

Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 29 June 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 25 May 2011 and 8 June 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 43/10/0143 – Erection of low/medium secure residential and treatment/care facility (Use Class C2A – Secure Residential Institutions) with associated car parking and landscaping at land at Westpark 26 Business Park, Chelston, Wellington
- 6 38/11/0155 – Demolition of conservatory and erection of extension to the rear of 18 Quantock Road, Taunton
- 7 27/11/0009/REX – Provision for 50 no camping pitches and amenity block at land south of Harris's Farm, Hillcommon
- 8 E0071/14/11 abd E0165/14/11 - Display of large advertisement on trailer in field adjacent to M5 Motorway north of Junction 25, Creech Heathfield, Taunton
- 9 24/11/0010 and E0078/24/05 - Stationing of mobile home on agricultural land for storage of domestic items at 18 Windmill Hill, North Curry
- 10 Planning Appeals - The latest appeals lodged and decisions received (details attached)

Legal and Democratic Services Manager

22 November 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.

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

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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.

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Planning Committee Members:-

Councillor C Bishop	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor R Bowrah, BEM	
Councillor B Denington	
Councillor A Govier	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor N Messenger	
Councillor I Morrell	
Councillor J Reed	
Councillor F Smith	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Planning Committee – 25 May 2011

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Denington, Govier, Hayward, Henley, Mrs Hill, Miss James, Mrs Messenger, Morrell, Mrs Reed, Mrs Smith, Watson, A Wedderkopp, D Wedderkopp and Wren

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

Also present: Councillors Mrs Slattery and Stone in relation to application No 24/11/0009; Councillor Mrs Lees in relation to application No 38/10/0272; Councillors Mrs Govier and Mrs Stock-Williams in relation to application No 43/11/0024REX; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

38. Appointment of Chairman

Following the decision of the Committee, the Conservative Group Leader's nomination for the Chairmanship of the Planning Committee was referred back for re-consideration.

39. Appointment of Vice-Chairman

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

40. Apology/Substitution

Apology: Councillor Tooze
Substitution: Councillor Henley

41. Minutes

The minutes of the meeting of the Planning Committee held on 20 April 2011 were taken as read and were signed.

42. Public Question Time

Councillor Govier asked if the order for planning applications on the agenda could be reversed from time to time as he felt it was unfair to parishes that featured later in the alphabet. The Growth and Development Manager agreed that this would be looked at in the future.

43. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Watson declared a personal interest as an

alternate Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared an interest in application No 38/11/0272 as his family owned property abutting the site. He would not vote on the application. Councillor Wren declared a personal interest in agenda item 15 as he had been the Clerk to Milverton Parish Council when the item had been considered.

43. 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 **outline planning permission be granted** for the under-mentioned development:-

37/11/0001

Erection of two detached two storey dwellings and ancillary garages at Dairy House Farm, Stoke St Mary

Conditions

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) As part of the details to be submitted, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority and there shall be no variance to the agreed levels unless otherwise agreed by the Local Planning Authority;
- (d) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-
 - (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site;
 - (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's

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

- (e) Prior to commencement of the development, details of a strategy for dealing with foul and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include a full operation and maintenance strategy. The drainage strategy shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained;
- (f) Details of the position, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (g) (i) The landscaping scheme submitted as part of the reserved matters 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; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) The proposed dwellings shall be constructed as one and a half storey buildings;
- (i) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (j) In this condition, ‘retained tree’ means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the dwellings:- (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (Tree Work); (ii) If any retained tree is removed, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;
- (k) 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;

- (l) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (m) 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 shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (n) The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated September 2010 and provide mitigation for bats in accordance with the recommendations and in accordance with a timetable which shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (o) The parking and turning areas shown on the plans submitted as reserved matters shall be laid out prior to occupation of the dwellings and thereafter be kept clear of obstruction and not used other than for the parking and turning of vehicles;

(Notes to applicant:- (1) Applicant was advised to be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists the exact position on the design site layout should be plotted to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense, or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and should ensure that any activity undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (4) Applicant was advised to have regard to the Stoke St Mary Parish Council Design Statement when designing the dwellings; (5) Applicant was advised that, in respect of the illustrative plan, it is considered that the proposed dwellings being at an angle to the access tend to overcome potential overlooking issues, but the amount of hard standing and parking area shown appears excessive and should be reduced in the detailed submission; (6) Applicant

was advised that no planters should be placed within the highway limits at any time and the existing planters should be removed with immediate effect; (7) Applicant was advised that the landscaping scheme should include a line of trees on the western side of the site and hedges in other locations as shown on plan ref 1823-2C).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The continued use of the existing access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties. The revised illustrative plan with the re-orientation of the dwellings, together with the reduction to one and a half storeys, contributed to the character of the village. It was not considered that there would be any overlooking to neighbouring properties and the new dwellings were considered to be an appropriate use of already developed land within the village. It was not considered that the loss of the existing parking area would result in detriment to the character of the village or local roads and the retention of the existing landscape business was a benefit to the locality. The proposal was therefore considered to be in accordance with Planning Policy Statement 3, Planning Policy Statement 7, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

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

05/11/0010

Variation of Condition 1 to Application No 05/10/0014 to amend the external facing materials for Plot 49 (showhome) at land west of Bishop's Hull Road, Bishop's Hull

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to the e-mail dated 4 February and the approved plans;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C on Application No 05/10/0014 and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to five years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and agreed in writing by,

the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction;

- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out and any replanting shall be maintained for a period of up to five years.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or to harm the street scene given the materials used and the previously approved reconstituted stone and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

24/11/0009

Erection of conservatory to the rear at Chestnut Farm Barn, Helland, North Curry

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the side window to be installed in the southern elevation of the extension shall be obscure glazed and non-opening. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon the character of the existing dwelling, visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings). In addition, the impact of the conservatory on the historic asset was not considered to be significant and the proposal was considered to be in accordance with Planning Policy Statement 5 Planning for the Historic Environment.

38/10/0272

Erection of two one bedroom flats at land off 99 Station 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for one bicycle per dwelling to be parked;
- (e) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed in the east or north elevations of the development hereby permitted without the further grant of planning permission;
- (f) None of the dwellings shall be occupied until details of the surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority and all agreed drainage works completed in accordance with those details unless otherwise agreed in writing by the Local Planning Authority;
- (g) Prior to the occupation of the dwellings hereby permitted, a plan showing the details of a safe access route into and out of the site and details of a sign to inform residents of the route shall be submitted to, and approved in writing by, the Local Planning Authority and provided on site. The safe access route shall thereafter be retained in accordance with the plan;
- (h) Finished floor levels shall be no lower than 15.3m AOD.

(Notes to applicant:- (1) Applicant was advised that, as the site is located within Flood Zone 2 and 3 areas, the incorporation of flood resistant techniques in the construction of the flats, examples of which include concrete floor with waterproof membranes; sealed service ducts; electrical and other plant to be located at a raised level; and high level electrical sockets, should be considered; (2) Applicant was advised of the need to protect the integrity of Wessex Water systems and

agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water).

Reason for granting planning permission:-

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

42/11/0010

Erection of rear and side single storey extension and conversion of garage to living accommodation at Dinham, Honiton Road, Trull

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.

Reason for granting planning permission:-

The proposed extensions were not considered to dominate the bungalow or result in harm to its character or that of the appearance of the surrounding area. There would be no adverse impact upon the amenities of the neighbouring properties or highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

- (3) That the following application be **deferred** for the reason stated:-

43/11/0024/REX

Conversion of mill building (former Haymans Coalyard warehouse) and extension to form 21 two bed apartments and formation of 32 car parking spaces and bike lockers for 42 bikes, Haymans Mill, Payton Road, Westford, Wellington (application to replace extant permission 43/07/0087)

Reason

To consider whether enforcement action could be taken to secure improvements to visibility and, if not, to ask the County Highways Authority if they would be supportive of defending any appeal on the grounds of a highways objection.

- 44. Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/10/0014 for Phase 1, minor changes to layout, design and materials, at land west of Bishop's Hull Road, Bishop's Hull (05/11/0016)**

Reported this application.

Resolved that subject to an acceptable negotiated solution to replace the half timber materials to three plots and the half-hip roofs to three plots which were unacceptable, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to an e-mail dated 4 February 2011 and the revised schedule received 10 June 2011 for Plots 1-54 with drawing plans:-
 - (A3) DrNo SLP-03 Rev B
 - (A3) DrNo EF (PH1) -01 Rev H
 - (A1) DrNo TP-01 Rev AB;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C on Application No 05/10/0014 and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to five years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and agreed in writing by, the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction;
- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to

the work being carried out and any replanting shall be maintained for a period of up to five years.

Reason for planning permission, if granted:-

The proposal was not considered to have a detrimental impact on visual or residential amenity or to harm the street scene, given that proposed materials reflected those previously approved and, accordingly, this complied with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

46. Erection of single and two storey rear extension and erection of boundary wall at Brookside, Amberd Lane, Trull (42/11/0012)

Reported this application.

Resolved that subject to the receipt of an amended plan reducing the height of the first 2.4m of the fence from 1.8m to 900mm, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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 and driveway hereby permitted shall be limited to the parking of domestic vehicles only for Brookside and shall not be used for further ancillary residential accommodation or any other purpose whatsoever.

(Notes to applicant:- (1) Applicant was advised that the boundary wall and fence hereby permitted shall be wholly contained within the ownership of the applicants and shall not encroach onto the adjacent public footpath in any way; (2) Applicant was advised that the County Rights of Way Group requested that:- (i) the health and safety of walkers must be taken into account during works to carry out the proposed development; (ii) Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians; (iii) Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicle use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (iv) if the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided).

Reason for planning permission, if granted:-

The proposed extensions have been designed to appear subordinate to the property and whilst these would alter its character, they were not considered to result in material harm to its appearance or to that of the surrounding area and there would be no adverse impact upon the amenities of the neighbouring properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

47. Occupation of mobile home at Fernicaps Park Farm, Langford Budville

Reported that it had come to the Council's attention that a mobile home was being occupied at Fernicaps Park Farm, Langford Budville without the necessary planning consent.

The owner of the land had submitted a planning application to retain the mobile home but this had been refused in April 2011 under delegated powers.

