

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 7 September 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests.
To receive declarations of personal and prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 4 44/11/0006 - Conversion of part of garages and erection of two storey link to dwelling to form disabled dependent's accommodation at Old Barn Court, Wrangway, Wellington (amended scheme to application 44/09/0002).
- 5 44/11/0011 - Conversion of redundant agricultural buildings to form work and office space with ancillary residential accommodation at Beacon Lane Farm, Wellington.
- 6 37/11/0010 - Erection of 3 No. polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (retention of works already undertaken).
- 7 E0017/51/2005 - Non-compliance with Section 215 Notice - Moor House, Stathe Road, Burrowbridge. Report of the Legal Services Manager (attached).
- 8 Planning Appeals - The latest appeals lodged and appeal decisions received (details attached).

Tonya Meers
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.

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



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

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

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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	

Declaration of Interests

Planning Committee

- Members 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
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Alternate Director of Southwest One – Councillor Watson
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

KEITH FARMER ASSOCIATES

CONVERSION OF PART OF GARAGES AND ERECTION OF TWO STOREY LINK TO DWELLING TO FORM DISABLED DEPENDENT'S ACCOMMODATION AT OLD BARN COURT, WRANGWAY, WELLINGTON (AMENDED SCHEME TO APPLICATION 44/09/0002)

Grid Reference: 312133.117826

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The proposed two storey and first floor extension, by virtue of size, scale, design and positioning, appears as an incongruous addition, detracting from it's simple linear form, to the detriment of the traditional character of the existing dwelling. Attaching the large two-storey extension to the front of the proposed annexe further exacerbates harm to the main dwelling. As such, the proposal is contrary to policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The proposal comprises two elements; the conversion of a recently constructed triple garage block to form accommodation for disabled dependants. A bedroom, wet-room, and living room are proposed, and the building would be linked to the main dwelling, Old Barn Court. The first floor of the garage block is used as an office by the applicant's surveying and design business. A small lean-to store is proposed to the side of the garage conversion.

The second element of the proposal includes a two-storey extension and first floor extension. The two-storey extension provides an additional bedroom and a ground floor link/kitchen extension from the converted garage to the main dwelling.

Materials proposed are stained timber cladding and a natural slate roof, both to match existing elements of the proposal.

SITE DESCRIPTION AND HISTORY

Old Barn Court, within which the applicant lives, was formerly an agricultural barn for

which planning permission was granted in January 2005, reference 44/2004/018, for conversion to dwelling. Also part of the permission was the conversion of another building within the curtilage to form an annexe.

The dwelling is located outside of any defined settlement, closely attached to a group of dwellings at Wrangway. The dwelling has a courtyard area set with gravel to the front that could provide a small area for parking; the main parking area is set to the side of the dwelling away from this courtyard.

The site lies within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Planning history

Planning permission was granted in November 2005, reference 44/2005/015, for the erection of the garage building the subject of the current application.

Planning permission was recently refused, in January 2009, reference 44/2008/0030, for conversion of the garage to disabled dependants' accommodation, on the grounds that the proposal was tantamount to the creation of an independent dwelling and thus contrary to policy. The proposal did not incorporate a link to the main house, and the proposed accommodation incorporated all 4 habitable rooms, i.e. kitchen, bedroom, bathroom, and living room.

Application 44/09/0002 was a resubmission of the above application; reducing the amount of facilities the annexe provided and included a link to the main dwelling. The application was granted planning permission in April 2009.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON WITHOUT PARISH COUNCIL - Supports granting of application and believe the changes will provide the extra accommodation and amenities so necessary for a wheelchair bound relative.

SCC - TRANSPORT DEVELOPMENT GROUP - Following comments: -

- Not clear if accommodation will be used ancillary to main dwelling like that of the annexe. If ancillary it is considered that there will be no increase in traffic over and above the existing use as a single dwelling.
- If not ancillary and a separate unit of accommodation it may warrant a recommendation of refusal.
- Proposal would result in loss of parking due to conversion of the garage. Original application (44/04/0018) imposed a condition requiring three parking spaces. Amended plan requested to show displaced parking and turning area.

BLACKDOWN HILLS AONB SERVICE - No observations

Representations

ONE IDENTICAL LETTER RECEIVED FROM SEVEN RESIDENTS. The letter is a generic typed letter that individuals have signed and included their address. As such,

it is considered that the letter should be given similar weight to a petition. The letter raises the following: -

- Support application.
- Link necessary to provide comfortable wheelchair access, without link it would be difficult for wheelchair access and would be unsuitable.
- Link does not have a negative impact on surrounding area or Old Barn Court; link follows natural line of property.
- I am a frequent visitor to Old Barn Court so know there is actual evidence of a protruding gable where suggested link through will be located, so proposal reflects original design.
- Accords with Policy S1 (D).

ONE FURTHER LETTER OF SUPPORT raising the following: -

- Worked on original barn and can confirm original barn had projecting walls from kitchen; though not reconstructed, evidence still remains.
- Essential to have main house connected to ancillary accommodation, which will enable easy wheelchair access; should not be delayed as for an elderly dependant waiting to move, instead of remaining in care home.
- No harm to area; enhance Old Barn Court and Wrangway because barn would be converted to original form.

PLANNING POLICIES

EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,
H18 - TDBCLP - Ancillary Accommodation,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact the proposed extensions have on the character and appearance of the dwelling.

Annexe

The proposed conversion of the garage to an annexe is no different (internal layout and rooms) to the previous permission granted in 2009, and as such, there is no objection raised to this element of the proposal.

Extensions

The proposed two storey extension is sited to the front of the main dwelling and will project forward of the proposed annexe. This arrangement is not considered acceptable in terms of design and harms the character of the dwelling, a former barn conversion, by greater a large bulk to the front of the dwelling and by attaching the annexe is not subservient. Furthermore, the linear property is of traditional character

with no protruding elements to the front, any addition would be alien to the dwelling as it now stands, particularly as the extension projects 4.5m to the front and would dominate the elevation.

The extension would also be clearly visible from the public highway as it faces towards the access to the courtyard.

Though comments have been made that there may have been a previous extension where one is now proposed, the extension must be seen in context to its new surroundings. In this case, the new garage building has been built within close proximity to the main dwelling and it is proposed to connect the extension to the front of the garage.

The previous application provided a small single storey link from the side of the proposed annexe to the main dwelling that was set back from the front of the annexe and did not project forward. The previous link was subservient, had limited views, and still provided the needed wheelchair access.

