

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 27 June 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 23 May 2012 and 6 June 2012 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 49/12/0030 – Erection of a dwelling with adjoining garage, parking and formation of access at land on Croft Way, Wiveliscombe (Resubmission of withdrawn application 49/12/0016)
- 6 49/12/0027 – Change of use and conversion of two traditional agricultural barns to one workplace and dwelling with associated vehicular access and parking, ground mounted photovoltaic panels, reed bed filtration system and protected bat roost at Cotcombe, Croford Hill, Wiveliscombe (amended description)
- 7 42/12/0019 – Installation of a balcony to the west elevation of ancillary building at Fisherman's Rest, Middle Sweethay, Trull (Retention of works already undertaken)
- 8 38/12/0109 – Residential development for the erection of 7 dwellings with associated access and 8 no parking spaces on land to the rear of the Gardeners Arms, Priorswood Road, Taunton
- 9 20/12/0020 – Erection of ground floor rear extension at 6 Kingston Court, Kingston St Mary
- 10 05/12/0017 – Erection of single storey rear and side extension at 23 Great Mead, Bishop's Hull
- 11 E/0337/33/11 – Structure erected to accommodate a large carnival float at Crossways, Curland, Taunton

- 12 E/0261/10/10 – Building erected on common land adjacent to Timberlands Farm, Churchstanton
- 13 E/0145/42/11 – Access not built in accordance with approved plans at Lower Kibbear Farm, Kibbear, Trull
- 14 Enforcement Matter - Failure to comply with enforcement notices served in respect of Plots 1, 3, 54 and 41 on Persimmon sites to the west of Bishop's Hull Road, Bishop's Hull

Tonya Meers
Legal and Democratic Services Manager

07 December 2012

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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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
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 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
- Director of Southwest One – Councillor Nottrodt
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

49/12/0030

MR HORTON

ERECTION OF A DWELLING WITH ADJOINING GARAGE, PARKING AND FORMATION OF ACCESS AT LAND ON CROFT WAY, WIVELISCOMBE (RESUBMISSION OF WITHDRAWN APPLICATION 49/12/0016)

Grid Reference: 307868.127742

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

It is considered that the proposal would not have an adverse impact upon neighbouring residents or the highway network. It is also considered that the proposal would not adversely impact upon the visual amenities of the area, the landscape setting of Wiveliscombe or the character and appearance of the conservation area. Given that the proposal would not cause harm to these interests and is located in a sustainable location close to the centre of Wiveliscombe, and with regard to the previous grant of outline planning permission, it is considered that the proposal is acceptable despite being sited outside the settlement limit, in accordance with Policies S1 (General Principles), S2 (Design), M4 (Parking Provision) and EN14 (Conservation Areas) of the Taunton Deane Local Plan, Policies STR1 (Sustainable Development), 9 (The Built Historic Environment) and 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy DM1 of the emerging Taunton Deane Core Strategy, the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) DrNo 01 Location Plan

(A3) DrNo 02 Block Plan

(A1) DrNo 04 Rev A Existing Topographical Survey with Entrance Visibility Splay and Foul Sewer Drainage

(A3) DrNo 08 Rev A Proposed Block Plan
(A1) DrNo 09 Rev A Proposed Site Plan, Ground and First Floor Plans
(A1) DrNo 10 Rev A Existing and Proposed Site Sections, Section A-A and Elevations SK02

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

3. Full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that the development does not give rise to off-site flooding, in accordance with the National Planning Policy Framework.

4. The 'CellWeb' root protection system shall be installed to a depth of 100mm within the area indicated on drawing 1141/09 rev A prior to the commencement of any other works on the site.

Reason: To ensure that the trees are protected from the development, in the interests of the visual amenities of the area and the character and appearance of the conservation area in accordance with Policies S1 and EN14 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling and access drive hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the occupation of the dwelling hereby permitted, a 2m close boarded timber fence (or other such screen that may otherwise be agreed in writing by the Local Planning Authority) shall be erected along the line of the existing post and wire fence at the southern site boundary in a position and for a length that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent overlooking of the neighbouring garden from occupiers of the proposed development in accordance with Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the emerging Taunton Deane Core Strategy.

