRII-PP03 Rev A Proposal site plan  
(A1) DrNo CCBR-S01 Survey as existing  
(A1) DrNo CCBRII-PP02 Rev A Proposal, elevations and sections  
(A1) DrNo CCBRII- PP01 Proposal

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

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

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

4. 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, in accordance with details that shall have been submitted and approved by the Local Planning Authority, 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).

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

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and design of the wall and fence to be erected on the front boundary. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Before the care home is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

8. 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 by the Local Planning Authority.

Reason: To prevent surface water being deposited into the highway, in the interests of highway safety and neighbouring amenities, in accordance with Taunton Deane Local Plan Policies S1(D) and (E).

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

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

#### Notes for compliance

1. Soakaways should be constructed in accordance with British Research Digest 365 (September 1991).
2. 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 surface and foul flows.
3. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. 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.
4. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in

advance with the Highway Service Manager, Taunton Deane Area Highway Officer, Burton Place, Taunton Tel Num: 0845 3459155. He will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980.

## **PROPOSAL**

6 Bridgwater Road is currently occupied by a bungalow set between two two-storey properties, with a detached double garage to the rear and trees along the rear boundary. The property is set back from and on a higher level than the road. A footway runs to the front separated from the road by a grassed area, in which trees are planted. The street scene is characterised by a mix of bungalows and two-storey properties, including some large properties, No.2 for example.

The surrounding properties are largely residential. Planning permission was granted in October 1984 for the change of use of a nearby property, No.2 to a care home for the elderly. A further application was approved in July 1993 to allow residential use for physically handicapped adults. This care home is still operating.

An application for planning permission for the demolition of the residential dwelling and change of use of the land from residential to a residential institution and erection of 6 bedroom residential care home for young adults with multiple disabilities was received earlier this year. This application was withdrawn prior to a decision.

This application now seeks planning permission for a revised scheme. This would include the erection of a part two-storey building to provide 6 en-suite bedrooms with a large single storey element to the rear to provide a rear lobby, large communal living space, kitchen and staff office. A courtyard area is proposed for amenity space and an area of garden with an allocated bin storage area towards the rear of the plot. To the front, it is proposed to provide 6 car parking spaces, a cycle storage area and reposition the vehicular access in the centre of the plot. Supporting information submitted indicates that the development would accommodate young adults with profound and multiple learning difficulties. The application is accompanied by a Travel Plan.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CLLR SLATTERY & CLLR BROOKS* object on the grounds of:

- Detrimental impact on street scene due to size, scale and bulk.
- Overdevelopment of the site by virtue of design, appearance and layout.
- Change in height and building line would affect neighbours daylight and privacy, exacerbated by gradient.
- Narrow access creates problems for access/egress of large vehicles, manoeuvring of such vehicles may block road, exacerbating traffic congestion. Part of safer route to schools passes property. Increase in volume of traffic, levels of deliveries, parking, obstruction of drives, emergency and service vehicle access and refuse collection could all compromise highway safety.
- Raise concern that transport statement does not state how it will be policed.

- Noise and disturbance from increased levels of activity, including number of residents, staff and visitors, and associated increased vehicular activity including ambulances at all times of day and night, out of character with predominantly quiet residential area.
- Noise levels likely to be significantly greater than that usually associated with large family, resulting in unacceptable level of noise and disturbance to adjacent properties.
- Unsuitable location for such a proposal
- Proposed building would cause damage to trees within property.
- Proposed car park would be detrimental to street scene.
- Whether drainage/sewage system would be able to meet increased demands of large commercial operation and additional run-off from hardstanding for parking.
- Large scale of building and hardstanding, replacing gardens, and gradient, would increase likelihood of flooding to neighbouring properties.
- Detrimental impact on residential amenities of adjacent and nearby residential properties.
- Need to consider whether impact of activity associated with proposal and existing activity of site as dwelling would be significantly greater and be detrimental to neighbour amenity. Of the opinion that due to number/times of staff shift changes, levels of professional/personal visitors and potential for emergencies, vehicular and pedestrian activity would be significantly higher than single family household.