The applicant has indicated that the two storey and first floor extension would be required in the future for a possible carer. It has been highlighted by the case officer that the required accommodation could be provided elsewhere. The office space above the annexe could be used, there is a large store to the rear of the annexe that could be converted, and discussions took place about the possibility of a new garage/office space within the parking area to the side of the site. These suggested solutions have not been taken up by the agent who wants the application to be determined as submitted.

The first floor extension relates poorly to the main dwelling and has been included to enlarge the proposed first floor bedroom. The extension projects out at first floor and is not considered to be in keeping with the character and appearance of the dwelling. This again is particularly evident as the barn is linear and front elevation is uninterrupted by any projections/extensions.

Highways

As the previous permission for the annexe has been granted without imposing a condition for three parking spaces, it is considered unreasonable to request such a condition now. It should be noted that parking and turning can still be accommodated within the courtyard and within the large parking area used to the side of the dwelling. As such, there is still sufficient off road parking available.

Conclusion

The proposed extensions are not considered to be subservient, harm the character and appearance of the main dwelling and when connected to the annexe create a large dominant extension. The overall result is harm to the original form of the building by introducing incongruous additions, which would protrude out from the linear barn, complicating and detracting from the traditional and simple character of the property. As such, the proposal is not considered to be acceptable.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

D J HILL & PARTNERS

CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS TO FORM WORK AND OFFICE SPACE WITH ANCILLARY RESIDENTIAL ACCOMMODATION AT BEACON LANE FARM, WELLINGTON

Grid Reference: 314071.117619

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed live/work unit is not considered to provide sufficient employment or business space to support the operation of a successful business; the site is within a remote location with poor accessibility via an unclassified road network and a long private track and is therefore considered to be an unsuitable location for new business development. As a result the proposed conversion scheme is considered to be tantamount to a new residential development with ancillary work space. 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 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1(B), H7 (A) and EC6 together with guidance contained within Planning Policy Statements 1, 3, 4 and 7.
- 2 The site is located within the designated area of the Blackdown Hills Area of Outstanding Natural Beauty where it is the policy of the Local Planning Authority to safeguard the exceptional landscape and wildlife quality of the countryside through the strict control of development. In the opinion of the Local Planning Authority the proposal would constitute a change to the character and appearance of the site and surroundings through the formation of a residential curtilage and domestic appearance to the traditional agricultural buildings whilst also generating additional traffic movements along the Public Right of Way. Such would be clearly visible from public vantage points and therefore detrimental to the visual amenities, character and appearance of the Area of Outstanding Natural Beauty. The proposed development is therefore considered to conflict with Taunton Deane Local Plan Policies S1 (D), S2 (A) and EN10.
- 3 The proposed development would result in an increase in traffic over the existing substandard access/junction of the private access track and the unclassified highway to the north (known locally as Foxmoor Road), which

fails to provide the necessary visibility splays and is therefore considered to be prejudicial to road safety. The proposed accessed is located on a bend which provides for poor sight lines in a westerly direction. As a result of the proposed development, the increased use of the private track and existing substandard access will result in an actual and perceived harm to the safety of pedestrians using the Public Right of Way and highway users where vehicles exiting the sight will not be able to see or be seen from the west. 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 Policy S1 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The application, as amended, seeks planning permission for the conversion of a disused complex of traditional agricultural buildings to business floor space with ancillary residential accommodation. The application site is described within the supporting planning statement as a complex of special traditional barns; the conversion of which will be for primarily employment purposes but also including ancillary residential space connected to the employment premises. The proposed development has therefore been described by the applicant/agent as constituting a live/work unit.

The proposed live/work unit will provide for a two bedroom dwelling within range A of the complex. This part of the development will include living, kitchen and dining space at ground floor level with two bedrooms being provided above (1 en suite) together with a family bathroom. Additional ancillary residential space is provided within range B of the complex and comprises a small utility room, a log and bin store together with a three bay covered parking area. The final component of the development provides for the work element of the scheme; this is contained solely within range C of the complex and comprises a store room, workshop and office with a small entrance hall and WC. The proposals have been amended to omit a single storey link between the residential accommodation and work element and is replaced with a 2.0 metre high stone wall that would infill the space between ranges A and B. The proposed development site has been reduced in scale and now provides for a small residential curtilage that includes the buildings, yard area and access and surrounding land to the north. The paddock to the east of range C is to be planted out with trees to form an orchard and with the exception of the sewage treatment plant, this area would remain outside the residential curtilage.

Externally, the buildings would be repaired using materials that are said to respect the character of the barns; new reclaimed slate roofs would be constructed over all three buildings and any repair work to the walls would use natural chert stone and lime mortar to the pointing. All fenestration would be of an oiled hardwood (Oak) frame and double glazed where necessary; in addition the new barge boards and

fascias would be of timber; the log burning stove will be served by a matt black metal flue; all new rooflights would be of a traditional conservation pattern with metals frames. Foul sewage would be disposed of via a sewage treatment plant located within the northern section of the proposed orchard and all surface water would be drained to a near by pond.

The application is supported by a Design & Access Statement together with a Planning Statement, which together set out the planning principles for the development. In addition, a Structural report has been commissioned and this concludes that the building is capable of conversion to residential/work accommodation. It highlights that some vertical cracks are evident within the buildings but that no signs are present to suggest that the barn's foundations are suffering from movement. Stonework is generally in a sound condition although a new roof would be required for Barn A and some repair work is required to the roofs for Barns B and C. Various other recommendations are provided within the report.

An Ecological Survey report accompanies the application, with on site survey work having been carried out on December 9th 2010. The survey report concludes that no bats were found within the barns and only limited evidence of use by nesting birds was found in the form of two nests. The report concludes that the scheme should provide for ecological enhancement opportunities for bats and birds within the development.

The application comes before the councils Planning Committee due to a conflict between the officers recommendation and the degree of support for the proposals from members of the public, consultees and Wellington Without Parish Council.

SITE DESCRIPTION AND HISTORY

Beacon Lane Farm is an isolated site approximately 3km (straight line distance) from the town centre of Wellington to the north. The site is accessed via a man made ungraded single lane stone track that derives access onto/off the unclassified highway network approximately 560 metres to the north. The access track also forms a Public Right of Way (WG 13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns, which occupy an elevated position within the local landscape. Being set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB); the site is surrounded by a collection of mature trees and native species hedgerows to the north, south and west; to the east there are clear views available out across the surrounding landscape looking out towards the raised ridge of the Blackdown Hills.