7. The windows hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. No service trenches shall be dug within the root protection areas of the trees on the northern site boundary as identified in the submitted arboricultural report prepared by Sam Manton, submitted with the application, without the prior written agreement of the Local Planning Authority.

Reason: To ensure that the trees are not damaged during the course of the development in the interests of preserving the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

1. The Local Planning Authority expects that the fence required by condition 6 will be located to the east of a point to the south of the eastern sitting room wall and extending for at least 15m.

PROPOSAL

This application seeks full planning permission for the erection of a dwelling. The dwelling would be a 1.5 storey dwelling, accessed via a new private drive directly from the B3227, Croft Way. It would face the recreation ground, with a forward projecting gable and two dormer windows. A small gabled porch would be provided to the front and a brick chimney constructed on the southern side. A further projecting gable and dormer windows would be provided on the rear (east) elevation and the dwelling would have an attached garage on the northern side. The application forms indicate that the dwelling would be finished in brick and render under a slate roof. The plans appear to indicate that some timber boarding may be employed on the projecting gable ends, but this is not detailed in the application forms.

SITE DESCRIPTION AND HISTORY

The site sits to the south of the B3227 Croft Way, Wiveliscombe. It is currently an open area of land, accessed by a field gate from the B3227. The access point is opposite the junction of West Street and the B3227.

There is a mature line of trees along the roadside northern boundary of the site, which largely screen the site from the B3227. The site slopes down from the road to the south and east, such that to the south, an adjoining dwelling sits at a lower level, separated from the site by a low hedge, including some trees. The neighbouring

dwelling has some windows facing the site at ground floor level, and some rooflights. The access to the neighbouring dwelling runs along the western edge of the application site.

Planning permission was refused in 1989, 1990 and 1999 for the erection of two dwellings on this site. The latter was also dismissed at appeal on the basis that the two-storey dwellings facing north and south were detrimental to the amenities of the neighbouring dwelling to the south.

Outline planning permission was granted last year for a single dwelling under application number 49/11/0034. Illustrative plans submitted with that application indicated that a single storey dwelling could be constructed and dug into the site so that it were no higher than the neighbouring dwelling to the south.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE PARISH COUNCIL – Supports, standing by their previous observations, with nothing to add to their previous comments. Previously the PC commented that, even though the site is outside the designated development area, they supported the application because it is in keeping with the surrounding buildings.

SCC - TRANSPORT DEVELOPMENT GROUP – Previous comments apply equally to this application. In summary, the site is close to the centre of Wiveliscombe and is considered to be sustainable in transport terms. Although the development would derive access from the B3227 County Route, the access is of good geometry and its use should not be detrimental to highway safety. Sufficient space is provided on site for turning and parking.

The Highway Authority therefore raises no objection, subject to conditions that the parking and turning areas are kept clear and used only in connection with the development, that visibility splays are provided and maintained at the access, that the first 5 metres should be properly consolidated and surfaced, the garage should not be used for any business purposes.

DRAINAGE ENGINEER – Satisfied that no changes to the ground levels at the existing access will occur and, therefore, existing culverts and sewers are unlikely to be affected.

HERITAGE – No objections subject to conditions regarding external materials in keeping with conservation area – i.e. windows not UPVC.

LANDSCAPE – Subject to:

- Protection of trees during construction;
- No service trenches within RPAs without written agreement of LPA;
- Tree works carried out as recommended;
- Details of CellWeb surfacing as agreed

The proposals are acceptable.

Representations

8 letters of SUPPORT have been received making the following comments:

- The building will be a positive addition to the area and will compliment the surroundings.
- The property appears to make use of outlook to the recreation ground where the applicant is heavily involved with the local rugby club. He will be able to attend the rugby club on foot reducing his carbon footprint.
- The development is in keeping with the area and house next door as it is the same size.
- The development will enhance the area and improve social behaviour in the recreation ground, especially at night.

It should be noted that 3 of the letters of support have been received from residents of Wiveliscombe, with others from Milverton, Bridgwater, Taunton, Norton Fitzwarren and Hillcommon.