Other matters raised:

- Demolition of residential dwelling to accommodate care home should require change of use application.
- Request application considered by Planning Committee.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Firstly in terms of vehicle movements at present the existing dwelling could potentially generate approximately 8-10 vehicle movements per day. It is likely that this proposal would see an increase in vehicle movements. However the patterns of these movements would be different. During pre application discussions the applicant envisaged that 50% of the staff will either cycle or utilise public transport to access the site. In light of these discussions it was advised that a Travel Plan should be submitted as part of the planning application.

Under the previous planning application amendments were required by the Travel Plan Co-ordinator in regards to the submitted Travel Plan. As a consequence an amended Travel Plan was submitted as part of this proposal.

Unfortunately due to time constraints the Travel Plan Co-ordinator has not been able to assess the Travel Plan at the present time. As such I would recommend that if planning permission were granted a suitable Travel Plan condition is attached.

In regards to the parking provision for the site the Local Transport Plan requires that parking is provided on the ratio of 1 space per 4 bedrooms and 1 per 2 staff. The application form indicates that there will be a total of 23 staff which would normally equate to 11 spaces. However there would only be a total of 8 members of staff on site at any one time. In light of this the proposal would need to provide a maximum of 5 spaces.

The existing access will be realigned to the centre of the site and widened to approximately 4.5m. This will allow for two way vehicle flow to and from the site. This will need to be properly consolidated and surfaced with suitable surface water drainage provided. It is noted that the realignment of the access would result in the loss of a tree and part of the grass verge. As I suggested at pre application the Area Highway Office would need to be contacted to ascertain whether these works would be acceptable. I am satisfied that at the point where the access joins Bridgwater Road suitable visibility can be provided in either direction. Raise no objection, suggest conditions.

*CARE QUALITY COMMISSION, CITYGATE* - No comments received to date

*COMMUNITY CONTRACTS, COUNTY HALL* - This service will require support and resources from primary and secondary health services for residents of Somerset and residents from out of county – majority of whom will be placed by other authorities.

## **Representations**

At the time of writing, 28 letters of objection (2 letters received from same household) have been received from local residents on the grounds of:

- Development is too large, proposal will extend footprint by more than 100%, changing ratio of building to garden. Proposal represents 'garden grabbing'
- Cramped appearance within site, forming a discordant and unduly assertive feature, poorly related and out of character with existing and surrounding dwellings, causing harm to appearance of area and street scene, especially dramatic change in levels.
- Pattern of houses along Bridgwater Road ensure gaps between buildings are sufficient to retain privacy, light and prevent adverse impact.
- Car park to front would be an eye-sore, out of character with street.
- Adequacy of proposed parking increasing pressure on grass verge/on-street parking, increased traffic levels and congestion on an already busy road. Staff from care home at No.2 already park on road in space required by local residents. No turning space to allow cars to drive out, resulting in reversing out across footpath much used by school children.
- Delivery/service vehicles would have difficulty in manoeuvring in limited space to front so could have to be unloaded on the main road. This is evident at No.2.
- Lack of vehicular access to sides and rear would create problems for emergency and rescue services in the event of a fire
- Use of premises will result in overdevelopment and intensification of use detrimental to residential character of area. Existing care homes in area, further care homes could change nature of street.
- Inappropriate location and size of commercial business is impossible to overcome.
- Potential noise generated from future occupants, staff, visitors, traffic and deliveries would have adverse impact on amenity of adjacent occupiers and give rise to unacceptable level of disturbance, due to noise of vehicular and pedestrian activity, especially at unsociable hours. Application does not demonstrate that there is sufficient space around building to minimise this impact.
- Intensification as a result of second care home, creating undesirable precedent, leading to reduction in residential character.