The application site comprises a complex of three traditional agricultural buildings arranged in a u-shape plan form with a cobbled access from the north. The buildings are constructed from chert stone walls with timber roof structures; the main threshing barn (range A) has historically had a natural slate roof although this is now largely dilapidated and many slates removed (either the result of natural forces or theft). The two smaller sections of the complex comprise a former linhay and stables to the west (range B) and a shelter shed to the east (range C). Both range B & C have corrugated metal sheet roofs over a traditional timber roof structure. Upon visiting the site it was apparent that significant site clearance had been undertaken to remove areas of undergrowth that had previously been observed to cover much of the site. To the north of the barn complex is a concrete base which is thought to have once been the site of a farmhouse.

With regard to planning history, there are two relevant planning applications that have directly involved the complex of agricultural buildings subject of this latest application. Planning reference 44/88/0017 proposed the conversion of the agricultural barns to a dwelling house with link extension. Planning permission was refused planning permission by notice dated 17 January 1989 for two reasons - the change in character to the area by introducing a residential use and curtilage that would alter the character of the buildings and their surroundings within the remote location to the detriment of the character of the area and the detrimental impact upon the (then) Special Landscape Area through visual intrusion and additional traffic movements.

The most recent planning application at the site was granted planning permission under LPA reference 44/09/0014 by notice dated 8 December 2009. This development involved the demolition of the agricultural buildings subject of this current application and the erection of a new modern agricultural building in their place. At the time the development was considered not to harm the landscape character of the AONB. The loss of the barns was not well supported by the public and it was accepted that the barns made a positive contribution to the remote rural location locally, however at that time conservation advice indicated that the barns were not worthy of listing and would require quite substantial rebuilding and works to be brought back into use.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON WITHOUT PARISH COUNCIL -

Councillors were given a detailed briefing by Mr George Coate and walked the site. The Clerk to the Council drew Councillors attention to previous applications and the perceived public reactions. He also emphasised the need to consider extant policies and the need to establish and to evaluate the accommodation and work availability elements.

It was noted that the access road would need some attention and improvement, and the possible need to re-route the very busy footpath which runs around the intended accommodation. Water, power and sewage were considered and councillors were satisfied that the agents had acceptable plans for this area.

WWPC is associated with, and works closely with the AONB Management Committee and the Neroche project development team. It was felt that both these important organisations' views should be sought by TDBC. The many comments and recommendations papers were discussed and it was noted that the development is unlikely to receive Listed Building Status. The report by the TDBC,s planning landscape adviser did not appear to mention the various aspects of distant visibility especially from the monument.

The small space planned for office type work was considered a limitation, and the six Parking Spaces for the two bedroomed conversion would be tight in such a limited footprint.

Notwithstanding the foregoing comments Councillors felt that better a reclaimed old building than a new one in such a countryside environment and therefore were

prepared to support the application and felt that the work development should be closely monitored.

SCC - TRANSPORT DEVELOPMENT GROUP -

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of the staff daily needs, deliveries and customers. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of District Local Plan.

The proposal seeks to refurbish and convert three existing farm buildings at Beacon Lane Farm, into: 1) a 2-bedroom dwelling, 2) a covered car parking area, and 3) an office with toilet facilities, including a workshop and storage space.

The site is located near Voxmoor, in a rural setting to the south of Wellington. The access track to Beacon Lane Farm is connected to the highway via Foxmoor Road, which is a rural road approx. 3m in width, with minimal passing places and subject to the national speed limit (60mph).

From the highway (Foxmoor Road), Beacon Lane Farm is accessed via an unsurfaced and narrow track called Beacon Lane (approximately 550m long) with extremely limited passing places. Beacon Lane is classified as a footpath (WG 13/23) and forms part of the definitive Rights of Way network within Somerset. Beacon Lane does not form part of the highway network for use by motor vehicles, and is not maintained as such.

Beacon Lane is a well used footpath by locals and walkers to access Wellington Monument. It is noted that the original farmhouse has been demolished, and that the remaining farm buildings have not been in use for a reasonable amount of time. Therefore, the use of the access track is unlikely to have been used by vehicles other than for agricultural access. In terms of the existing/potential agricultural access, it is likely that this could generate some light traffic movements. The proposed change of use to employment and residential space would significantly increase the traffic generated by the sight, not only from the residents themselves, but also from services accessing the site (such as postal services, refuse collection, etc).

It is also unclear from the application, whether the existing/potential agricultural use will remain, and therefore traffic generated by this proposal would be in addition to this agricultural use. Bearing this in mind, the additional traffic generated from this proposal would increase the pedestrian/vehicle conflicts along Beacon Lane. Beacon Lane is restricted in width with limited passing places. In addition there are no footways, or street lighting which would make it a hazardous route for pedestrian users.

The existing visibility from the Beacon Lane onto Foxmoor Road is substandard, and would need to be improved. It is unclear whether the land required in order to provide suitable visibility splays is within the Applicants control.

Beacon Lane, due to its current use as a footway and agricultural use, has an unconsolidated surface and does not appear to have any provision for surface water drainage. Any increase in traffic from Beacon Lane would increase the likelihood of loose material being deposited on the highway, and in turn affect highway safety.

Taking the above points into account, I would recommend refusal of the application.

SCC - RIGHTS OF WAY -

Thank you for consulting us on the above application. I have not visited the site. I can confirm that there are public rights of way (PROW) recorded on the Definitive Map which run along the access to the proposed development at the present time (footpaths WG 13/23, WG 13/11(pt), and WG 13/14(pt)). I have attached a plan showing these footpaths for your information. Any proposed works must not encroach on to the width of the footpaths.

If any changes to the surface of footpaths WG 13/11, WG 13/14 and WG 13/23 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.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights 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.

BIODIVERSITY -

Noted the findings of the Ecological survey of the site which found no bats within the site but agrees with a precautionary approach to works with enhancement measures recommended. Agrees that a permanent owl box be sited to the gable end of barn 2 and to cut back ivy to the SE corner and allow to die back to enhance bird nesting opportunities. Recognises opportunities for biodiversity gain and in accordance with PPS9 recommends a condition in line with the recommendations of the submitted report.

LANDSCAPE - Originally commented that the proposals will have a significant landscape impact with the change of use of agricultural buildings to residential

within the Blackdown Hills AONB as viewed from two local public footpaths - contrary to EN10 & EN12. The garden area was seen as large for the size of the ancillary accommodation.

Subsequent meeting held on site and an amended layout was submitted; advised that the following amendments would help reduce concerns:

- reduce red line so that only barns, courtyard and access were included to stop spillage of domestic furniture etc into the wider countryside;
- include within the blue line an area to form an orchard of apple trees with sown meadow - to be cut twice annually;
- erect chert walls to 2m high along northern boundary of the area of hardstanding and western boundary linking two main barns.