Resolved that:-

- 1) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Fernicaps Park Farm, Langford Budville; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

48. Appeals

Reported that five new appeals had been lodged, details of which were submitted. Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 9.12 pm)

Planning Committee – 8 June 2011

Present:- Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, Govier, C Hill,
Mrs Hill, Miss James, Mrs Messenger, Mrs Reed, Mrs Smith, Mrs Stock-
Williams, Tooze, Watson, A Wedderkopp and Wren

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

Also present: Councillors Mrs Slattery and Stone in relation to application No 24/11/0017;
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

48. Appointment of Chairman

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

49. Apology/Substitution

Apology: Councillor Morrell
Substitution: Councillor Mrs Stock-Williams

50. Declarations of Interest

Councillor Govier declared a personal interest as a Member of Somerset County
Council. Councillor Watson declared a personal interest as an alternate Director of
Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as
employees of Somerset County Council. Councillor Miss James declared a
personal interest as an employee of Viridor. Councillor Tooze declared a personal
interest as an employee of UK Hydrographic Office. Councillor Wren declared a
personal interest as an employee of Natural England. Councillor Mrs Reed
declared a personal interest as her daughter works as an administrator in
Development Control.

51. Applications for Planning Permission

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

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

24/11/0017

**Retention of the mobile home sited on land adjacent to (and in lieu of) the
lawful caravan site approved on 12 June 2008 under reference 24/08/0011LE**

(use of land for stationing a caravan for residential purposes), The Cottage, Stoneyhead Hill, Wrantage

Conditions

- (a) The use hereby permitted shall be carried on only by Amy Penfold and shall be for a limited period being the period during which the caravan site pursuant to this permission is occupied by Amy Penfold. The caravan and all materials and equipment brought on to the site in connection with the use shall be removed within three months from cessation of occupation;
- (b) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet the following conditions:-
 - (i) Within 3 months of the date of this decision a scheme for the landscaping of the site, to include new hedge planting and planting to reinforce the existing boundary hedge where necessary and a timetable for the implementation of the landscaping scheme, shall have been submitted to, and approved in writing by, the Local Planning Authority; (ii) The approved scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained;
- (c) No more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed within the application site as shown edged red on plan number 4949 at any time.

Reason for granting planning permission:-

The personal circumstances of the occupant outweigh the other material planning considerations including the detrimental impact on the landscape character of the area, the non-sustainable location of the site and the impact on the highway network that might result from an intensification of the use.

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

Members considered that the personal circumstances of the occupant outweighed all other considerations.

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

The Chairman reported that he had agreed that the item covered by Minute No 53 below should be dealt with as an urgent matter.

53. Stationing of two catering trailers at 31 Shoreditch Road, Taunton

Reported that an application to store two catering trailers at 31 Shoreditch Road, Taunton had been refused by the Committee in December 2010. The owner of the site had lodged an appeal against the refusal and a decision was currently awaited.

Since the refusal of planning permission, one trailer had been stationed on the site which was not considered to be a breach of planning control. However, it had

come to the Council's attention that a second trailer had been stationed temporarily on the site on two occasions recently but, due to the length of the breach, it was not considered expedient to take further action in respect of the second trailer.

The Council had since received a further report that the second trailer had been stationed on the site since 1 June 2011 and, as Members were concerned about the harm caused to residential amenity, it was proposed to take swift action to seek the removal of the trailer.

Resolved that:-

1. (a) Subject to the owner of 31 Shoreditch Road, Taunton being given five working days to make representation; and

(b) The continued stationing of two catering trailers at 31 Shoreditch Road, Taunton,

the Growth and Development Manager be authorised to serve an enforcement notice in consultation with the Chairman or Vice-Chairman seeking the removal of the second catering trailer from the land at 31 Shoreditch Road, Taunton; and

2. (a) If an enforcement notice was served and the outstanding planning appeal was allowed; and

(b) Subject to being satisfied with the evidence,

the Solicitor to the Council be authorised to withdraw or amend the enforcement notice.

(The meeting ended at 6.10 pm)

Declaration of Interests

Planning Committee

- Member of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Alternate Director of Southwest One – Councillor Watson
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

SUMMERFIELD DEVELOPMENTS AND MONTPELIER ESTATES

ERECTION OF LOW/MEDIUM SECURE RESIDENTIAL AND TREATMENT/CARE FACILITY (USE CLASS C2A - SECURE RESIDENTIAL INSTITUTIONS) WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND AT WESTPARK 26 BUSINESS PARK, CHELSTON, WELLINGTON

Grid Reference: 315396.120611

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to

- the applicant entering into a S106 agreement (or other suitable mechanism) to secure sustainable travel modes to reduce reliance upon single occupancy car travel - in the form of a Green Travel Plan, and
- confirmation from the Police that they are satisfied with the wording of a Unilateral Obligation to provide for any additional required police resource.

Recommended Decision: Conditional Approval

The development will provide a regional hospital facility for those in need of care and treatment by reason of disability or mental health needs. The facility would generate a significant number of jobs and inward investment to the Borough and local economy. The design of the facility and the proposed palette of materials are considered acceptable and would have no significant adverse impact on the Business Park or surrounding area. The development by reason of its scale and siting would have no unreasonable impact on the amenity of adjacent local residents. The benefits of the scheme have been balanced against the perceived fear of crime and disorder from local residents. In this respect, it is considered that the planning benefits of the development, together with the security and operational requirements of the facility, administered by the regulatory body – Care Quality Commission, outweigh the perceived fear of crime and disorder. The proposal is therefore in general conformity with Taunton Deane Local Plan Policies S1 - General Requirements; S2 – Design; EN12 – Landscape Character Areas; EN28 – Flooding; M1 – Transport; M2 – Parking; M3 – Parking; M5 – Cycling and W4 – Chelston House Farm and government guidance contained within PPS1 and PPS4 and Circular 02/2006.

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 approved plans listed in schedule 0911 dated 25 May 2011 and email dated 1 June in respect of materials.

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, and details of the design, materials and colour of the fencing, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

5. The building hereby permitted shall be used for the purposes of a low/medium secure hospital and for no other purpose (including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason – In order for the Local Planning Authority to assess the impact of an alternative use on the level of parking required and amenity of local residents.

6. The building shall not be occupied until details for a covered and secure cycle storage for 24 bicycles has been submitted to and approved in writing by the Local Planning Authority.

The building shall not be occupied until the car and bicycle parking, turning areas and means of access shown on the approved plans have been constructed and made available for use and these shall therefore be retained in the form approved and for no other purpose.

Reason – To ensure that the access and parking requirements are constructed prior to the occupation of the development in accordance with Somerset & Exmoor National Park Joint Structure Plan Policy 49. & Local Plan Policy M5.

7. The development hereby permitted shall not be occupied until a scheme of external lighting for the site has been submitted to and approved in writing by the LPA. Lighting shall only be provided in accordance with the approved details and shall thereafter be retained in the approved form.

Reason – In the interests of visual and residential amenity and impact on wildlife in accordance with Taunton Deane Local Plan Policy S1 and EN12.

8. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

9. All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction.

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

10. All the recommendations made in Ambios Ecology LLP'S mitigation strategy report, dated March 2011, shall be undertaken by the applicant:

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts with related accesses has been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason – To protect and enhance the site for wildlife in accordance with guidance contained within PPS9.

11. In the event that development has not commenced within a period of 1 year from the date of Ambios Ecology report, dated March 2011, a further ecological survey shall be undertaken to ascertain any changes in protected species presence of activities prior to the commencement of any works.

Such surveys shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of any works, along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation

measures shall thereafter be implemented as agreed.

Reason – For the conservation and protection of legally protected species in accordance with guidance contained within PPS9

12. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to use of the building being brought into use.

Reason – To prevent increased risk of flooding and improve and protect water quality in accordance with Taunton Deane Local Plan Policy EN26 and guidance contained within PPS25.

Notes for compliance

1. The Environment Agency has identified some discrepancies between the Micro-drainage and the current network plan detailed in the Flood Risk Assessment. Details submitted to discharge this condition should clarify this and ensure the details are consistent. Given the proposal relies on an offsite attenuation pond it should be clear in any details submitted how the drainage for the site relates to the wider West Park Business Park drainage system.
2. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The applicant is recommended to refer to the Environment Agency's Pollution Guidelines, which can be found at:

<http://environment-agency.gov.uk/business/topics/pollution/topics/pollution/39083.aspx>
3. 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.

PROPOSAL

Planning permission is sought for the provision of a 75 bed medium and low secure residential hospital facility. The development would fall within Class C2A of the Use Class Order – 'Secure residential institutions'. Patients housed at the facility would be in need of care, treatment and rehabilitation by reason of learning disability and/or mental health needs. The specialist needs of this patient group require the scheme to incorporate secure by design elements, including sections of 5.2m and 4.0m

green meshed fencing. The facility has been designed to accord with the Care Standard Act 2000 and would need to be registered with the Care Quality Commission (CQC) prior to its operation.

The proposed layout shows the facility would be divided into four blocks, with parking sited to the front of the main entrance. The facility would incorporate communal areas, treatment rooms, recreational areas, catering, IT, art and horticulture areas, together with external amenity space for each of the buildings. The plans indicate that the buildings (whilst designed to be flexible to changing demands) are envisaged to be used as follows:

- Block A comprises the main reception of the facility along with visitor areas and occupational therapy treatment rooms on the ground floor. The first floor comprises a series of offices for administration.
- Block B comprises medium secure female accommodation and occupational therapy rooms on the ground floor. The first floor is proposed for low secure female accommodation.
- Block C comprises medium secure male accommodation and staff area on the ground floor with low secure male accommodation on the first floor.
- Building D is a single storey building which comprises low secure accommodation for those patients with learning difficulties.

The development takes the form of a contemporary design. Blocks A, B and C would be two storey and incorporate a hipped roof; Block D is single storey and features a flat roof. The proposed external elevation treatment comprises a palette of: - white render; colour render; tinted glazing; under a slate grey concrete tiled roof. The plans also indicate areas of brick detailing. However, the developer has agreed to substitute the brick for timber cladding to provide a more contemporary design and softer appearance to the building.