- Turning lovely bungalow into large commercial building.
- Commercial property in a residential area.
- Appearance of extension and potential overshadowing of adjacent properties.
- Loss of privacy and residential amenity arising from a perception of being continually overlooked and blocking of light, will impact on enjoyment of neighbours use of their gardens.
- There are many residential institutions/homes in Bridgwater Road, at least 9 in Hamilton Road, Bridgwater Road and Illminster Road. Inappropriate to create such concentrations, should be a more dispersed provision for complex disability.
- The cumulative effect of an additional institution on Bridgwater Road near Halcon Corner would present an unacceptable risk to pedestrians and motorists.
- Bungalow has stood for 80 or so years, blends in with surroundings. 6 bedroom massive building proposed will look out of character with the area.
- Massive building will lead to visual impact and loss of light to living room at No.8, land higher on that side of boundary.
- Concerns regarding points in travel plan: 50% staff may cycle/walk to work but safe cycle routes not in place near No.6; public transport services are withdrawn at late hours or weekends.
- Presume type of development would be totally contrary to the local plan for our area.
- Loss of tree to the front.
- Loss of amenities to occupiers of No.4, who already have a care home for young adults with multiple disabilities directly to the north, the residents of which cause a lot of disturbance (shouting, swearing, footballs being kicked into garden and retrieved without permission), further care home could result in same disturbing noises; Community charge ratings band of No.4 lowered due to problems of No.2; proposed building would be much closer to No.4 than existing property and two storey element would have major overbearing impact, depriving light to bathroom and lounge window. Concerns that the occupiers could have a care home either side of them, eroding amenities.

Other matters raised including:

- Government believes that power should rest where it makes the most difference – in hands of people and communities.
- Sustainable Communities Act gives people the power to shape the future of their lives and communities.
- Query provision of fire escapes.
- Concerns regarding points in Supporting Statement: improving peoples quality of life – queries whether this includes present residents; making suitable land available – queries whether this should be by demolishing existing attractive residences; queries whether future use of premises might include persons with drug addictions or behavioural problems.
- Devaluation of properties in the vicinity.
- Disturbance cause by building work, noise, dust, mess and grass verge ruined.
- Crazy to demolish bungalow.
- Size of proposed building and garden is far too limited to provide reasonable living space.
- Three bedrooms proposed on first floor is not consistent with the international practice of accommodating disabled residents on the ground floor of newly built facilities.

Letter received from the applicants, Cream Residential Care:

- Concerned to read content of objections.

- 30 years of experience of providing residential care to a high standard.
- Excellent reputation for providing sensitive and nurturing approach.
- Longrun House has integrated well within the neighbourhood and we have not experienced complaints from community.
- Need in locality for additional residential care for people with severe and profound disabilities.
- 6 Bridgwater Road provides ideal setting for such residential care due to position on main road and close proximity to public transport and community facilities.
- Use is compatible with other mixed residential and business land uses in the locality
- Young persons in our care are encouraged to be good neighbours.
- Proposed residents pose no threat to the community.
- Conducted a pre-planning consultation exercise and invited local residents and councillors to visit Longrun house, disappointed that no-one accepted invitation.
- Proposed building sensitively designed to provide an attractive environment.
- With only 6 residents, levels of comings and goings would not be dissimilar to what would be expected from a large family dwelling.
- PPS1 recognises need for inclusive development to accommodate social cohesion and inclusion, thereby creating equal opportunities and LPA should take into account needs of disability.
- The proposed care home will provide additional employment in locality.

## **PLANNING POLICIES**

T1 - TDBCLP - Extent of Taunton,  
 STR4 - Development in Towns,  
 STR2 - Towns,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 PPS1 - Delivering Sustainable Development,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development; the design and impact on the street scene; the impact on highway safety; and the impact on the amenities and living conditions of neighbouring residents.

### Principle

The site is located within Taunton, within easy reach of public transport, along with other services and facilities and cycle storage is provided. It is, therefore, a location in which planning policy generally supports the provision of new care homes, subject to meeting other planning criteria.

There is evidence of other care homes in close proximity to the site and there is no specific policy within Taunton Deane Local Plan pertaining to care homes and their concentration.

### Design and impact on the street scene



The street scene along Bridgwater Road is characterised by a mix of properties, with evidence of both hipped roofs and gabled roofs. Whilst the existing bungalow on the site is of hipped roof design, No.4 has a gabled roof and No.8 a hipped roof. The dwelling has been designed taking into account the style of surrounding properties and the prominent front gable reflects that evident on the adjacent property, No.4. Although a reasonably large building, there is evidence of large properties elsewhere in the street, as evident at No.2. Whilst the proposed property is two-storey, it has been designed with the front and rear projections being on a lower eaves and ridge height to reduce the bulk and mass. It is acknowledged that the property is larger than the existing bungalow, however it is important to note that the level of the site is proposed to be reduced. As such, the ridge height of the dwelling will in fact only be 1.5m higher than the ridge of the existing bungalow. This reduction in ground level would reduce the impact of the two-storey property.