These matters were subsequently submitted on amended plans.

HERITAGE -

This group of farm buildings is clearly of historic significance and while it does not quite achieve the nationally important criteria to warrant listing, in terms of PPS 5 the group should be regarded as a heritage asset. The condition of the buildings is currently very poor and a reuse that would result in their sympathetic repair, while retaining their character, is urgently required.

In conservation terms, the scheme as presented is, as far as residential/office schemes are concerned, fairly low impact. There are some features shown in the application, such as a water trough and the cobbled yard surface which are desirable to retain and I could not find mentioned in the finished scheme. Further details would also be required regarding the retention of historic fabric and features in the buildings themselves and the how the proposed accommodation would impact on these, eg. venting of bathrooms, treatment of internal walls. Most of this could be dealt with as post-determination conditions, which I am happy to advise on if approval is recommended.

In terms of design, the main issue is the proposed link between ranges A and B. Links such as this usually suggest the existing buildings are inadequate for the intended use and given the separation in the uses between A and B, I see no reason why this link is necessary and would recommend that this is omitted from the scheme.

BLACKDOWN HILLS AONB SERVICE -

The AONB Partnership supports its local planning authorities in the implementation of their development management policy framework in order to ensure that any development in the Blackdown Hills AONB conserves and enhances natural beauty, since as a general principle the AONB Partnership is concerned that the cumulative impact of inappropriate development is leading to an erosion of the AONB's distinctive character.

It would appear that the farmhouse once associated with this site is long gone and all that remains is a small range of dilapidated barns. The Blackdown Hills AONB is notable for the number of historic farmsteads of architectural merit, which are more complete than what remains here. The site is extremely isolated, and more over is adjacent to a footpath between Wellington and the Monument, well used by those

seeking quiet enjoyment of the AONB.

In light of the above, I therefore have some concerns that the introduction of a residential use will erode the rustic character of the site and have a detrimental impact on the character and appearance of the AONB, through domestication of the buildings and surroundings (creation of a garden with domestic paraphernalia, light spill, vehicle parking and movements, and 'improvements to the access track (also affecting the public right of way)'). While the proposal is for a live/work unit, given the remote location car journeys and delivery/service vehicles will be necessary for all other daily needs.

SCIENTIFIC OFFICER (ENVIRONMENTAL PROTECTION) - No objection raised; recommends a condition with regard to contaminated land if recommended for approval.

Representations

26 letters of support or comment from members of the public, many of whom walk regularly around the area (14 of which comprise a universal letter template formulated by the applicant/agent for members of the public to provide supporting comments on), raising the following planning related matters:

- the barns should be preserved for the future;
- the barns add to the character of the landscape;
- it would be a shame to demolish something that could be converted to something useful;
- our history should be preserved & used in a positive manner;
- the countryside and monument countryside would be spoilt by the demolition of the barns so they should be preserved through conversion;
- a live/work unit seems appropriate for the buildings it seems a good way of preserving the area and buildings without turning it into an eyesore;
- the buildings are of great interest and deep heritage that should not be destroyed;
- conversion should be done in a sympathetic way;
- would rather see a house and buildings than a new cattle building;
- there are good views, no neighbours and access is already there;
- happy to see the restoration of the old buildings to preserve their original integrity as part of the rural heritage;
- the hedge to the north should be retained to screen the site from views to the north in the AONB;
- support the proposals but unsure why the site of the former house is not part of the proposals;
- the change of use offers a new lease of life for the buildings within their existing character rather than there being no economic use that would see their deterioration and total loss;
- the building has a strong historic context, very interesting early design offering input to the special landscape area;
- there would be no extra traffic as it is already used daily for stock checks; similar developments have been allowed within a mile of the site;
- the ability to work from home will reduce emissions having a positive effect on the environment;
- have seen deterioration of the farm house and buildings over the years leading to eventual demolition of the house;

- a sympathetic conversion will enhance the site, ensure the farm buildings remain and improve the beauty of a historic and attractive area of AONB;
- would like to see the courtyard of the barns restored to a timepiece of rural England; the barns form part of the landscape and history capturing old techniques that remain within them;
- part live part work keeps things local which rural community is all about for survival;
- old barns such as these are not dispensable; thought to have once been owned by Arthur Wellesley the buildings are an important part of the areas historic future;
- within 10 years the buildings will be but a pile of stone.

PLANNING POLICIES

S2 - TDBCLP - Design,
 EC6 - TDBCLP - Conversion of Rural Buildings,
 H7 - TDBCLP - Conversion of Rural Buildings,
 EN12 - TDBCLP - Landscape Character Areas,
 S1 - TDBCLP - General Requirements,
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
 S&ENPP9 - S&ENP - The Built Historic Environment,
 PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS 5 - PPS5 Planning for the Historic Environment,
 PPS7 - Sustainable Development in Rural Areas,
 CIRC 03/05 - Change of Use,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining the proposed development are considered to be:

- the principle of a 'Live/Work' Unit at the site and relevant planning policy;
- the impact upon the built historic environment;
- the impact of the proposed development upon the landscape character and visual amenity of the Blackdown Hills AONB and
- implications of the development with regard to highway safety and the safety of members of the public using the Public Rights of Way.

Development principles

The Taunton Deane Local Plan (LP) does not contain a specific saved policy or guidance document regarding live/work units, be they new build or conversion schemes, within the borough. As such, the pertinent policy steer comes from guidance contained within Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 4 (Planning for Sustainable Economic Growth) and 7 (Sustainable Development within Rural Areas) together with extracts from policies H7 and EC6 that both consider the conversion of rural buildings to alternative uses, albeit it for housing and economic re-use respectively.

PPS4 and PPS7 are generally supportive of the conversion of rural buildings to some form of employment generating and economic re-use where appropriately located. Policy EC6 of the LP sets out a number of criteria that must be met in order for a development to be considered acceptable. It is accepted that subject buildings are in keeping with their surroundings and of a size suitable for conversion without significant extension or alteration, however LP policy EC6 also requires sites to be located close to a public road. In this regard, I consider the proposed development to fail to accord with the development plan policy in that the site is located approximately 560 metres from the nearest unclassified highway and accessed via an unsuitable single stone track that is almost impassable to some domestic vehicles. Such would be unsuitable for vehicular use and with the operation of a business from the site it is likely that a number of deliveries would be made to the site together with additional employees on a daily basis. Further, if working from home in a business environment it is also likely that clients will visit the site; again the detached nature of the site from the main highway network is considered to render the application site unsuitable for the live/work re-use as proposed.