7 letters of OBJECTION have been received making the following comments:

- This application will form the base for development on the lower side of the B3227.
- The proposal will change the look of this part of the town significantly.
- The dwelling should be in line with the dwelling at Croft Way Bungalow and should definitely be lower than the plans show.
- Walls seen from the main road should be stone to be in keeping with the neighbouring dwelling.
- The already approved outline permission is far more appropriate for this site in terms of its height and position. Previous concerns were addressed and appeared to result in an appropriate development. The current application seeks to return to the type of development that has been refused permission in the past.
- The new application does not take account of the conditions established when the outline permission was originally granted, particularly regarding the height of the dwelling.
- The dwelling would overlook Croft Way Bungalow and be overbearing on it. There are double doors and an elevated patio facing toward the neighbour.
- There is insufficient information to determine whether surface water can be adequately disposed of without causing flooding at Croft Way Bungalow.
- The proposal is too large for the site and completely different to the outline originally approved. It is too great an intrusion into the landscape and would dominate the adjoining property.

It should be noted that 3 of the letters of objection are from residents of Wiveliscombe, with others from Taunton, Exford and Staffordshire.

Comments from Ward Member, Cllr E Gaines – “I have lived in the Wiveliscombe area for over 22 years and am very familiar with the area of land proposed to be built on and adjoining properties to this land.

I understand that outline planning permission was granted within the last year on this land, which already had an extensive list of planning applications since the late

1990's – which were rejected mostly on the grounds of each proposal building properties “to be overbearing” on the adjoining bungalow, as well as excessive development beyond the natural lines of town development. I believe that after much planning effort by the previous owners, a suitable planning solution was determined in granting the “Outline permission” in 2011 and that was also deemed to be a good compromise for those neighbours – the Buckingham's, who were going to be directly affected by any development on this land. Despite this, the land (with outline development permission) was sold and new owners are now opening up the planning history again – which is their right – however, I do not feel the proposed building which is 1.8M (about 6ft) higher at roof ridge and no longer in line with the neighbouring bungalow will be at all sympathetic to this area which is now – by way of the main town road through Wiveliscombe will be visible to everyone passing this proposed development property...”. Further comments made regarding the Parish Council meeting and the neighbour's lack of opportunity to make representations to that meeting.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN14 - TDBCLP - Conservation Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
S&ENPP49 - S&ENP - Transport Requirements of New Development,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£4,316
Somerset County Council (Upper Tier Authority)	£1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£25,898
Somerset County Council (Upper Tier Authority)	£6,474

DETERMINING ISSUES AND CONSIDERATIONS

The principle of the development and use of the access for a dwelling is established by the previous grant of outline planning permission, which remains extant. A number of representations have been received commenting that the indicative plans submitted with that outline application were more appropriate in terms of the suggested height and positioning of the dwelling. However, this is a full application and it is not bound by the restrictions of that outline permission. It must be determined on its own merits.

The main issues in the consideration of this application are considered to be the design and impact on the conservation area, and the impact on the amenity of the neighbouring Croft Way Bungalow to the south of the site.

Design and impact on conservation area

The site is in a prominent location and clearly visible on approach to Wiveliscombe from the west. It will face the open recreation ground, yet at the same time is very closely related to the historic core of Wiveliscombe. This central area is generally characterised by two or 3 storey dwellings, finished in render or stone, with some brick, almost exclusively under slate roofs. This application proposes a 1.5 storey dwelling, with rooms in the roof, with a forward projecting gable. The plans appear to show timber boarding on the projecting gable and also on two smaller dormer windows that are proposed on the roof slope. The result is a slightly incoherent mix of materials, the different treatment of the gable emphasising the dwelling's low height compared to most other rendered properties in the area. The use of dormer windows is similarly not characteristic of the historic core of the town and the external brick chimney adds a further incongruous feature. The design and access statement does not offer any convincing reasons for the design approach chosen.

That said, the neighbouring property, Croft Way Bungalow, is itself a 1.5 storey dwelling, presumed to be a converted barn. As such, a full two-storey dwelling may appear oversized adjacent to this modestly proportioned near neighbour, which is also on lower ground. It is on the other side of Croft Way to most other historic properties and, therefore the scale is considered to be appropriate. There have been concerns raised that the dwelling should be the same height or lower than the neighbour, but it is, as a matter of fact, on higher land and, as such, the greater height (resulting from a higher slab level, rather than a significantly taller building) is considered to be appropriate in this context.