The proposed facility would be sited in the southern sector of West Park 26, set back from the A38. Reserved Matters approval has been granted for two storey office development between the proposed siting of the facility and the A38 – see planning history. The scheme would retain, and supplement, the existing hedgerow and trees along the site boundaries.

Access would be derived from the existing estate road that serves the business park. Parking provision is for 74 spaces, of which 6 are reserved for disabled users. The submitted Green Travel Plan outlines the measures to be undertaken in order to reduce the reliance on the private car and is to be considered as part of the overall parking strategy.

The application is accompanied by a Design & Access Statement; Statement of Design Rationale – Secure by Design; Travel Plan/Transport Impact Statement; Wildlife Report; Overview of Need; Impact on Local Economy; Flood Risk Assessment; and, Economic Strategy. The developer has also submitted a Question & Answer document in response to a number of concerns from local residents.

Summerfield Developments have written to confirm that it is in their best interests and in the interests of good estate management to encourage prospective higher

value uses and occupiers to locate on these sites. Summerfield therefore will locate any B2 uses to the rear of the business park.

SITE DESCRIPTION AND HISTORY

Outline planning consent, reference 43/06/0016, was granted in October 2007 for the construction of a business park, known as West Park 26, including the formation of a new roundabout, pumping station and lagoon. The overall site extends to 20 hectares and is located to the east of Wellington with good access links to the M5 motorway. The site has permission for B1, B2 and B8 use. In addition there are ancillary and sui generis uses, including a public house, hotel, car showrooms and vets.

In 2008, reference 43/08/0142, permission was granted for amendments to the amount of office floor space provided. This constitutes the extant permission for the site. The site has not been fully developed to date. There has been reserved matters approval for Blocks 2, 3 and 4, at the northern section of the site and these units have been constructed. The public house has also been constructed and is open for trading.

Reserved matters approval was granted, reference 43/10/0145, in February 2011 for the erection of three office buildings and associated car parking. The office development will be sited between the proposed care facility and the A38 and enables re-development of this part of the site to be viewed comprehensively. The outline consent also includes further development within the Business Park to the west of the site - between the proposed hospital facility and Wellington.

The site is generally level. There is an existing landscape belt on the southern and western boundary. The southern belt provides part of the structural planting and landscape mitigation measures for the business park. There is a hedgerow along part of the northern boundary and mature hedgerow/trees bound the A38 boundary. Where there are gaps there are additional saplings planted to reinforce the existing.

The site is located in close proximity and adjacent to Little Jurston Farm, to the south of the site. The surrounding area contains a mixture of uses including open countryside, local services, Chelston Business Park to the north, and residential estates located further to the west, including the planned extension to Cades Farm at Wellington – which is approximately 0.5km from the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL – Objects to the granting of permission for the following reasons: -

- Location – the site is inappropriately located at the entrance to Wellington, close to current and planned residential development, children's nursery, public house and restaurant.
- Security – In view of the concern expressed by the police, regarding the lack

of information they had, it was felt that insufficient information had been provided which showed that the security arrangements were adequate for a facility of this nature.

- Need – Insufficient evidence had been provided that there was an unmet need for this proposal. Any need that had been established for Somerset and the South West could already be met by a similar facility being provided in Bridgwater.
- Use – The use of a Business Park for development of this nature was inappropriate and would adversely affect the promotion of the economic development of the area.
- Visual amenities – the proposed security fencing would have an adverse affect on the visual amenities of the area.

In the event of planning permission being granted for this proposal the Council would like to see the imposition of a condition which restricted the use of the buildings to low/medium secure residential units. Any proposal to raise the level of security should be subject to the prior approval of the Local Planning Authority.

WEST BUCKLAND PARISH COUNCIL – Objects to the granting of permission for the following reasons: -

- Unsuitable position of the site. The site is surrounded by a residential area, workplaces, children's nursery and family/friendly pub/restaurant. Maximum surveillance will not be possible – needs to be in open countryside where unrestricted views do not hamper security. A more suitable site could be found at the former Culm Head Composite Signals Organisation Station where suitably zoned and reasonably accessible land is available that is not surrounded by housing and workplaces.
- Light Pollution – presumably there will be 24 hour high security lighting and this will be very intrusive.
- The high fencing will be unsightly on the outskirts of Wellington and spoil the entrance to the town. The proximity of one side of the fencing to Little Jurston Farm is not acceptable.
- The Council are concerned that the security might not be adequate.
- The Council are concerned about the possibility of windows overlooking neighbouring properties.

HIGHWAY AUTHORITY – The proposed development is located on a new business park which was approved under an outline planning application, reference 43/06/0016, for B1, B2, and B8 uses, a hotel, vets, public house and car showrooms. A new roundabout has also been constructed as part of this development together with cycle and bus link improvements. This latest application is for a C2 Use.

The Somerset Parking Strategy sets out the following provision for a use such as

this:

C2 Residential Institutions

Nursing homes, hostels, retirement homes	2 per 4 beds
Respite care homes	+1 per 2 staff
Parking for people with disabilities	
Development with 24 or less car parking spaces	a minimum of 2 spaces
Development with 25 or more spaces	5% of total capacity plus 2

Cycle storage 2 spaces per development + 1 for every 8 members of staff.

It is proposed to have 68 car parking spaces, 6 disabled spaces and 6 cycles spaces which is considerably below the above detailed standards, which sets out 131 car parking spaces and 30 cycle spaces. If sufficient parking is not provided within the site, it could lead to the adjoining access roads being parked on causing a hazard and inconvenience to other road users.

I would seek that these deficiencies are addressed at the applicant's earliest convenience. Further improvements to the travel plan are required before it can be considered to be of an acceptable standard.

Revised comments (06/06/11) - Whilst the Applicant has undertaken substantial discussions with my colleagues regarding the Travel Plan, no attention appears to have been given to the deficiency in parking provision.

I have set out below the latest update from the Travel Plan Team:

- Shuttle Bus: no indication on what level of demand would be necessary to continue the service.
- Travel Plan Coordinator: no clear job description of the role or time allocated for duties; deemed insufficient.
- Cycle to work scheme: not implemented until 200 people are employed.
- Car Parking: very unclear as to the number of people on site at any one time. If 7 of the parking spaces were marked for car-sharers, this would leave just 67 SOV car parking spaces.
- Cycle Parking: Notwithstanding that this is an outline application with indicative plans, it has not been demonstrated that fully enclosed cycle parking can be accommodated within the restricted footprint of the development.
- Smarter Travel Information Leaflet: It has not been demonstrated that it will be effective at changing travel behaviour.
- Targets: There is no commitment to targets at this stage. TP is suggesting the baseline should be changed following first survey.

Unfortunately my colleagues (in the Travel Plan Team) are unable to provide any further information prior to Committee, as you will appreciate a great deal of time has already been provided on this proposal which does not yet have consent. Therefore my colleagues have to prioritise their workloads and commit their time to developments that have consent and are waiting to proceed.

I still have concerns regarding the level of parking in connection with this development. The purpose of a travel plan is to seek that provisions are put into place to encourage other modes of transport it does not override the need to provide appropriate levels of car parking at the required standard.

In addition whilst other modes of transports could be encouraged and be available, it cannot be enforced that the users will necessarily use these other modes, it is a personal choice, and perhaps the LPA can offer further clarification with regard to the enforcement of such things.

There appears to be ample space within the red line of the application site to provide parking, but there appears to be a great deal of space given over to outdoor garden areas and a courtyard.

A total of 80 car parking spaces are proposed including disabled spaces which is considerably below the Highway Authority's required standard, of 131. However I would be willing to accept a 20% reduction to this given the location of the site and using the accessibility scoring system set out in the LTP 2, and would accept a total of 105 spaces.

If sufficient parking is not provided, it will lead to vehicles parking on the adjoining highway network causing a hazard and obstruction to road users, to the detriment of highway safety.

Taking this into consideration, it would appear that the applicant is unwilling to address the parking issues and I therefore have no alternative but to recommend refusal of the application for the following reason:

- The proposal does not make adequate provision for parking in line with the proposed use which is likely to encourage parking on the highway with consequent risk of additional hazards to all road users of the highway. The proposal is therefore contrary to Policy 48 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and S1 of the Taunton Deane Local Plan.

If the LPA/Committee are minded to grant consent I would seek that the Highway Authority are consulted regarding appropriate highway conditions with any Travel Plan being tied into a Legal Agreement.

FIRE SERVICE – Means of escape in case of fire should comply with Approved Document B, of the Building Regulations 2007. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2007.

ENVIRONMENTAL HEALTH - I note that the application is for a residential use in a commercial/industrial area. A plan of the development shows that proposed adjacent business units could have a variety of uses including industrial and transport depots. There is the potential for noise from the businesses disturbing residents in the residential unit.

I have seen some information submitted with the application which shows that the proposed glazing is of a high acoustic standard. However, it does not include information on the acoustic properties of the ventilation system, nor does it confirm that these systems will be used.

The applicant should take the potential for noise intrusion into account in the design of the residential units. I would also recommend that the units on the business park closest to the residential development are not used for any industrial activities, or uses that would result in noise at night.

ECONOMIC DEVELOPMENT – Sectoral forecasting by Geoeconomics (2010) found that Health and Care will be one of Taunton Deane's strongest industries of the future, driven by an increasing ageing population and outsourcing trends. This has the potential to create a significant number of new jobs, and therefore I support this application.

LANDSCAPE OFFICER – There should be no building works within 2m of the northern boundary hedgerow and there is a need for more tree planting on the western boundary of the site within the proposed grassed areas. The proposed landscaping, subject to the above amendments, is fine.

Revised Comments (07/06/11) - Subject to implementation of the proposed landscaping and protection of existing trees and hedgerows to BS5837 the proposals are acceptable.

NATURE CONSERVATION & RESERVES OFFICER – The site comprises a field of improved grassland currently used for hay production that is surrounded by species rich hedgerows with some prominent trees to the north and west. Towards the south west corner of the site is a bund of new trees and shrubs, planted as the result of mitigation for dormice. Ambios Ecology carried out an extended phase 1 habitat survey of the field in August 2010. The site will be accessed through an existing gap in the northern boundary hedge.