Circular 03/2005 states that "Live/work units are often purpose-built premises, or purposely converted into such units. They are clearly a mix of residential and business uses which cannot be classified under a single class within the Use Classes Order and would therefore be sui generis." It is accepted that there has been a significant shift in employment patterns over the past 20 years which together with improvements to infrastructure and technology means that often people are able to operate a business without having to travel some distance to an alternative site. However at the same time planning policy makes it clear that new residential developments should be provided within sustainable locations with good access to services, employment and public transport so as to reduce the dependence of dwellers upon the private motor vehicle. It is therefore important to ensure that the right balance is struck between the live element of the proposal and the benefits attached to working from the site in terms of reducing the need to travel and retaining the traditional building.

It is considered that a successful live/work conversion scheme must provide a workspace which can accommodate a genuine business use, rather than simply an ability to work from home. The principle reason for permitting live/work units should be based upon the economic benefits to the rural economy and the re-use of the traditional building as residential dwellings in remote rural areas are often considered inappropriate within today's policy context that emphasises the need to locate new dwellings in sustainable locations. While the accommodation provided within a successful live/work unit should be an ancillary residential use it is not thought that this means the employment element must be larger than the residential accommodation. Notwithstanding this, the employment premises are of primary importance in terms of a live/work conversion; it is on this basis that permission would be granted for a conversion scheme and the occupation of the ancillary residential accommodation should always be tied to the use of the business premises.

With regard to the proposed live/work unit, as a whole (not including the parking, log/bin store and utility) this comprises a total floor area of approximately 154 sq metres when scaled from the submitted plans. Of this, the proposed work unit, which provides a WC, office, workshop and store covers 46 sq m (approx) with the remaining 108 sq m being provided in the form of a 2 bedroom self contained dwelling. On this basis it seems to me that the proposed work element, on which the application seeks to justify its acceptability (together with the preservation of a

historic building) comprises less than one third of the total floor space. The application sets out that the development provides principally for employment space (within the B use class) with ancillary accommodation, however based on these findings I do not consider this to be a wholly accurate assessment.

When designing a live/work unit conversion, it is essential that a genuine employment premises is proposed. In this case, the proposed employment/business element is limited in terms of its scale and proportion when viewed against the scale of the entire conversion scheme. Further, the application is not supported by any form of business case other than stating that a potential occupier could work permanently from home within the business (B) use class; with regard to this statement it is noted that in the 21st century many people work from home and therefore the need to be based within the rural locality should be clearly reasoned in my opinion; this has not been done on this occasion and in instances such as this it would seem reasonable to see some form of marketing of the building to ascertain levels of interest for a live/work unit and a potential end user, especially where such limited work space is being proposed. There are a number of uses within the B use class that in my opinion would not be appropriate in this location; firstly any use within B8 would be inappropriate given issues relating to access and the limited scale of the work element. It is therefore reasonable to assume that any business operating from the site would need to fall within either the B1 (Business) or B2 (General Industry) use class. Within the former it is considered that B1 offices would not be appropriate within such a remote location as clearly, any form of meeting is going to require one party to rely upon the private motor vehicle to access the other; research and development or light industry may be feasible however it is thought that given the limited scale of the work unit neither of these uses are likely to be overly favourable to someone wishing to run a successful business enterprise. In addition, uses such as these will generally entail more than one employee being present at the site and I am not convinced that such could be accommodated within the work unit. With regard to potential B2 (General Industry) uses, concern is had over the location of the site and the feasibility of access to the building complex. The private track would pose significant access problems for any medium to large goods vehicle which would generally be expected to undertake deliveries to or from the site.

Based on the aforementioned points I am concerned that the development provides essentially for a residential development and that the 'work' element serves as an ancillary function to this allowing for a person to work from home. The essence of a live/work unit is the need to be based on site in order to carry out day to day business operations from one location. This need to be on site is often seen as an exception to the normal stance adopted by the council in restricting new residential developments within open countryside unless there is a proven functional need to be on site. The nature of this application does not suggest that an independent rural business would necessarily be capable of being operated from the site.

The supporting statements submitted as part of the planning application accept that the site location is unsustainable with regard to the transport policies of the area, however it also contends that the provision of a work space will allow the occupants to be permanently employed from home thereby reducing the need to travel for this activity. Whilst this, in part be the case the occupation of a two bed dwelling on the site will still result in the need to travel in order to access services other than employment and it may be that another occupant of the dwelling will be employed away from the site which will again require the use of a private motor vehicle. In light of the above, the proposed development is not considered to represent an

acceptable live/work unit as the proposed scale of the business or employment element of the development would not be sufficient so as to allow the operation of a successful business from the premises. Nor is it considered acceptable in a location as remote as Beacon Lane Farm where there will be a clear and undeniable reliance upon the motor vehicle for deliveries, meetings and visitors, as well as the need to gain access to service provision within nearby towns on a day to day basis. Further, were it deemed necessary to expand the site and erect new buildings to support a business here, the likely harm to the landscape character and appearance of the surrounding AONB of new buildings is thought to represent a major barrier to the future expansion of any business at the site.

Having regard to the above, it is considered that the proposed development will result in the formation of an independent residential development with ancillary work space in a remote rural location. The business premises proposed is not considered to provide sufficient benefit to the wider rural economy to outweigh the unsustainable form of development that would be created by these proposals. Such would be contrary to the guiding principles of sustainable development and guidance contained within PPS1 and PPS3 as well as LP policy H7. Further, the benefits associated to providing work space for a would be occupant is not considered to outweigh the principle objection to the provision of a new residential development in an unsustainable, remote rural location that would result in damage to the environment through increased reliance upon motor vehicles.

Heritage impact and landscape character

The complex of disused barns at Beacon Lane Farm are considered by the councils Conservation Officer to be a heritage asset in accordance with guidance contained within PPS5 and given their poor condition an alternative use should be found. The application contains correspondence between the agent and English Heritage (EH) where an application was made to the latter that sought the consideration of the buildings for listing. The site was visited and the buildings assessed by EH who despite considering them to be of local interest concluded that the buildings did not satisfy the necessary criteria for listing.

The buildings are thought to date to around the 17th century and whilst a date stone inscribed with 1641 is present within one archway to range B the buildings have undergone numerous alterations in their time; as a result of the brick arch detailing to the openings of range B it is thought that the date stone may have originated from elsewhere and not the barns themselves. Nonetheless, at present the buildings are structurally sound although their general external appearance and condition is poor, with large amounts of slate roof missing, broken timbers, collapsed sections of walls and various cracks and separations within the walls.