In summary, it is considered that there are features of the design that do not properly respect the local vernacular and that, despite the acceptable scale of the development, there are better ways of conceiving a design within these parameters. However, the conservation officer has raised no objection and, therefore, it would be difficult to argue that the character and appearance of the conservation area was harmed. This is probably due to the detached nature of the site from the main historic core of the Town. Accordingly, the design is considered to be acceptable.

Impact on neighbouring property

The only neighbouring property significantly affected by this proposal is Croft Way Bungalow, immediately to the south. The dwelling has been set back further on the site than the indicative plans for the previous outline permission indicated and this means that it would be more visible to the occupiers of Croft Way Bungalow. The reason for the set back is to allow a turning head to be constructed to the front of the dwelling, and although the dwelling may be able to be pushed forward, with just the garage set back, it is not considered that the bulk of the dwelling in this location, set to the north of Croft Way Bungalow, would be unacceptably overbearing on the neighbour.

Of greater concern is a raised patio area in the southeast corner of the dwelling. This would be accessed from both the dining and living rooms in the proposed dwelling and, due to the slope of the site, would be elevated to approximately the

same level as the boundary hedge. This area would clearly be the most heavily used external area of the dwelling at a distance of between 6 and 10m from the site boundary is considered to lead to unacceptable overlooking of that garden. It must, therefore, be considered whether that impact can be mitigated.

The application drawings indicate a 0.9m high post and wire fence on the northern side of the hedge. It is considered that replacing a length of this to the south of the raised patio with a 2m high timber fence would obstruct the view over the neighbouring garden. The presence of such a timber fence would be at odds with the surrounding semi-rural setting of the site, but such a fence could be erected under permitted development rights. It is, therefore, considered that it would be an appropriate mechanism to prevent overlooking. With a fence in place, the harm to the neighbouring dwelling would be overcome.

Other matters

The means of access was considered under the previous outline permission. The Local Highway Authority have replicated their previous advice that the proposal is acceptable in highways terms, subject to conditions. It was previously considered that it was unnecessary to impose conditions relating to visibility as the required splays are entirely within Highway owned land. Similarly, conditions preventing use as business premises are not necessary as such would require planning permission. The surfacing details for the driveway should be sought by condition.

The trees along the northern site boundary are also within the control of the highway authority. Conditions are, therefore, not required to protect them during the course of the development. However, the use of a 'CellWeb' root protection system is required to ensure that the access does not cause damage to tree roots and this should also be controlled by condition.

Concern has been raised from the neighbouring residents that their position at a lower level to the site could result in increased surface water run-off and flooding to their property. The Drainage Engineer is satisfied that the site can be adequately drained with soakaways and full details of the surface water drainage system should be sought by condition. He is also satisfied that existing culverts and sewers should not be affected by the development.

The receipt of the New Homes Bonus is noted, however, your officers consider that this matter carries very limited weight in this case.

Conclusion

By virtue of the planning history, the proposed dwelling is considered to be acceptable in principle. Whilst containing features that do not respect the local vernacular, on balance, the design is not considered to cause harm to the character and appearance of the conservation area. A condition requiring the provision of a new fence would overcome the overlooking harm to the neighbouring dwelling and, accordingly, the development is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

MR G PFETSCHER

CHANGE OF USE AND CONVERSION OF TWO TRADITIONAL AGRICULTURAL BARNs TO ONE WORKPLACE AND DWELLING WITH ASSOCIATED VEHICULAR ACCESS AND PARKING, GROUND MOUNTED PHOTOVOLTAIC PANELS, REED BED FILTRATION SYSTEM AND PROTECTED BAT ROOST AT COTCOMBE, CROFORD HILL, WIVELISCOMBE (AMENDED DESCRIPTION)