The proposed building would be built on a slightly different building line than that of the existing bungalow. However, this is a marginal deviation, which in view of the shape of the property on the adjacent plot, is not considered to harm the appearance of the street scene. Whilst the proposed building is large in comparison to the existing bungalow, it has been set in from the sides of the plot, reducing any cramped appearance. This is furthermore assisted by there being a significant gap between the proposed property and the adjacent dwelling, No.8.

Concerns have been raised regarding the proposed car parking area to the front. This is similar to the existing situation at No.2, hence there is evidence of this in close proximity. Furthermore, as the land level would be reduced, with planting to the front of the car parking, it would appear less prominent in the street scene.

#### Impact on highway safety

Concerns have been raised regarding the level of car parking. The County Highways Authority have been consulted on this application and are of the opinion that the level of car parking is adequate for the proposal. The layout of the site and space within it would enable vehicles to enter the site in forward gear and reverse into the parking spaces, hence not requiring vehicles to reverse out on to the busy road.

Whilst it is likely that there would be an increase in vehicle movements, the patterns of these movements would be different and it is envisaged that 50% of staff will travel to the site by methods other than the private car. The Travel Plan is currently being assessed by the County Highways Authority and this matter will be updated at the committee meeting.

The County Highways Authority are satisfied that the visibility at the re-aligned access is capable of accommodating traffic from the proposed use and that the local highway network has sufficient capacity. Accordingly, the impact on the local highway network is considered to be appropriate

#### Impact upon neighbouring amenities

The proposed building has been set in from the boundaries with neighbouring properties. There are no windows proposed above ground level in either direction and as such, there would be no direct overlooking. Although the bungalow would be replaced by a two storey building, this has been designed with a minimal gable

facing adjacent properties and the rear projections on a lower eaves and ridge level. Whilst the proposal would change the outlook from No.8, the building would be over 12 metres away from the closest windows at this property, being a lounge window with bedroom window above. This is considered a sufficient distance to avoid an unacceptable loss of light and it is important to note that there are other windows serving the lounge. The two storey element would lie adjacent to the parking area of No.8 and not the main amenity space and being set in from the boundary, is not considered to result in an overbearing impact. Although there is a large extension to the rear, this is single storey with a hipped roof on the rear to reduce impact. As it would lie adjacent to the existing garage at No.8, it is not deemed to cause unacceptable harm on the amenities of that property.

Whilst it is accepted that the two storey property would come closer to the property at No.4, it is important to note the layout at No.4. There is a small window in the side of the main dwelling and a bathroom window in the single storey element to the rear, both facing into the site. It is understood from the site visit that the small window is a secondary window serving the front hallway; and the bathroom is not a habitable room. As such, the two storey building is not considered to result in a material loss of light to any habitable room. A single storey element protrudes within the grounds of No.4 and along the boundary with No.6 for approximately 12 metres and as such, will screen a large proportion of the proposed two-storey property. Whilst some views of the property would be available above this single storey extension, the proposed property is not considered to result in an overbearing impact. Whilst the single storey element proposed to the rear would extend further, this is single storey with a low eaves level and the roof hipped. Furthermore this does not protrude beyond the existing garage at No.6 and as such is not considered to result in a significant increased impact.

In terms of comings and goings of vehicles, it is important to note that the car parking being to the front, will minimise the impact upon neighbouring properties as there will be no option for vehicles to access the rear, which would result in vehicles passing in close proximity to neighbouring properties, as is the existing situation with the driveway running alongside No.4.

In the case of noise and disturbance, it is generally customary to regard these issues as a matter for the managers of the care home. It follows that, generally, a well managed facility should not cause significant noise and disturbance and consequent detriment to the amenities of nearby residents. The Care Quality Commission, as an independent regulator of health and social care, are the regulating body of a home offering this type of care. The Commission require individual managers to demonstrate that they are suitable to run the service; can manage risk and ensure essential standards of safety are maintained; and that they have suitably qualified, skilled and knowledgeable staff.