Notwithstanding this, the application has come to find a large degree of public support through both the public consultation process and also the agents own contact with historic society groups and individuals. A large degree of the support for the proposals appears to be based upon the applications contention that if planning permission is not granted for the proposed live/work unit then the buildings will be demolished and a modern agricultural building erected in its place. Such a fall back position is open to the owner of the site with planning permission having been granted in December 2009 for such a development and this remains extant until 7 December 2012. At the time of this previous application, the buildings were considered to make a positive contribution to the area, predominantly it is thought

due to their rustic and historic appearance within the secluded area. However given that the buildings were not worthy in their own right of protection through listing, planning permission was granted for the erection of a replacement modern building as the heritage asset was not considered to be so significant so as to justify refusal of planning permission. To an end this would serve no purpose as no control over demolition can be held by the LPA as the buildings are not listed.

The application has paid a large amount of attention to the contribution of the buildings to the character of the local area and their local historic importance; it in parts seeks to justify the conversion of the buildings to a live/work unit in order to preserve the traditional buildings. The proposed conversion scheme will have a relatively low impact upon the buildings themselves; only one new opening will be created within the eastern gable end of range A and all repair works will be carried out using traditional natural materials sympathetic to the character of the buildings. Buildings have clearly been present within this location for a significant length of time as evidenced by the extract from Wellington Tithe Map 1840 that is included within the submission.

I am satisfied that the proposed development will not materially harm the character or appearance of the heritage asset and it will ensure that the buildings remain within the local landscape for years to come. However, the presence of the buildings once converted does not itself mean that they will continue to make the same contribution to the area. It should be understood that at present, the barns have a rustic natural appearance and they have a relatively inconspicuous appearance within the wider AONB; locally however they are more noticeable especially when passing along the public footpath from which they appear to blend naturally in with the quiet surroundings of the area. However, once converted to a dwelling and workspace the buildings will adopt an entirely different character and appearance, principally being appearing to be more domestic within the locality than the current traditional agricultural appearance that they portray. This will particularly be the case with the erection of new walls, gates and the formation of domestic curtilage, associated paraphernalia, the parking of vehicles and their movement along the rural track as well as accounting for additional light spill at times of darkness; such factors will without doubt have an effect upon the character and appearance of the AONB. This change in character and appearance will doubtless have an effect upon how the buildings and land appear and are how they are perceived by passers by within the landscape. It should therefore be recognised that such a change will likely have a detrimental impact upon the rustic character and appearance of this area of the AONB whilst affecting the setting of the heritage asset itself; this is a particular point of concern raised by the Blackdown Hills AONB Planning Officer. With regard to the impact of the development upon the wider visual amenity, it is considered that an appropriate layout has been provided so as to limit the wider visual implications of the development within the AONB and through additional planting and the retention of existing boundary treatments, the development should not be overly prominent within wider views of the landscape.

Highway safety

In general, it is thought that rural buildings being considered for conversion to live/work units should be located within a close proximity to a classified highway; this is particularly pertinent as the units are primarily permitted for employment and business premises and therefore they need to be readily accessible to visitors, employees and deliveries. Virtue of these matters sites located off unclassified,

narrow highways are generally thought to be inappropriately located and likely to result in detrimental impacts upon highway safety.

The development site is accessed via a 550 metre long private stone track, which derives access off an unclassified highway to the north. The point at which the access track meets the highway is on a slight bend and visibility in both directions is generally obstructed by hedgerow planting. The main highway is thought to be moderately trafficked however it is known that a large number of the public use the access, often for parking, whilst walking along the public footpaths within the area. The road alignment is generally poor and the highway a maximum of 3 metres wide with limited passing places. The County Highway Authority have made submitted a formal representation over the proposed development and recommended that planning permission be refused for a number of reasons.

Concern has been raised over the potential increase in vehicular trips over the access track which is a shared surface with a Public Footpath. The track is currently lightly trafficked and it would appear to be used infrequently by farm vehicles. The proposed live/work unit will significantly increase the number of vehicular trips along the track and such is likely to have to main consequences. Firstly it is likely to cause conflict between users of the public footpath; PROW WG 13/23 is known to be well used by walkers as is evidenced by the level of support for the application, many of whom state that they regularly make use of the footpath. To increase domestic and business based vehicle movements along the track, which is currently in poor condition would have a detrimental impact upon the safety and convenience of pedestrians using the footpath.

Secondly, it is considered that the proposed use as a mixed residential and business site will have a detrimental impact upon highway safety at the point where Beacon Lane meets the adopted highway known as Foxmoor Road. Visibility at this point, as noted above, is very restricted at a point where there is a gentle bend in the road alignment especially when looking to the west; the access is currently used infrequently however a residential and business use is likely to result in a significant increase in vehicle movements over the access. As a result of the high hedgerows along the highway edge, vehicles will not be able to see or be seen when approaching or exiting the site access from the west and I am concerned that to permit the intensification of the access will prejudice highway safety. This is especially the case in light of the number of properties located or accessed along the highway to the west of the site access.

Other matters

The site is not home to any protected species as identified within the submitted ecological survey report and it is accepted that at present, the buildings are structurally capable of being converted without the need for significant alteration or any rebuilding.

It should be noted that the designated parking spaces within range C are insufficient in dimensions to allow the parking of modern motor vehicles under the covered area. Standards require a parking space to measure a minimum of 2.4 metres x 4.8 metres, however the covered space scale between 1.8m and 2.2m in width with a depth of 3.1m for all three bays. As such these elements of the proposal are not considered acceptable with regard to vehicular parking and should, ideally, be removed from the proposals or identified for some alternative use.

The application makes reference to improving the surface of the access track and thereby the public footpath which runs along it. Whilst the track does not form part of the application, the applicant should be made aware of the duty to consult with the PROW Team and Somerset County Council.

Conclusions

The proposed development is located within an isolated and relatively inaccessible position in the Blackdown Hills AONB. Above it has been discussed how the proposed conversion scheme provides for an insufficient amount of employment space from which to operate a business in a successful manner. As a result, the proposed development is considered to represent the provision of a self contained residential dwelling within open countryside with adjoining ancillary work space. The provision of new dwellings within the open countryside is strictly controlled by both local and regional planning policy as well as national planning guidance. The proposal will represent an unsustainable form of development, which if permitted would result in the formation of a dwelling with a high level of dependence upon the private motor vehicle and it is likely that any would be occupant of the business premises and dwelling would remain heavily reliant upon the private motor vehicle for access to employment and other services.