Grid Reference: 310625.128265

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 By reason of there having been no marketing of the buildings for employment use, it has not been demonstrated that the premises are unlikely to attract a suitable business re-use. The proposal is, therefore, contrary to Policy H7 of the Taunton Deane Local Plan and Policy DM2 of the emerging Taunton Deane Core Strategy.
- 2 The site is located outside of any 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. Notwithstanding the work/business floorspace the proposed conversion includes a permanent residential dwelling remote from adequate services, employment, education and other services and facilities required for day to day living. Such a proposal 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 proposal 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, Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy together with guidance contained within the National Planning Policy Framework.
- 3 The proposed development will result in the deliberate disturbance of a protected habitat for which there is no overriding reasons of public interest that would justify such disturbance. In addition it has not been demonstrated that there are no other satisfactory alternative sites on which the proposed development could not be accommodated. As a result the proposals fail to satisfy the derogation tests necessary for the Local Authority to discharge its duty set out within Regulation 9(5) of the Habitat and Species Regulations (2010).

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The application seeks planning permission for the conversion of two agricultural buildings to a two bedroom live work unit at Cotcombe, Wiveliscombe. The proposed scheme will involve the conversion of the larger of the two barns (barn 1) to a two bedroom dwelling, providing a bathroom, hallway, living/dining room, kitchen utility and shower room at ground floor with two bedrooms above within the roof space. This element will have an approximate floor space of 96 square metres over two floors. The smaller detached building (Barn 2) will be converted into a small studio and boiler/plant room at ground level with a second studio area and store above. The floor area for Barn 2 over two floors (excluding the boiler/plant store) is approximately 49 square metres.

The application proposed to make use of timber fenestration throughout; the walls will remain of natural stone with brick quoins to openings and a small element of timber boarding. The existing roof will be retained in double roman clay tiles. The site will be accessed along an existing single lane private track leading to a new parking and turning area to be laid informally with compacted stone to the south of the two barns.

The application proposes to erect approximately 40 solar photovoltaic panels to the rear of Barn 1 and to install a biomass boiler within Barn 2; these will combine to provide a degree of the necessary power and heat to the property. The new dwelling and workspace will be served by a septic tank and reedbed filtration system; these components will be located in a small orchard to the south west of the access track.

The application proposed to erect a new bat roost building within the site, to the south east of Barn 1, partially upon the footprint of the now demolished building. Existing masonry walls will be partially utilised with the south west elevation being finished in timber boarding; the new roof to the bat roost will be of clay double roman roof tiles and access will be provided via a new doorway. The building will measure 4.0m by 2.5, with a height to eaves and ridge of 2.0m and 3.5m respectively.

The application is supported by an ecological survey report, a building structure report, a commercial viability report, a planning and design statement and an access statement.

SITE DESCRIPTION AND HISTORY

The agricultural buildings at Cotcombe are located to the north of Croford, a sporadic group of residential and agricultural properties within a remote rural area of Taunton Deane. The two buildings differ in scale, with Barn 1 being a linear stone building measuring approximately 20 metres by 4 metres. The building is of stone walls with clay double roman roof tiles; the building has six stone pillars to the south west elevation which are enclosed by timber boarding and doors. Barn 2 is located to the

west of Barn 1, is of matching materials and has two standard openings to the south east elevation. The site is accessed along a single ungraded track that is approximately 750 metres in length when measured from the highway to the south east to the entrance gates to the site.

The buildings are on a level area of ground whilst the surrounding landscape slopes gently within a wooded valley; a dense woodland bounds the site to the east and north with fields bound by mature hedgerow and trees to the north, south and west. The site holds the remains of a former farmhouse that once formed part of Cotcombe Farm. Also present on site is a small stone outbuilding and a domestic aluminium framed greenhouse. It is apparent given the condition of the buildings that some maintenance and remedial repair works have been undertaken to the buildings in recent years.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE PARISH COUNCIL - Support the proposals because it will improve and make use of existing buildings and possibly provide employment. However the access to the site must be considered.

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 its daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and policy.

The site gains access directly from Croford Hill. This is a classified unnumbered highway which is rural in nature, and is subject to the national speed limit. On site observations confirmed that traffic speeds past the access are in the region of 25mph.

Referring to Hydrock Consultants drawing number 12058/T03, visibility splays from the site access are shown measure 2.4m x 90m+ to the west and 2.4m x 43m to the east. Having visited the site I was unable to replicate the visibility splays shown and therefore conclude that they cannot be achieved.