Dormice – No up to date surveys were carried out but the surveyor concluded that the hedgerows surrounding the site are of high value to dormice. It is best practice to carry out up to date surveys but as the hedgerows are to be retained in this development I consider that protection of hedges is of great importance.

Bats – The presence of species rich hedgerows and mature trees provide opportunities for bats to use these features as commuting or feeding routes. Lighting should be sensitively designed to minimise disturbance.

Reptiles - The presence of species rich hedgerows and mature trees provide opportunities for reptiles to be present on site. The surveyor concluded that improved grassland with lack of cover and foraging opportunities is not a good habitat for reptiles. It is recommended that the grass be kept short.

Great crested newts – The presence of ponds surrounding the application site to the north indicates that GCN may be present in the area. Surveys considered the

surrounding ponds to be sub optimal (two were dried up and one pond contained no vegetation) and no newts were recorded.

Birds – The hedgerows with mature trees surrounding the site offer potential for nesting birds. The grass on site is not considered suitable habitat due to the low sward height.

Badgers – No signs of badgers were found.

As the most important habitat on site is the surrounding hedgerows and trees, they should be retained and protected throughout the development.

Conditions recommended re: further protected species survey if development not commenced within one year and, submission of a wildlife strategy.

Revised comments (14.03.11) - I confirm that the amended wildlife strategy submitted by Ambios Ecology is satisfactory.

NATURAL ENGLAND – Natural England fully support the comments made by TDBC's Nature Conservation & Reserves Officer, in particular with reference to the need for a dormouse mitigation plan to be submitted prior to the planning application being approved. Protection of hedgerows will be vital for the dormice and bat population but issues to do with lighting the site should also be paramount. We also strongly support the proposal to include great crested newts in the wildlife strategy for the site as surveys for GCN should ideally be update every twelve months.

Revised Comments - Natural England find the amended wildlife survey information received from Ambios Ecology on 10 March satisfactory.

ENVIRONMENT AGENCY – No objection, subject to the imposition of a surface water drainage condition.

DRAINAGE OFFICER – The attenuation pond referred to in the FRA enclosed was designed for the whole development and as such the agreed discharge rate to the adjacent watercourse was designed accordingly.

At present the development as a whole is proceeding piecemeal and only flows from estate roads connect to the pond at present. Flows should therefore be limited either here or at the overflow control from the pond to existing Greenfield run off rates.

I note that surface water flow from the proposed car park area to discharge to a petrol interceptor before connecting to the surface water drainage system serving the whole estate. First flush flows from the petrol interceptor should connect to the foul sewerage system and be agreed by the sewerage authority.

SOMERSET & AVON POLICE –

The Design & Access Statement submitted with the application contains fairly short sections on 'Safety by Design' and 'Ensuring Safety'. Whilst these sections very

briefly address some proposed physical security and other interpersonal security measures, in my view, they do not fully address the wider potential crime and disorder issues which could affect this development and the neighbouring area.

In this regard, PPS1 states that a key objective for new developments is that they create safe and accessible environments where crime and fear of crime does not undermine quality of life or community cohesion. The DAS should, therefore, demonstrate how crime prevention measures have been considered in the design of this proposal and how it is intended to mitigate any identified potential crime and disorder issues that may arise. In its present form, I do not believe it does so. However, I understand that additional information regarding these matters will be forwarded to the police in the near future.

1. With regard to 'Designing Out Crime' issues only, I have reviewed the plans submitted with the application and would make the following initial observations: -

Site Layout

I am generally content with the site layout. The four separate buildings appear to be well segregated and each overlooks the others to some degree internally. There are no obvious recessed, concealed areas which could hinder surveillance of the internal area. I have some concerns regarding the Terrace Garden in Building C, which adjoins the perimeter and could possibly be used to circumvent the adjoining perimeter fence. I will seek clarification on this point.

The car park is of a regular shape at the front of the building with no hidden areas and good surveillance from Building A. It should be monitored by cctv and lit after dark. An area of the car park should be allocated to staff in view of the occupied offices in Building A.

Apart from spaces for 6 cycles in the service yard, presumably intended for employees, there does appear to be any provision for secure parking of staff/visitors motor cycles/cycles. Such provision should be made and located near reception in an area with good supervision from offices.

Perimeter / Gates

The height and type of perimeter fencing proposed i.e. 5.2m weldmesh for medium secure and 4m for low secure is acceptable, as it complies with Department of Health guidelines.

Where buildings form part of the perimeter and fencing meets the building line, as is the case in several places in this development there must be no gaps or climbing aids.

Gates (including the service yard) must be of the same construction and height as the fencing/wall with no climbing aids. The main entrance has an 'airlock' type arrangement with an inner gate, which should be monitored by cctv and controlled by reception. Appropriate locking mechanisms must be used on all gates. Staff have a separate entrance incorporated into the main public entrance, leading to a secure staff lobby upstairs, which is acceptable. There does not appear to be a separate entrance for patients.

Lighting

Internally, bollard lighting supported by floodlights is proposed, which should be acceptable albeit bollard lighting is only really suitable for 'way finding'.

Externally, lighting should conform to police approved 'Secured by Design' standard i.e. BS 5489.

It is essential that all lighting, internally and externally, is compatible with any cctv system installed.

Signage

The reception entrance should be clearly signposted and privacy signage used in appropriate external and internal areas to deter trespassers.

CCTV

CCTV should be used to monitor external areas including the perimeter fence and buildings, car park, service yard and main entrance. It should also be used to monitor internal areas including courtyard and garden areas, visiting rooms, secure lobbies and communal ward/off ward areas. Any cctv system installed must be 'fit for purpose'.

Landscaping / Planting

The use of landscaping and planting is encouraged to soften boundary treatments etc, however, care must be taken to ensure that opportunities for surveillance of the site are not restricted nor potential hiding places created. With this in mind, plant/tree growth above 1m and below 2m should be avoided thus creating a clear field of vision and not obstructing any cctv. Defensive planting (thorny shrubs) can be effective in deterring unauthorised access in appropriate locations once established.

All landscaping and external furniture such as benches, planters, litter bins etc, should be of robust construction, vandal resistant and securely fixed. Such features should not be installed where can be used as climbing aids.

Access Control

Department of Health guidelines require an 'airlock' type entry system at reception, which is proposed, plus an effective 'key' management system. I note that keys are proposed, alternatively electronic cards or proximity fobs could be used. Whatever type of system is implemented, an effective system of 'key' control is essential.

Bin Store

Bins appear to be located in the service yard and should be suitably secured to prevent misuse as climbing aids or for arson.

Doors / Windows

All doors and windows should be of an appropriate security standard – LPS 1175 SR 3 or above.

Alarms

The DAS gives no indication of any premises alarm or personal alarms for use by staff and visitors being proposed. I appreciate that the premises will be staffed 24/7, however, I feel that at the very least panic alarms for use by staff should be considered.

Communication

I understand that radios will be issued to staff. Potential issues with police radio communication inside the development may need to be addressed in due course. Similarly, issues regarding the possible use of mobile phones by patients will also need to be addressed.

Best Evidence Suite

The interview room proposed appears suitable for this purpose and should be equipped with audio/visual interview facilities.

Internal

Each of the building wings appears to be straight with good sight lines allowing supervision by staff/cctv.

The staff office on each wing appears to be well located to monitor wings and communal areas.

Patient receiving room and visitor secure lobby appear to be well located near reception and control base.

2. Whilst there is no 'Secured by Design' standard in respect of adult Low/Medium Secure services, compliance with the 'Secured by Design' award scheme criteria in respect of general hospitals, as far as possible, would be a major indication that this proposal has adequately addressed crime and disorder issues.

3. Avon & Somerset Police will be responding separately, through RPS Planning & Development Ltd, in connection with the potential impact of the facility on police resources.

Further Comments (25/05/11) - With regard to the secured by design elements of this proposed scheme, I have now had the opportunity to review the Department of Health 'Environmental Design Guide - Adult Medium Secure Services', which was published on 06 April 2011 and discussed the contents with the developer.

The principles contained within this document were addressed in the original 'Statement of design rationale as set against published guidance and regulation for Secured by Design and others' submitted by Montpelier Estates with the original application - paragraph 6.0 refers. At that time the design guide was a consultation document only.

In my opinion, the published design guide does not appear to contain anything which requires a design change in respect of this proposal. At Annexe B, it incorporates a 'Testing Levels' regime for the testing of materials used in the construction of doors, windows and other internal fittings, which should ensure that components do not fail as a result of a sustained attack and improve internal security.

At Annexe C, the guide expands upon the principles for implementing the use of cctv, both internally and externally. It states that such a system can enhance observation and provide patients with greater freedom within the secure perimeter, can also have a role in enhancing safety by deterring or detecting untoward incidents and data from cctv can also be used as part of the investigative process following disruptive or criminal acts.

With regard to this, the developer has indicated to me that cctv coverage of the garden areas will now be included. Also, that the benefits of expanding the internal cctv beyond that already proposed to include Recreation and Ward areas will be considered by a multi-disciplinary team at the detailed design stage. The guide does include such areas and only specifically excludes patient's bedrooms and bathrooms and toilets other than the entrance/exit to these areas for privacy reasons.

Should planning permission be granted, the multi-disciplinary team referred to above should prepare an Operational Requirement (O.R) for the use of cctv and I can provide advice and would hope to be involved in any such discussions.

I have no further comments to make from the physical security of the premises angle.

RPS PLANNING CONSULTANTS ON BEHALF OF SOMERSET & AVON POLICE –

Planning consultants RPS have made comments on behalf of the police in respect of the impact on police resources. Initial comments stated that the Police had concerns that the proposed development may generate the need for additional police resources particularly to respond to incidents at the unit.

Further Comments (15/06/11) - I confirm that the principles set out in the letter as comprising the Unilateral Undertaking are acceptable

The police agree that effective management of the facility is vital, but we have made it clear that registration of the facility under Care Quality Commission requirements will not of itself necessarily guarantee effective management; recent events involving a registered care home in Bristol make the point. As discussed with Mr Frampton and representatives from Montpelier Estates in Taunton last Friday, my clients would also expect the Unilateral Undertaking to cover setting up a liaison protocol between the police and the hospital management to ensure that appropriate contact between the parties is maintained.