The perceived benefits associated with permitted the conversion of the barn complex to a live/work unit have been set out within the submission and assessed above. The buildings are accepted as making a positive contribution to the character and appearance of the AONB in their present form however it is important to note that whilst seen as constituting a heritage asset in the simplest meaning of the term, the buildings are of considered to be of local historic interest only and are not of such special architectural or historic merit to warrant listing. Concerns over the demolition of the buildings have been noted however the balance of factors relating to the extant permission have been considered previously and the demolition of the complex accepted. As such, the perceived benefits of ensuring for a long term future use of these buildings and the prevention of their possible demolition is not considered to be so significant as to outweigh the principle objection to the proposed development, which will provide for a new residential dwelling house with ancillary employment/business space in an unsustainable location.

Further, if permitted the use of the site for a live/work unit is likely to result in an increased number of vehicle trips over the site access and private track, thereby result in an increased risk to highway safety and greater conflict between users of the public footpath and vehicles moving along the track.

For the reasons set out above, it is recommended that planning permission be refused.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

TAUNTON DEANE NURSERIES

ERECTION OF 3 NO. POLYTUNNELS AND CLARIFICATION OF VEHICULAR MOVEMENTS AT TAUNTON DEANE NURSERY, STOKE ROAD, STOKE ST MARY (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 324573.122808

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Permission be GRANTED

Recommended Decision: Approval for the following reason:

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

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

1. Vegetation has grown throughout the summer months and now affects the visibility splay to the left when exiting the site (Stoke St Mary direction). Visibility splays should be maintained at all times, and it is recommended that this vegetation is removed.

PROPOSAL

The proposal is to retain on site 3 polytunnels as well as clarification of the vehicular movements to the site of the existing Taunton Deane nursery site at Stoke Road. The application is made following a response from the Ombudsman to a complaint. The polytunnels are of slightly different sizes, 5.1m x10.7m, 5m x 15.3m and 5.8m x 11.9m. 2 are used by Somerset College for teaching purposes which was envisioned as ancillary to the horticultural use as part of the original permission for the structures on site. The vehicle movement statement clarifies the current situation, although there are no planning restrictions over vehicle movements from the site.

SITE DESCRIPTION AND HISTORY

The site consists of former agricultural land which had use as a commercial plant nursery for the Authority in October 2006 (ref.37/06/0006). Subsequent applications were submitted for the alteration of the access position (37/06/0010) and erection of greenhouses, polytunnels and an office building in July 2007(37/07/0002).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I refer to the above-mentioned planning application received on 20th June 2011 and following an inspection of the application and a site visit on the same day, I do not propose to make any highway observations unless specifically requested to do so. If, however, you have concerns regarding sustainable transport issues and/or the access (and on-site arrangements) and whether they are adequate for the purpose proposed in order to secure the safety of the occupier and to avoid nuisance and danger to others, please contact me so that I can give observations on this proposal.

I refer to your recent request for highway comments on this application, following my previous response. I can confirm I have not visited site since my last visit on 20th June 2011 and can confirm my observations following this site visit.

The proposal seeks to retain three poly-tunnels. The use of poly-tunnels on a horticultural site is considered ancillary to the overall use, and unlikely to generate additional traffic in its own right.

The existing access to the site has been provided to a suitable standard and also should provide good visibility in both directions. However, it was noted during the site visit that a small amount of vegetation has encroached into the visibility splay to the left when exiting the site (in the Stoke St Mary direction).

On the basis that the proposal seeks retention of an existing facility, and due to its ancillary use, it may be unreasonable for the highway authority to refuse this application.

If the Planning Authority is minded to approve this application, then a note should be provided to the Applicant: Vegetation has grown throughout the summer months and now affects the visibility splay to the left when exiting the site (Stoke St Mary direction). Visibility splays should be maintained at all times, and it is recommended that this vegetation is removed.

STOKE ST MARY PARISH COUNCIL - Objections raised and supported by photographic evidence from Mr Groves had been raised to PC by neighbouring residents. These objections include frequent use of site at unsocial hours, increased vehicular activity, traffic noise, dust, general environmental impact and nuisance and loss of amenity.

Currently there appears to be much increased traffic movements, unsuited to either the narrow lanes through Stoke St Mary or through Chestnut Drive - a densely populated residential estate. The further proposed expansion of the site would substantially increase traffic to and from the site.

The application would appear to be retrospective as the site is currently being used as a depot for non horticultural storage and tipping for forward transit. This is above and beyond the scope of the original application. We believe the site to be currently operating without the appropriate permissions being in place and therefore open to enforcement proceedings.

No environmental survey regarding the impact on flora and fauna has been offered, nor does the site appear to have been registered as an approved recycling depot (deposit of tarmacadam hard core). Taking into account the above it was unanimously agreed to oppose both applications.

LANDSCAPE - Subject to reinforcement of the southern boundary landscape the proposals are acceptable.

Representations

1 letter on behalf of neighbour objecting to an unrestricted consent for the polytunnels, the use of two polytunnels for educational purposes, the increase in traffic this entails, additional traffic movements at weekends and increased disturbance. There would be no objection if conditions were imposed to restrict the hours of use, prevention of other uses such as a depot or waste transfer station and limits to sales and visits by the public. The following conditions are suggested:

- No plant or machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside of the following times, namely 07.00hours to 17.00hours on weekdays, Saturdays, Sundays, Bank or public holidays the site shall only be accessed between the hours of 10 and 16.00 and solely for the purposes of watering plants.
- The site shall be used only as a horticultural plant nursery and in particular shall not be used for: retail sales; or educational purposes; or any storage purposes not associated directly with the nursery use of the site; or a depot; or a waste transfer station.
- There shall be no open storage of sand, gravel or compost within the site.

2 objections on basis of noise, disruption, harm to former greenfield site, dust and vehicular movements in the early morning or late at night should not be authorised.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS7 - Sustainable Development in Rural Areas,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are the impact of the development on the character and amenity of the surrounding area.

The area of new polytunnels are approximately 200sqm which equates to around 5% of the permitted site area cover of glass houses and polytunnels. The polytunnels that are subject to this application are sited in front of the existing polytunnels and

are reasonably well screened from public vantage points by the existing boundary screening. If viewed they are seen in conjunction with the existing structures on the site and there is not considered to be any adverse landscape or amenity impact from the polytunnels as erected. Concerns raised by the neighbouring objector include noise, disturbance and unsocial hours. However these concerns would appear to relate to the existing horticultural use of the site as well as the specific educational use of the polytunnels the subject of this application. The educational use of the site by Somerset College was referred to in the design and access statement submitted with the application for the original buildings on the site. The use is minor in relation to the overall horticultural use and is considered to be ancillary. It is not considered appropriate or reasonable to impose controls over the polytunnels applied for.