### Other matters

Concerns have also been raised about whether the existing sewage disposal would be able to cope with the additional surface water as a result of the increased hardstanding and building. As the surface water will be directed to soakaways, in addition to the mains sewer, this is considered to be adequate.

Objections have also been made on the basis of the devaluation of neighbouring properties and the disturbance to residents during construction. These matters are

not matters that can be considered as part of the planning process and as such, limited weight can be attributed to them.

### Conclusion

The property is considered to be of a suitable design that would not result in detriment to the appearance of the surrounding area and would not impact unreasonably upon the highway network.

The use of the property as a care home is not considered to result in material harm to neighbouring properties that would outweigh the need for such accommodation for young adults with multiple disabilities and it is important to note that the points raised regarding noise and disturbance would be attributable to the management of the premises, and as such would be a matter for the regulatory body.

**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**

Taunton Deane Borough Council

Planning Committee – 9 February 2011

Miscellaneous report relating to residential development of 7.65 ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull

Prosecution action for the non-compliance of a Breach of Condition Notice

This report is to inform members of the current situation in respect of the above.

Two Breach of Condition Notices were issued on Persimmon Homes for breaching some of the conditions attached to the Outline Planning approval number 05/07/0057.

The Notices covered;

- i) works on site prior to the agreed Highway works being completed,
- ii) protection of retained hedges and
- iii) working hours during the course of construction.

The working hours condition has now been complied with but the other two conditions continue to be in breach.

The Highway works are being carried out but are not complete and although some of the hedges have protective chestnut pale fencing, this does not cover the whole site and it is not 2 metres distance from the hedge.

In view of this it is proposed to use delegated powers to commence prosecution proceedings against Persimmon Homes for the non-compliance with the Breach of Condition Notice.

John Hardy  
Senior Planning Enforcement Officer  
Tel: 01823 356466

## Planning Committee – Wednesday 09 Feb 2011

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E/0137/44/10
2. **Location of Site** Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington TA21 9QE
3. **Names of Owners** Mr Derrick Alford
4. **Name of Occupiers** Ms J Andrews
5. **Nature of Contravention**

CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL AT BRIMSTONE BARN, BRIMSTONE LANE, ROCKWELL GREEN, WELLINGTON

#### 6. **Planning History**

It was brought to the Council's attention that two structures had been constructed in an agricultural field adjacent to Brimstone Barn. The structures have mesh runs attached and are used to accommodate a number of small dogs. The occupier was approached and information received that the dogs were privately owned and not used for commercial breeding purposes. The use of the agricultural field has therefore changed to domestic purposes. An assessment has been made and it is considered that the change of use of this field would not be acceptable. The occupier has stated that it is her intention to stay for a maximum of another 6 months until she finds a suitable alternative location. In order that the land can not benefit from an established use it is intended to issue an Enforcement Notice but with a compliance time of 6 months to allow for the occupier to relocate.

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

It is considered that a change of use to domestic use with the possibility of increased associated paraphernalia that comes with such a change of use would lead to a domestication of the open countryside. The cumulative effect of which would be detrimental to the character and appearance of the rural area. Contrary to Policies S1 of the Taunton Deane Local Plan and advice contained in PPS 7.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice with a 6 months compliance time. Also to take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

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

**CONTACT OFFICER: Mr JAW Hardy Tel: 01823 356466**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 9 FEBRUARY 2011**

<b>Proposal</b>	<b>Start Date</b>	<b>Application/Enforcement Number</b>
CONVERSION OF OFFICE, GARAGES AND STORES INTO SINGLE STOREY DWELLING AT THE COURTYARD, HEATHERTON PARK HOUSE, BRADFORD ON TONE	10 JANUARY 2011	07/10/0021

**APPEAL DECISION FOR COMMITTEE AGENDA – 09 FEBRUARY 2011**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/C/10/2127609	Change of use of land for the stationing of a mobile home and a touring caravan for residential purposes at Carriers Gate, Langford Budville, Wellington	Enforcement Appeal	E/0108/21/09	The Inspector considered there was no evidence that notice has not been served on anyone with an interest in the land. An extended compliance period of 6 months was granted. Subject to this variation the appeal was <b>DISMISSED</b> and the enforcement notice upheld.

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