Representations

WARD MEMBER - Cllr Ross Henley objects to the application for the following

reasons:

- Concern that the site is very close to several residential properties – in fact it is very close to Jurston Farm.
- Concern at this type of development on a business park so close to a family pub restaurant and a children's nursery.
- The various security measures outlined also raise concerns with me and other local residents who have contacted me regarding this matter.
- The appearance of the buildings and walls and fences could be very imposing on the local skyline and look out of place in this location.

WARD MEMBER - Cllr Critchard objects to the application for the following reasons:

- Development of this kind is too close to neighbouring properties, a children nursery and family public house.
- Concerns about the size of the development and it is not in keeping with what type of business is normally sited on a business park – this could have an adverse affect on future applicants.

25 letters of OBJECTION have been received, including an objection from Persimmon Homes in respect of the proximity of the facility to the Cades Farm development. Summary of objections:

Fear of Crime and Disorder

- Paragraph 36 of PPS1 states that development must create safe and accessible environments where crime and disorder, or fear of crime does not undermine quality of life or community cohesion – it is clear from the consultation responses that bringing forward a development of this nature would lead to a fear of crime;
- Local residents and families express an anxiety/fear of the facility due to the proximity of the facility to residential development / nursery / primary school route / family pub;
- Can you assure the safety of our children?
- Negative impact on the community;
- Concern patients will abscond / escape and use nearby footpaths / A38;
- No details given of types of patients or offenders to be housed in the facility;
- Will patients be supervised or unsupervised?
- There have been numerous 'misjudgements' made by medics deeming patients to be a lower risk than they are, resulting in the public being harmed. Recent case of violent criminal escaping in Bristol and the rape of a 14 year old girl. One tragedy is too many;
- Facility will house child abusers, murderers, arsonists, drug abusers and people with severe problems. The unit needing high perimeter fencing and CCTV says it all. It should be located in the country away from the general public and families;
- The name 'Chelston Hospital' appears an attempt to distance and detach it from the town – but it is in close proximity;
- The developers Q & A does not address concerns regarding security as there appears to be an assumption that escapes by patients are inevitable;
- Experience from the Wellsprings facility shows that green areas are used as a place for alcohol and drug consumption;

- BBC investigation in 2007 identified that there were 94 escapes from 5000 (NHS and private) medium secure mental health beds;
- Noise – (shouting and swearing) in particular from patients in the garden areas;
- Police do not support the scheme;
- At odds with the development on this side of Wellington – this is predominately residential – better suited to Norton Fitzwarren Commando Base;
- Concern that proposal will lead to further expansion;
- Potential danger from fire or other damage to properties in the area;
- Why does the facility need such high fences? – having worked in such facilities there is no requirement for such stringent security;
- Why no security guards?
- NHS identified, in June 2010, that only 6 to 8 patients per year in Somerset require mental health care. Given the Bridgwater approval it is inevitable that high risk patients outside of Somerset will be accommodated to make up the numbers;
- What is the ratio of fully qualified staff per patient at day/night shifts/fire evacuations and visits to outpatient department at hospital?
- Incompatible with neighbouring uses;

Economy

- Impact on nearby existing businesses;
- West Park is supposed to be 'high quality' and the proposal is not appropriate;
- Proposed use would deter further expansion of the business park – thereby limiting the longer term potential economic growth in the area.
- The additional employment generated will have little impact on local people as a trained and skilled workforce is needed;
- There is no identified demand for such a facility - permission granted for similar scheme at Bridgwater (which is in a far more appropriate location).
- How will this affect the national image of Wellington? – It will be linked to a secure mental institution for violent criminals. This will have a detrimental impact on visitors to the town;
- Who will pay for the additional police resources?
- Persimmon Homes consider that the S106 package for the Cades Farm development would need to be re-negotiated, as the contributions were agreed on the basis that adjacent land was employment use not a secure residential institution.

Highways

- Increase in noise and traffic;
- Visitors unlikely to use public transport;
- Car parking / cycle parking provision is insufficient – as set out by the HA.

Character and appearance

- The facility will adversely affect the character and appearance of the area;
- Design is at odds with the employment site and public house;
- Will external lighting be required?
- Poor architectural quality – featuring blank elevations and buildings which are inappropriate in terms of scale and massing in their context;

- Palette of materials is of inadequate quality and out of keeping with the setting of the site;
- The proposed landscape mitigation measures are considered insufficient to screen the enclosures and as such will be detrimental to visual amenity, particularly to those residents with views towards the site;
- Detrimental to landscape character area by virtue of the boundary fencing/walls.

Other matters

- Public consultation has not taken place;
- Notification of the proposal not carried out over a wider catchment area;
- Devalue property prices;
- Contrary to Local Plan – Policy W4 and the Outline Consent for B1, B2 and B8 use.

One letter of SUPPORT has been received: -

The job creation would be of major benefit to Wellington/Taunton but furthermore investment by a respected and high profile national company such as The Priory Group, can only help to lift the profile of our area and ultimately encourage more investment and business development possibilities.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS4 - Planning for Sustainable Economic Growth,
 S&ENPP1 - S&ENP - Nature Conservation,
 STR1 - Sustainable Development,
 S&ENPP5 - S&ENP - Landscape Character,
 S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
 S&ENPP39 - S&ENP - Transport and Development,
 S&ENPP42 - S&ENP - Walking,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S&ENPP48 - S&ENP - Access and Parking,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 EN12 - TDBCLP - Landscape Character Areas,
 EN28 - TDBCLP - Development and Flood Risk,
 M1 - TDBCLP - Non-residential Developments,
 M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
 M3 - TDBCLP - Non-residential Development & Transport Provision,
 M5 - TDBCLP - Cycling,
 W4 - TDBCLP - Chelston House Farm Employment Allocation,
 EC9 - TDBCLP - Loss of Employment Land,
 CIRC 02/06 - Crown Application,
 PPS7 - Sustainable Development in Rural Areas,
 S7 - TDBCLP - Outside Settlement,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration are: -

- Policy;
- Need for the proposed facility and the economic benefits;
- Design of the development and its impact on the character and appearance of the area;
- The effect of perception of fear of crime and disorder on the living conditions of local residents;
- Amenity;
- Highways;
- Other matters.

Policy

There is no specific Local Plan Policy for assessing secure residential facilities, although the Plan's more generic policies are applicable, in covering issues such as design, employment, amenity, landscaping and highway matters. The supporting information indicates that the location of the facility was selected due to a combination of factors, in particular (as a regional facility) the close proximity to the strategic road network (M5), together with a skilled workforce.

During the publicity period there has been concern that the proposed use would prejudice the ability to attract other employers, to the Business Park and Wellington. Summerfield Developments (who are the owner of the site and joint applicant) have confirmed that they are satisfied from research they have commissioned, in respect of similar schemes across the country, that there will be no adverse impact in take up on the business park. It is clearly not in their interest to have a use that would prejudice the ability to develop the site comprehensively. The Council's Economic Development Specialist supports the proposal.

The proposed siting of the hospital facility is located within the designated employment land allocation at Chelston House Farm (Policy W4). Outline planning permission has been granted across the site for B1, B2 and B8 use together with ancillary uses. PPS4 (2009): Planning for Sustainable Economic Growth (PPS4) is a material consideration and sets out the national broad policies for economic development. The guidance provides a wider definition of economic development, not just traditional 'B' use classes but also development that provides employment opportunities. The guidance states that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development (Policy EC10).

Circular 02/2006 provides guidance on, inter alia, amendments to the Use Class Order, which came into force in June 2006, including the definition of a new use class C2A – Secure residential institutions.

The guidance states, para 84, that (in respect of secure residential accommodation):

These types of development require a large area of ground. Such uses need good road links for staff, visitors and deliveries and space for car-parking as well as good public transport links. They also provide a significant number of long-term jobs for local people. For these reasons such institutions may not easily be accommodated within existing residential land allocations. The Secretary of State considers that the physical requirements and employment-generating aspects of these schemes are an important consideration and that despite their residential classification, location on

land allocated for employment uses is appropriate.

It is considered that the principle of a secure care facility, by reason of the factors referred to above, would not conflict with the objectives of Local Plan Policy in respect of employment land.

Need for the proposed facility and the economic benefits

The question of 'need' has been raised during the consultation process. In order to inform the decision-making process, the applicant has submitted information to provide an evidence base for the considered need.

The report states that, currently, there is no medium secure independent sector provision in the South West. Permission has been granted this year for a 62 bed hospital in Bridgwater (of which 32 would be for medium risk and 30 for low risk patients) – this facility has not been built. There are two NHS facilities located in Bristol and Dawlish. The developers supporting information concludes that notwithstanding the Devon Partnership Trusts proposals, current NHS providers supply only 110 medium secure beds which are insufficient to meet the demands of the South West. The South West therefore 'exports' patients out of the area because demand considerably outstrips supply locally. The applicant calculates that approximately 50 to 60 patients are being treated in medium secure units in other regions of England.

The supporting documents set out the growing recognition of mental illness in the UK and the role that the government policy places on encouraging a plurality of NHS care. National Government Policies increasingly seek services to be provided in better accommodation addressing the advancements in clinical treatments in more appropriate local surroundings. In order to provide secure facilities there has been a move towards the independent sector to provide purpose built modern facilities – fit for purpose - to comply with the registration and design guidance and the increase bed capacity that has been seen in the secure sector. The proposed facility seeks to provide a regional facility for the South West (made up of 14 Primary Care Trusts) due to its strategic position.

In terms of authenticating the need for the facility it must be recognised that the facility would be located on an employment site, where for the reasons previously discussed the principle is considered acceptable. Therefore the weight given to demonstrating need is considered to be less than if the facility were to be located in open countryside. The proposed development would require a significant capital investment and the need in the sector would be a commercial decision.

Whilst there maybe some dispute in terms of the actual figures it is recognised that the proposed facility will serve the South West region and not just local needs. There is recognition that mental health related illness is increasing and that the South West is below the national average in terms of the facilities that can be offered. The Council's Economic Development Specialist acknowledges that 'health and care' is expected to be one of the growing sectors of the Borough's economy and can generate significant employment.