The level of traffic movements to serve the educational use of the site by Somerset College is considered minimal in relation to the general use of the site. The college visit twice a week in term time and up to three times a week in school holidays to carry out watering and maintenance. There were no objections from the Highway Authority to the original use of the site, there are no controls over traffic visiting the site or hours of use and the Highway Authority raise no objection to the current application.

The existing horticultural use of the site covers the area as a whole including external storage of materials for the horticulture use as well as growing areas in the polytunnels and greenhouses. The storage bays of concern to the objector are used for the horticultural use of the site and as such there were no controls imposed on the original permission on their use. Similarly the Council service the various roundabouts, hanging baskets etc around the town with horticultural goods from the site in the same way as was carried out from the Mount Street site. The applicant advises the site is not a waste transfer station and it would not be possible to run the business from the site if the suggested objector's conditions were imposed.

A wildlife survey was submitted with the original application and no protected species found. Given the relative area of land that is proposed and the nature of the application it is not considered that there would be any adverse wildlife impact from the proposal.

In light of the above considerations the current proposal is not considered to adversely affect the amenity of neighbours, wildlife or character of the area and is considered acceptable.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

Planning Committee – 7 September 2011

Report of the Legal Services Manager

Enforcement Item

1. **File/Complaint Number:** E0017/51/2005
2. **Location of Site:** Moor House, Stathe Road, BURROWBRIDGE. TA7 0JN
3. **Name of Owner:** Mr David Bond
4. **Nature of Contravention:** Non compliance with Section 215 notice.
5. **Planning History:**

On 25 April 2008 a Notice was served under Section 215 of the Town and Country Planning Act 1990 following authorisation from the Planning Committee to take action regarding the untidy land at Moor House. This legislation allows a local authority to take enforcement action where the poor condition of a building or piece of land is considered to be adversely affecting its surroundings

The Notice required that the land attached and in front of Moor House, Stathe Road, Burrowbridge to be cleared of scrap vehicles, vehicle parts and debris.

Soon after the Notice was served steps were taken by the owner to clear the Site but these steps did not amount to full compliance with the Notice.

In September 2009 the situation deteriorated. Correspondence was sent to the owner warning him that unless the Site was cleared the local authority would have no alternative but to commence prosecution action for non compliance with the notice. A slight improvement was seen but in June 2010 further complaints were received.

The matter came back before the Planning Committee at its meeting on 30 June 2010 and it was resolved that the Solicitor to the Council be authorised to institute legal proceedings against the owner for not complying with the requirements of the Section 215 Notice.

After the solicitor served the Court paperwork on the owner he contacted her and explained that despite suffering from illness, he was making great efforts to clear up the site and had been to a meeting with the Parish Council to advise the members of what he was doing and they were satisfied with his actions.

The Council's Senior Enforcement Officer visited the Site on 2 August 2011 and observed that the owner had made substantive efforts to clear away the scrap vehicles and debris. The owner also made assertions to the Enforcement Officer that he is determined to keep the site tidy.

The Senior Enforcement Officer visited the Site again on 30 August 2011 and observed that the condition of the Site was continuing to improve and is now in a satisfactory state.

In criminal court proceedings, local authorities are advised to abide by the two stage test set out in The Code for Crown Prosecutors and to review cases. There is an Evidential Stage and a Public Interest Stage. With regard to the Public Interest Stage, factors against prosecution which may be applied to the circumstances of this case include the following:-

- the suspect has put right the loss or harm that was caused;
- the suspect is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated.

6. Recommendation

It is **RECOMMENDED** that the Solicitor to the Council be authorised to apply to the Magistrates to withdraw the current legal proceedings against the owner because it is not in the public interest to continue with the prosecution.

**CONTACT OFFICER Maria Casey 01823 356413 or
m.casey@tauntondeane.gov.uk**

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 7 September 2011

Proposal	Start Date	Application/Enforcement Number
VARIATION OF CONDITION 1 PERTAINING TO THE SCHEDULE OF APPROVED DRAWINGS TO APPLICATION 05/11/0016 FOR 7 HOUSE PLOTS ON PHASE 1, MINOR CHANGES TO MATERIALS, AT LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL	11 AUGUST 2011	05/11/0026

APPEAL DECISION FOR COMMITTEE AGENDA – 7 SEPTEMBER 2011

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/Q/11/2151808/NWF	VARIATION OF S106 FOR APPLICATION 48/93/0001 TO PERMIT A WIDER RANGE OF GOODS TO FACILITATE BOOTS' OPERATIONS FROM THE UNIT CURRENTLY OCCUPIED BY ROSEBY'S AT DEANE RETAIL PARK, HANKRIDGE WAY, TAUNTON	The applicant has not demonstrated compliance with the sequential approach and the proposed variation to the Section 106 Agreement is considered to be likely to result in an adverse impact upon the viability and vitality of Taunton Town centre, set an undesirable precedent for similar proposals which would have a cumulative negative effect upon the town centre and is contrary to the objective of sustainable development. The proposal is contrary to PPS1, PPS4, Taunton Deane Local Plan Policies S1 and EC13 and the objectives of the Taunton Town Centre Area Action Plan.	48/10/0055	The Inspector visited various current and prospective retail sites in the town. She concluded that the planning obligation, in its present form, serves a reasonable, necessary and relevant planning purpose, bearing in mind planning policy objectives for the location of development. The circumstances put forward by the appellant are not of sufficient weight to cause her to alter the S106. The amended Deed of Variation offered at the hearing would not have overcome the objection in principle. The Inspector found the appeal scheme would compromise fundamental principles set out in national and local planning policy and DISMISSED the appeal.

APP/D3315/A/11/2153755/NWF	DEMOLITION OF THE SPORTSMAN INN PUBLIC HOUSE AND ERECTION OF SEVEN DWELLINGS AND ASSOCIATED PARKING AT 46 WATERLOO ROAD, WELLINGTON	The proposed development makes insufficient parking provision on the site, which would be likely to encourage the parking of vehicles on the adjoining public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.	43/10/0130	The main issue raised by the appeal is the effect that the development would have on the free flow and safety of traffic and of other highway users. The Inspector saw no reason to believe that increased competition for spaces, as a result of the proposed development, is likely to generate conflicts that would be hazardous to traffic. The town centre is easily accessible on foot and there are well-lit paths. He concluded that the development would not cause undue harm to the free flow of traffic or to the safety of road users and there would be no conflict with Policies 48 or 49 of the (2000) Somerset and Exmoor National Park Joint Structure Plan Review. The appeal was ALLOWED and planning permission granted subject to conditions.
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TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park