Notwithstanding the above, it is agreed that visibility splays of 2m x 33m would be acceptable, based on existing traffic speeds and the guidance provided within Manual for Streets. These splays can be achieved and are therefore considered to be acceptable.

Internally, the level of parking and layout is considered to be acceptable.

LANDSCAPE - My main concerns are that the barns are locally prominent and therefore domestication will have an impact upon local landscape character; the access road is long and also visible over a wide area.

BIODIVERSITY - I agree that an EPS license will be required; support creation of a bat roost for lesser horseshoe bats and support proposal to provide access for

pipistrelle bats to barn 2 but require clarification on method of access; provision should be made for swallows in the converted barn and the owl box should be modified Condition recommended for a wildlife strategy to be submitted if approval given.

DRAINAGE ENGINEER - Soakaways to be constructed in accordance with Building Research Digest 365; EA should be consulted on reed bed filtration system.

Environmental Protection Team - No objection subject to contamination condition.

Representations

2 letters making the following observations:

- Presume the studio will be for art or similar and no machinery involved?
- Would prefer not to be able to see the pv panels.

8 letters of support received from members of the public raising the following planning related matters:

- Unless these barns are utilised there may be a chance they fall into disrepair and lost forever;
- As Cotcombe was lived in previously we feel it would be advantageous to return it to its former use and keep the surrounding land well maintained;
- For many years Mr Pfetscher has spent a huge amount of time restoring Cotcombe and we feel this application warrants approval;
- In light of the environmentally friendly aspect of the plan it is fully supported;
- It appears to be low key and sustainable;
- The building work undertaken was entirely in keeping with the surroundings and what was an eyesore became a pleasant pair of rustic barns;
- The surrounding land has been professionally improved tidying and coppicing the woodland, mindful of indigenous flora and fauna; the conversion will be done with the same ecological sensitivity;
- The restored barns are attractive and in keeping with surroundings;
- The barns are large enough to accommodate the proposed conversion
- The track is in frequent use and the present owner camps there for periods of time and uses the track regularly; there is water supply on land;
- The development will be green and sustainable creating much of its own energy it will be a model for other buildings to follow;
- The plan retains the traditional appearance of the structures and are in keeping with surroundings and landscape.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

EN12 - TDBCLP - Landscape Character Areas,

H7 - TDBCLP - Conversion of Rural Buildings,

EC6 - TDBCLP - Conversion of Rural Buildings,

EN3 - TDBCLP - Local Wildlife and Geological Interests,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,

STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£4,316
Somerset County Council (Upper Tier Authority)	£1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£25,898
Somerset County Council (Upper Tier Authority)	£6,474

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 of the proposed development upon the landscape character and visual amenity; and
- the impact of the proposals upon a wildlife.

Policy 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 the National Planning Policy Framework 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. In addition, Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy are attributed significant weight in determining this proposal given their advanced stage towards formal adoption.

The application suggests that saved Local Plan Policies are outdated following the publication of the National Planning Policy Framework and therefore carry little weight. To this end it suggests that the NPPF should be viewed favourably where there is a conflict in its guidance with LP policy. Many references have been made to the guidance contained within the NPPF, which generally is supportive of the re-use for rural buildings and I am mindful of its guidance and the specific points raised. However, I am of the opinion that the saved Local Plan policies are protected within the first 12 months from the date of the NPPF's publication and can therefore be attributed the appropriate weight. Notwithstanding this matter, the emerging Taunton Deane Core Strategy is now at a very advanced stage and is therefore similarly attributed significant weight in determining the proposed development even in the

absence of the Local Plan.

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.

LP Policy H7 indicates that residential conversion of buildings in the countryside will not be permitted where there is the likelihood of them attracting a suitable business re-use. It is a well established method of assessing whether or not there is a need for business premises through a 12 month marketing strategy however in this instance no such public marketing has been undertaken. As an alternative a commercial viability report has been submitted which draws a number of conclusions and draws attention to a number of comparable business units within the area that have not been successfully let/sold for the permitted use. The report concludes that the costs of conversion limits the viability of the buildings for an alternative business re-use; it concludes that uses including offices, holiday lets and workshops come light industrial units would not viable.