The development would bring significant inward investment to the region. The planning statement refers to £17 million inward investment and £4 million to the local economy. The proposed development is expected to provide in the region of 225

jobs, due to the specific needs of the facility. The proposed facility will be staffed 24 hours a day, split into two shift patterns (day and night shifts) and will accord with the staffing provisions of the Care Standards Act. The types of roles envisaged are: -

- Medical staff (8)
- Qualified nurses/healthcare assistants (120)
- Therapy staff (20)
- Administrative staff (20)
- Catering staff (6)
- Housekeeping staff (8)
- Support services staff (8)
- Support services staff (10)
- Senior management staff (5)
- Miscellaneous staff (30).

The developer has undertaken a marketing exercise in terms of both interest in jobs and services associated with the facility. There has been 188 pre-registration enquires for potential jobs and 70 businesses have made in contact to register interest in supplying goods and services.

The effect of perception of fear of crime and disorder on the living conditions of local residents

The perception of fear of disorder and anti-social behaviour and the effect that may have on residents' living conditions is a material planning consideration. In the context of the general acceptance of need for mental health facilities, a key consideration is to locate such facilities appropriately having regard not only to the accessibility to centres of population but also with regard to the clinical needs of patients. There has been a shift away from locating facilities in isolation from people, services and activity. Part of a patient's ongoing treatment is for controlled re-integration with society. The arrangements for the provision of health care must be weighed against the perception of fear of crime and disorder on local residents having regard to all factors.

The proposed hospital facility is classed as medium and low secure. The supplementary information states that patients may have a history of offending and may have been transferred from prison or courts to receive inpatient treatment. Where it is determined that a prisoner requires inpatient treatment in a secure psychiatric hospital this will need to be approved by the Mental Health Unit at the Ministry of Justice. The developer states this is only approved when it is satisfied that the hospital has the appropriate physical and procedural security arrangements and teams managing all aspects of the patients care in place.

The strength of feeling amongst those local residents that have written in objecting to the scheme and those of the Town/Parish Council and local Councillors is acknowledged. It is human nature to seek to protect family and friends from members of society, whether mentally ill or not, from any perceived harm. It is therefore not irrational for local residents to express concern of their fear. PPS1 cites a key objective is the creation of 'safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion'. However, a further key objective includes 'addressing the needs of all in society'; this includes those unfortunate to experience mental illness and those close to them.

It is not possible to eliminate risk altogether. However, the level of security appropriate to the requirements of the facility would be provided through both physical means and the regime of professional treatment and management. This includes: (a) procedural security – the application of operational procedures, including, risk assessment; treatment; screening; (b) relational security – relationship between patient and staff in offering support and ongoing treatment; (c) physical security – secure by design; equipment and technology by trained staff. The facility has been designed to accord with NHS guidelines in respect of perimeter fencing, air lock entrances and CCTV monitoring. The developer has been in contact with the Police to provide further information in respect of the physical layout, design and security measures to be incorporated. These measures would assist in ameliorating concerns over crime.

The independent regulatory body for all health and adult social care in England is administered by the Care Quality Commission (CQC). The developer would require a license from CQC before the building could be brought into operation for its intended use. There are security standard guidelines to facilitate service registration by the Care Quality Commission (CQC). It is the CQC who have the powers and duty to assess the facilities provided, competency of staff, and level of care provided. The CQC also have a wide ranging and stringent enforcement policy, including the ability to withdraw a license or initiate prosecutions against organisations or individual members of staff.

In summary, it is the Care Quality Commission who has the duty for regulating the management and operation of low/medium secure facilities. There is no evidence to suggest all the required safeguards would not be in place. It is considered reasonable to rely on the proper management and operation of those responsible for the facility, as held accountable by the relevant authorities. On balance, having regard to the security measures proposed (and the requirements of CQC as the regulatory body for providing secure health care) it is considered that it would be difficult to substantiate a refusal on perception of fear and disorder.

The impact of the facility on police resources was identified as an issue that needed addressing. Concern was raised that if police resource was required to deal with incidents that occurred within the secure unit, then this could result in a lesser ability to deal with other crime or incidents that occurred in the local area (that was not related to the unit).

As a response to this concern, the applicants have agreed an arrangement with the Police whereby the costs of policing incidents at the institution will be met by the operator (over and above 4 call outs in any one calendar year). The principle of this arrangement will be secured by a Unilateral Obligation and, in effect, the arrangement is a contingency provision in the event that unexpected demands are made upon the Police resources. Subject to the Police confirming that they are satisfied with the wording of the Unilateral Obligation, the previously stated concern regarding police resourcing has now been overcome.

Amenity

In terms of the impact of the built form, it is considered that the proposed development, by reason of its siting and layout, together with landscape screening on the boundary of the site, would not give rise to any unreasonable loss of amenity to adjacent residents in terms of overlooking or loss of privacy. The nearest block is

single storey. The two storey element is located in close proximity to the boundary of the business park, but further back than the farm house. In terms of any noise disturbance resulting from the facility this would be managed by the operator. In the event of a public nuisance arising Environmental Health would have powers to ensure best practice is being exercised. It should also be noted that there is an existing consent for this site for an employment use. It is not considered that the proposed scheme would give rise to any significant disturbance over and above other uses that could be located here.

In response to the Environmental Health Officer's comments, Summerfield state that there will be no B2 uses to the south of the site, adjacent to the proposed facility.

Design and Character & Appearance of the Area

The proposed design of the development takes the form of single and two storey buildings set around an inner courtyard. The facility has been designed to incorporate the parts of the physical building as the secure perimeter boundary. The remainder of the physical security measures include rendered walling and green meshed fencing. There is a general perception that the fencing would appear totally alien and intrusive. However, the fencing used on similar developments does not incorporate any spikes or barbed wire for instance that would appear intrusive. The fencing will serve a required purpose without detracting from the character or appearance of the business park or the surrounding area.

There has been concern that the facility will be the first thing visitors to Wellington see. However, reserved matters approval has been granted for office development to the front of the site, between the A38 and the facility. To the rear of the site outline consent has been granted for B1/B2 units. It is considered that any views of the facility and fencing would be localised. The landscape officer raises no objection. The existing screening will be retained and supplemented. The main entrance to the site uses the building itself as the physical barrier and the design of the building is considered to be acceptable. The proposed materials comprise a mixture of white and colour render with timber cladding to provide a contemporary and modern development.

Transport

The Highway Authority raised an objection on the number of parking spaces to be provided. However, the parking standards used by the Highway Authority are set against a C2 use (residential accommodation and care to people in need; hospital or nursing home; residential school, college or training centre). There is a clear distinction between the uses. In this instance patients would not be driving to the facility or have use of a car. There is therefore a marked difference from the C2 parking standards required by the Highway Authority.

The applicant's travel plan identifies that the 74 parking spaces will equate to a mode share of 42% (applied to staff) for those on site during the day. The report states the calculations have been assessed against the theoretical maximum number of staff on site at any one time – 40 admin staff and 138 care staff. In addition the scheme would incorporate 24 cycle parking spaces.

The applicant will be required to enter a S106 agreement (or other appropriate mechanism) to reduce car dependency for staff and visitors. The Travel Plan

indicates a range of measures, subject to trigger points, including: -

- Safe and secure cycle parking for up to 24 bicycles;
- Showers, lockers and changing facilities;
- Cycle to work scheme
- Car share scheme;
- Appropriate level of car parking, consistent with the mode share target;
- Travel Plan Co-ordinator appointed.
- Staff shuttle bus.

It is considered that the proposed level of parking is acceptable when taking account of the specific nature of the facility and when viewed in combination with the green travel plan measures.

Other matters

There is no substantive evidence submitted by Persimmon in terms of the necessity to review existing S106 contributions for the Cades Farm development.

Conclusion

The proposed facility will provide a regional facility with significant employment generation and inward investment to the local economy. It is considered that the design and scale of the facility is acceptable and would not detract from the appearance of the business park or wider landscape setting. The economic benefits need to be weighed against the perceived and expressed fears of local residents. Whilst those concerns expressed are understood it is considered that having regard to need for the facility, the security and licensing requirements to operate the facility and the duty of the regulatory body (CQC), together with the economic benefits, there is no justifiable reason not to grant planning permission.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

MR & MRS GOLDSWORTHY

DEMOLITION OF CONSERVATORY AND ERECTION OF EXTENSION TO THE REAR OF 18 QUANTOCK ROAD, TAUNTON

Grid Reference: 322469.126521

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 08 Proposed Section A-A
(A3) DrNo 07 Proposed Floor Plans
(A3) DrNo 06 Proposed Elevations
(A3) DrNo 04 Existing Section
(A3) DrNo 03 Existing Floor Plans
(A3) DrNo 02 Existing Elevations
(A4) DrNo 09 Proposed Roof Plan
(A4) DrNo 05 Existing Roof Plan
(A4) DrNo 01 Location & Block Plan

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

Notes for compliance

PROPOSAL

The application is for the erection of a single storey lean-to extension at the rear of the property measuring 4m x 5.8m and set 0.5m in from the boundary. The proposed materials will match the existing property.

This application comes before the planning committee as the applicant is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The property is semi detached and finished with part render and part boarding under a double roman style roof covering. An existing wooden conservatory that measures 2.5m x 3.85m is to be demolished. There is a fence along the boundary with the adjoining neighbour.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

Representations

None received

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the proposed single storey rear extension projecting 4m will have no adverse impact on the neighbouring amenity or privacy. The size of the proposal and use of matching materials are acceptable and the application is recommended for approval.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

PROVISION FOR 50 NO. CAMPING PITCHES AND AMENITY BLOCK AT LAND SOUTH OF HARRIS'S FARM, HILLCOMMON

Grid Reference: 315350.126185

Replace an Extant Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

- 1 There has been no material change in policy guidance or material considerations since the previous permission was granted on 9 May 2008, reference 27/06/0023, for the camping facilities and amenity block. It is therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission is acceptable. The proposal accords with Taunton Deane Local Plan Policies S1, S2, S7, EC25 and EN12 and guidance contained within PPS1, PPS4, PPS7 and Good Practice Guide on Tourism.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policies S1, S2 and EN12.

3. (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.

- 4. Prior to the commencement of the development, details of a strategy for dealing with foul water and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be implemented in accordance with the approved details prior to the amenity block being brought into use and the site used for camping and thereafter retained.

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

- 5. No works shall commence until the applicant has undertaken a wildlife survey (including an assessment of the badger sett on site). The results of the survey shall include full details of any mitigation plan containing measures for the avoidance of harm, mitigation and compensations, to be submitted to and agreed in writing by the Local Planning Authority. The mitigation plan shall be implemented in strict accordance with the agreed mitigation strategy.

Reason: To protect the badger sett(s) from damage or disturbance during development operations bearing in mind the animal and its sett are specially protected through the Protection of Badgers Act 1992 and wildlife in accordance with relevant guidance in PPS9

- 6. No site clearance works or development works shall take place between 1 March and 31 August unless any variation is agreed in writing by the Local Planning Authority.

Reason – To ensure that wild birds building or using their nests are protected in accordance with Taunton Deane Local Plan Policy EN3 and guidance contained within PPS9.

- 7. Before the use hereby permitted commences, the access arrangements to the B3227 included in the scheme permitted under reference 27/06/0015 (renewed under 27/09/0020) shall be completed in accordance with the details

shown on drawing 18274/001/SK01 dated 11 July 2006.

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

Notes for compliance

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

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

2. The Authority will require evidence that no breeding birds would be adversely affected before giving any approval under condition No. 6 bearing in mind that all birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).
3. The applicant is advised that authorisation for any changes to the surface of footpath WG9/5 must be obtained from Somerset County Council Right of Way Group.

If the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Right of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

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 on (01823) 483086.

PROPOSAL

Permission is sought for the renewal of planning application 27/06/0023 for the

provision of No. 50 camping pitches, amenity block and associated access.

Changes to the procedures for extending the time limit of existing planning permissions were introduced on 1st October 2009 by virtue of the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009. The legislation provides a mechanism for existing planning permissions, granted on or before October 1 2009, to be replaced before they expire in order to allow a longer period for implementation (although the previous permission will not be revoked, rather a new permission granted subject to a new time limit). The guidance sets out that only one extension of time will be permitted.

This application seeks to renew the extant permission.

The application is before Planning Committee as the applicant is a Borough Councillor.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural land to the south of the B3227, located to the east of Oake.

Planning permission, reference 27/06/0023, was refused for the erection of No. 13 chalets, 50 camping pitches, amenity block and associated access. An appeal was lodged and the Inspector allowed the camping and amenity block with associated access only. The chalet element was dismissed.

Planning permission, reference 27/09/0020, was granted for a renewal of application 27/06/0015 for a horticultural nursery located to the north of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – Oake Parish Council objects to this application on the same grounds as previously. We are still very concerned about pedestrians and vehicles leaving this site, there is no footpath on the B3227 leading to the village, there are no speed restrictions on the area of road and we are concerned about the visual and environmental impact.

ECONOMIC DEVELOPMENT – Tourism is a very important part of Taunton Deane's economy and is likely to experience significant growth in the future. I support this application but would encourage the applicant to develop a strong eco-tourism element to their offer.

HIGHWAY AUTHORITY – See previous comments. The proposal is on land served by access granted permission in September 2006. The fact that this site has an access which has been granted permission makes it unreasonable to object to this development in principle. In detail, I am content that the permitted access is technically suitable to serve both the nursery and the camping site as the transport assessment submitted for the previous application devaluated the capacity of the proposed junction for both developments.

I have been made aware of concerns expressed by local residents regarding the lack of footways in the area and the fact that any pedestrian movements would be alongside a live carriageway with adequate footways. This is obviously a concern but we have no way of knowing the likely number of pedestrian trips that may be generated to shops and public houses in the vicinity.

In conclusion, despite my concerns over the location of the site, I do not proposed to raise a highway objection to the development, subject to suitable conditions being attached preventing the commencement of any work on site in respect of this application until the junction granted permission under planning application, 27/2006/015 shall have been completed and open to traffic and to suitable internal roads, together with adequate on-site parking and turning facilities, shall have been provided in order to adequately serve the proposed development.

COUNTY RIGHTS OF WAY – I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development at the present time. If any changes to the surface of footpath WG 9/5 are to be carried out authorisation for these works must be obtained from SCC Rights of Way Group.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC 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 should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

STRATEGY AND COMMUNICATIONS UNIT – The appeal on the original application 27/2009/023 (13 holiday chalets, 50 camping pitches and amenity block) deemed that the permanent buildings would have a significant urbanising effect on the rural area and would cause harmful to the visual impact. The inspector ruled that although the transit camping use and modest facilities building could be viewed from the footpaths they could be satisfactorily assimilated into the landscape and may have economic benefits and contribute to wider national tourism initiatives.

In regard to the new permission, the relevant Local Plan Policy EC25 – Touring Caravan and Camping Sites; states such development will be permitted provided that the proposal:

- (A) would not harm the landscape and would be adequately screened;
- (B) has good access to the main road network;
- (C) is not situated in a floodplain or area at risk of flooding

It should also be noted that the emerging Core Strategy Policy DM2 – Development in the Countryside; states that outside of defined settlement limits the following issues will be supported:

- (B) Touring caravan and camping sites with good access to the main road network and the site is not located within a flood plain or area at high risk of flooding,

C) Tourism and recreation facilities provided that increased visitor pressure would not harm the natural and manmade heritage.

We would not object to the new application for 50 camping pitches and amenity block, as per the original application. For avoidance of doubt the amenity block on the original application is for separate Male and Female W.C's and Showers only. We would not support any retail additions.

NATURAL ENGLAND – The ecological report that was undertaken as a result of that application in 2006 stated that there were badgers on the site. It is very likely that badger activity has changed, therefore, NE's advice is that an up to date survey is required in accordance with good practice guidelines, and we recommend that you request the additional survey information from the applicant before this application is determined. If protected species are impact upon the report should include an avoidance of impacts and mitigation strategy. A license from Natural England may be required.

NATURE CONSERVATION & RESERVES OFFICER – No wildlife surveys were submitted with this application so I have referred to the surveys submitted with the previous application for this site – 27/06/0023.

The site would appear to be of low ecological value comprising of arable and improved grassland with species poor hedgerows. At the time of survey, a badger sett on site was confirmed as disused. The current status of the sett should be confirmed immediately prior to any development of the site. If the sett has become active the applicant may need to apply to Natural England for a license.

The development would appear to include the removal of a small section of hedge. This work should be carried out outside of the bird nesting season. Although the previous application did not make any reference to lighting on the site, I consider that any lighting should be sensitively designed to avoid any impact on bats foraging along hedge lines. Conditions recommended re: wildlife report; no site clearance between 1 March and 31 August.

LANDSCAPE OFFICER – See previous comments. The main concerns relate to the landscape impact of the chalets and shower block and tents within the camping site from local public footpaths. The above are mostly visible from the south and south west but the chalets and shower block will also be visible above the hedgerows from the north especially during the winter months. It may be possible to reduce the impact with significant landscaping and by moving the shower block further down the slope.

ENVIRONMENT AGENCY – No comments.

DRAINAGE OFFICER – No drainage details included with this application – these should be forwarded prior to any approval being given.

Representations

8 letters of OBJECTION have been received. Summary of objections: -

- Unsuitable location accessed from busy road, immediately following a

- blind bend, with no footway;
- Many 'short-cuts' are available that would result in increased likelihood of trespass;
- Is the access suitable (to cope with the horticultural business and tourism movements)?
- Blot on the landscape – out of character and detract from visual amenities of the area;
- No local tourism attractions – giving rise to additional car based movements;
- Public transport provision is poor, especially given proposed reduction in services;
- Lack of local facilities;
- What has happened to a horticultural centre on this land?
- Application should be referred to Planning Committee;
- There are a number of badgers that forage in the fields and lots of bats feeding in the area;
- Tourists would expect to see a shop on site, if not initially proposed, this would fail to contribute to the viability of our local shop;
- Question the contribution that this development would add to our local village community both socially and financially;
- Concern the site may develop from camping use only to caravan and motorhome use, which would be far more unsightly for local residents and passers-by alike.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG13 - Transport,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP5 - S&ENP - Landscape Character,
 S&ENPP23 - S&ENP - Tourism Development in the Countryside,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 EN12 - TDBCLP - Landscape Character Areas,
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,
 GPGT - Good Practice Guide on Planning for Tourism,
 EC25 - TDBCLP - Touring Caravans and Camping Sites,

DETERMINING ISSUES AND CONSIDERATIONS

The primary issue in the determination of this application is whether there has been any material change in policy or circumstances since the Inspector's appeal decision.

The guidance associated with the legislation states that 'Development proposed in an application for extension (of time) will by definition have been judged to be

acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. In doing so, it will be particularly important to ensure the development is consistent with the Government's planning policies on climate change'.

The merits of the scheme have previously been covered by the Inspector. For information, the following extracts from the appeal decision refer to the assessment of the scheme on landscape and highway matters:

'The camping area would be a transient use, occupied largely in the summer when landscaping would be more effective in minimizing its impact. It would have a relatively small facilities block around which it would be straightforward to achieve a satisfactory landscaping scheme. Whilst the access track way would be visible from the footpaths and, to a limited extent from the B3227, it seems to me that the camping element of the scheme would not be unduly prominent. I conclude that, whilst the proposed chalets would harm the character and appearance of the area and would be contrary to Local Plan Policy EC23 and the guidance in PPS7, the camping facility would be acceptable and would comply with the Local Plan.'

With regards to highway safety the Inspector acknowledged that:

'the scheme might result in potentially hazardous extra pedestrian traffic on the B3227 which has no footways but I do not consider that the extent to which holidaymakers would make the journey along the road by foot would be significant. Whilst additional use of the local footpath network might lead some visitors to trespass, especially along the old railway line to the south of the site. I consider this is a matter for land management that would not itself justify withholding permission for the scheme.'

The concerns of the Parish Council and local residents are noted. However, there has been no material change to planning policy that would give rise to a different decision being reached, having regard to the Inspector's reasoning.

In order to assess any changes to ecology on the site it is recommended that a condition be imposed to require an up to date wildlife report prior to the implementation of the permission.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

Planning Committee – Wednesday 29 June 2011

Report of the Development Manager

Enforcement Item

- 1. File/Complaint Number** E0071/14/11 and E0165/14/11
- 2. Location of Site** Field adjacent to M5 Motorway north of Junction 25, Creech Heathfield, Taunton
- 3. Name of Owners** Unknown
- 4. Name of Occupiers** Persimmon Homes
- 5. Nature of Contravention**

Display of large advertisement on trailer

6. Planning History

The sign was noticed on 15th March 2011 but initially it was unclear what the sign was advertising. The sign disappeared on 17th March and the matter closed. However, on 24th May a complaint was received that the sign had reappeared and it was ascertained that the advert was for Persimmon Homes.

The display of an advertisement without consent is contrary to Section 224 of the Town and Country Planning Act 1990. It is an offence to display such advertisements in contravention of the Regulations, which is triable in the Magistrates Court with each sign or poster a separate offence. This applies to the owner or occupier of the land on which the unauthorised advertisement is displayed or anyone who has derived benefit from its display.

The Regional Manager was contacted advising him that the sign was unauthorised and should be removed in order to avoid prosecution action being taken. To date the sign continues to be displayed.

7. Reasons for taking Enforcement Action

The sign by virtue of its siting in a prominent position adjacent to the M5 motorway and represents an unnecessary commercial intrusion into open countryside that results in demonstrable harm to the visual appearance of the area.

It is considered that the purpose of the sign is to attract the attention of those travelling in vehicles along the Motorway and therefore likely to detract drivers attention from the road ahead. This could give rise to an adverse impact on public safety.

The sign is therefore considered to be contrary to Policy EC26 of the Taunton Deane Local Plan and

8. Recommendation

The Solicitor to the Council be authorised to commence Prosecution proceedings in order to secure the removal of the unauthorised sign.

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

CONTACT OFFICER: Mr JAW Hardy Tel: 01823 356466

Planning Committee – Wednesday 29 June 2011

Report of the Development Manager

Enforcement Item

- 1. File/Complaint Number** 24/11/0010 and E0078/24/05
- 2. Location of Site** 18 Windmill Hill, North Curry
- 3. Name of Owners** Mr and Mrs D Turney
- 4. Name of Occupiers** Unoccupied at present
- 5. Nature of Contravention**

Stationing of mobile home on agricultural land for storage of domestic items

6. Planning History

The mobile home lies to the rear of 18 Windmill Hill and is accessed via a track between 14 and 16. The mobile home is understood to have been sited as ancillary to no.18. The site is however considered to be outside of the curtilage of the property and as such, planning permission is required for the siting.

The mobile home was brought to the site following the failing health of the owner of 18 Windmill Hill, Mr R Hector. His grandson resided in the unit occasionally to keep a check on his grandfather. Mr Hector died in October 2009 but the mobile home continued to be occupied on occasions. The owner's daughter, Mrs W Turney was contacted in 2010 requesting that the mobile home be removed as there was now no need for the unit to be on site. Due to adverse weather it was not possible to move the unit. However during the summer months the mobile home remained on site. Mrs Turney was contacted and requested to remove the mobile home but she stated that It was decided to renovate 18 Windmill Hill together with the provision of an extension and the mobile home was to be used as storage of items during this period.

A planning application was required for a change of use as the mobile home was not sited within the domestic curtilage of the property. An application was submitted and validated on 14th April 2011 but was subsequently refused under delegated powers on 1st June 2011.

It was considered that although the mobile home is positioned to the rear

of the site and viewed against the backdrop of the hedge, it is stark in appearance and does not blend in with the hedge or the adjacent outbuildings. The outbuildings are dark in colour; and of materials and a design typical of agricultural buildings. The mobile home therefore appears as an incongruous feature, alien to the appearance of the countryside, to the detriment of the rural character of the surrounding landscape.

It was also considered that it would set an undesirable precedent for the siting of mobile homes in inappropriate locations and it has not been demonstrated that the outbuildings already present on the site could not be used for the required storage.

7. Reasons for taking Enforcement Action

The mobile home appears as a stark and incongruous feature, out of keeping with the countryside location to the detriment of the character and appearance of the rural landscape. There is also no sufficient justification given for the retention of the mobile home. As such the development is contrary to policies S1 (General Requirements) and EN12 (Landscape Character Area) of the Taunton Deane Local plan.

8. Recommendation

The Solicitor to The Council be authorised to commence Enforcement action in order to secure the removal of the mobile home within 2 months from when the notice takes effect and take Prosecution proceedings 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 : 29 June 2011

Proposal	Start Date	Application/Enforcement Number
RESIDENTIAL DEVELOPMENT OF 44 PLOTS WITH ASSOCIATED GARAGES, ROADS, FOOTPATHS AND GARDENS, LAND FORMING PART OF CADES FARM, TAUNTON ROAD, WELLINGTON	06 JUNE 2011	43/10/0130
ERECTION OF FENCE AT 14 BARTLETT CLOSE, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	01 JUNE 2011	52/11/0001
APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE CHANGE OF USE OF AGRICULTURAL LAND FOR THE STORAGE OF BUILDING MATERIALS AT LAND NEAR WESTLAND HOUSE, TAINFIELD PARK, KINGSTON ST MARY	09 JUNE 2011	20/11/0002/LE
FORMATION OF HARDSTANDING FOR THE SITING OF A CARAVAN, IN CONNECTION WITH THE MAINTENANCE OF THE ORCHARD, ERECTION OF STORAGE BUILDING AND CREATION OF AN ACCESS TRACK AT DAISY ALICE ORCHARD, WEST SEDGEMOOR ROAD, HELLAND, NORTH CURRY AS AMENDED BY APPLICANTS LETTER DATED 12 OCTOBER 2010, DESIGN AND ACCESS STATEMENT AND ATTACHED PLANS	10 JUNE 2011	24/10/0023

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APPEAL DECISION FOR COMMITTEE AGENDA – 29 JUNE 2011

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/11/2144008/WF	Conversion of office, garages and stores into single storey dwelling at the Courtyard, Heatherton Park House, Bradford on Tone	The site is located outside of the defined settlement limits, (as set out in the Taunton Deane Local Plan) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the Plan. The proposed conversion as a permanent residential dwelling remote from adequate services, employment, education, etc would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The development is therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the	07/10/0021	The appeal site lies outside the confines of any recognisable settlement and is a considerable distance from main services such as healthcare, education and employment facilities. The private driveway serving the appeal site joins the A38 in close proximity to a staggered crossroads which records show is an accident blackspot with poor visibility. Whilst the proposal would secure a new use for this heritage asset and would prevent the building from falling into disrepair, it is far from certain that this proposal is the only means of safeguarding this heritage asset. The Inspector considered that the benefits of the scheme do not outweigh the harm identified and also considered the proposal would not be sustainable in transport terms. He therefore DISMISSED the appeal.

		2000 Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policy S1(B). Any increased use of the existing substandard access/junction of the private access and the A38, which fails to provide the necessary visibility splays such as that would result from the proposed development, is considered to be prejudicial to road safety. The proposed development would therefore be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted Policies 2000 and Policies S1 of the Taunton Deane Local Plan, Adopted November 2004.		
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APP/D3315/AE/11/2148629	ERECTION OF SINGLE STOREY GARDEN ROOM TO THE REAR OF WEST VIEW, MINEHEAD ROAD, BISHOPS LYDEARD	The proposed extension, by reason of its design and location, would disrupt the appearance and harm the significance of the listed building and is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, guidance in Planning Policy Statement 5. It, therefore, fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	06/10/0041LB	The Inspector considered that, as the proposed extension would project beyond the two storey wing, it would disrupt the original plan form and would detract from the proportions of the building. This harm would be compounded by the proposed porch which would overlap with part of the main building. He concurred with the Council that it would obscure part of the north western corner of the building and detract from the simple and pleasing character and appearance of the existing rear elevation. It would also create a rather narrow and awkward space between the existing wing and the proposed works. He concluded that the proposed works would harm the special architectural interest of the Grade II listed building and the appeal was DISMISSED.
APP/D3315/A/11/2147550	OUTLINE APPLICATION FOR THE ERECTION OF DETACHED DWELLING WITH PRIMARY ACCESS OFF THE B3227 AT DENE VIEW, WEST ROAD, WIVELISCOMBE	The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel. There is no lit pedestrian footway	49/10/0037	The appeal site lies outside the defined settlement boundary of Wiveliscombe and in planning terms is therefore in open countryside. The proposed development would be a single dwelling that would not significantly benefit economic activity in the area. The road into town falls steeply, is unlit with steep hedgebanks on either side and no

		or cycle access from the site and as such the proposal would fail to provide safe access for all highway users. The proposal is therefore contrary to Somerset & Exmoor Structure Plan Policies. The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. Moreover, the dwelling, garaging, and access would detract from the setting and approach route into Wiveliscombe. The application site is sited in an area that is open in character with attractive elevated public views across to the site. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement. The proposed scheme seeks a new access onto		footways. The appeal site is visible from the road and the presence of the proposed dwelling, notwithstanding the existence of the white barn beyond, would constitute a further harmful intrusion of built form into an area with a rural character and appearance. The proposed development would require a new access, have substandard visibility splays and would not have safe access to the road. The appeal was DISMISSED.
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		a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route. The proposal does not incorporate the necessary visibility splays at the access point with the B3227 and it has not been demonstrated that a safe access can be achieved. The proposal is therefore contrary to the requirements of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy S1 of Taunton Deane Local Plan.		
APP/D3315/D/11/2151628	FORMATION OF VEHICULAR ACCESS AT THREE CHIMNEYS, BRADFORD ON TONE	The proposed development fails to incorporate the necessary visibility	07/10/0031	The Inspector considered that the proposed widening of the existing pedestrian entrance for use by vehicles would lead to an

		splays, which are essential in the interests of highway safety to ensure that vehicles can see and be seen upon egress from the site. The Local Planning Authority are not satisfied that unobstructed visibility splays can be provided over land within the applicants ownership and therefore the proposed access is considered to represent a danger to highway safety and contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy S1 of the Taunton Deane Local Plan.		unacceptable highway danger. He further considered the appeal development does not accord with the highway safety aims of Policy 49 from the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 from the Taunton Deane Local Plan. He therefore DISMISSED the appeal.
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TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park