Core Strategy Policy DM2 sets out the councils future policy stance for development within the open countryside. The policy adopts a sequential approach for the conversion of agricultural buildings to alternative uses. Core Strategy Policy DM2 (7.b) makes it clear that only in exceptional circumstances will the re-use of an agricultural building be permitted for solely residential purposes.

The application states that the buildings have been used for storage for in excess of ten years. Whilst this use may have been low key it does indicate that an alternative use may be feasible at the site other than for agriculture. Indeed, given the good condition of the buildings, as stated within the submitted structural report, uses such as equine, low key storage and/or distribution, rural crafts, forestry and other similar uses could provide other potential alternatives to those put forward within the viability report. This matter is compounded by the information submitted by the agent by email dated 14 June 2012, whereby it is stated that the floorspace within Barn 2 is sufficient to run a business from (within B1 use class). It goes on to concede that such space is comparable in scale with many small business uses. It seems to me that if a business can be run from a building of the scale such as Barn 2 then it should equally be suitable to run a larger scale business from Barn 1. Other than financial viability, there is no other obvious justification as to why it is essential to provide full residential use at the site.

It is clear from the submission that the buildings have been used for storage in the past and this itself suggests that there is an appropriate use for them other than that of the proposed live-work unit. Policy EC6 of the LP and Core Strategy Policy DM2

(7) accepts that business re-use for rural buildings will generally be viewed favourably subject to satisfying a number of criteria. With the exception of being distant from a nearby public road (approx 750 metres along a stone track) the proposals would seem to satisfy the requirements of LP policy EC6 for some potential alternative uses. In addition, Core Strategy Policy DM2 (7) requires rural buildings to be located near a public road and existing services. The meaning of services is open to interpretation however it is taken to relate to services that are reasonably required for day to day living and in part may include education, health, recreation and the like. The site is remote from any such services contained within the nearest settlements of Milverton, Fitzhead and Wiveliscombe and therefore, despite the work element which will potentially reduce a degree of private motor vehicle movements the site remains within an unsustainable location.

The principle use of the site as proposed seems to me to provide for a residential unit with associated home working space. There is likely to be limited benefits of such a work unit to the local rural economy and no information has been submitted to suggest otherwise. The buildings whilst forming an intimate group, are limited in their heritage value. The benefits of retaining the buildings for their heritage value and in order to be of benefit to the local rural economy are not considered to be of significant enough value to outweigh the unsustainable remote location of the site.

The submitted access statement concludes that the site is within an acceptable combined walking/bus linked trip and acceptable cycling distance of a good range of services within Wiveliscombe and Milverton. I do not agree with the suggestion that the site is within a location that provides for sustainable transport choices. With respect to the surrounding area, the topography is undulating with sharp hillsides leading to the site from the highway to the south. This approach road is 950 metres from the site access but, increasingly 1.7km from the actual development site where the live-work unit will be situated when including the length of the track. A recent appeal decision for a development for a holiday let unit at Brimley Plantation has established that this area is unsustainable in transport terms. The site subject of the appeal, which was dismissed, is closer to the highway network, local bus stops and services than the location of the barns being considered. The Inspector concluded that the distance to services, infrequency of public transport and challenging topography of the location would indicate that the "great majority" of people would be very predominantly reliant upon the private motor vehicle "to access essential and discretionary services." Such was viewed as being contrary to national and local planning policy. Being mindful of this decision I too consider the site to be unsustainable in terms of access to services and sustainable modes of transport.

Whilst the findings of the viability report are noted, in light of any absent marketing evidence to demonstrate that the buildings would not attract an alternative business re-use, the report carries limited weight. The proposals are therefore considered to conflict with Local Plan policies H7 and EC6. In addition, the scheme fails to demonstrate fully whether or not any alternative re-uses for the building, as set out within Policy DM2 (7.b). Whilst the NPPF is supportive of reusing rural buildings for economic or mixed uses for the reasons set out above, the proposals are not considered to be acceptable.

Landscape character and visual amenity

The proposed scheme involves the formation of limited changes to the built fabric of the site. The conversion works to the building will result in a domesticated

appearance to the barns but it should still be possible to ascertain the simple agricultural character of the buildings once works are complete. The proposed solar array will be located to the rear of the proposed dwelling and largely hidden from view by the building's roof; as a result they are not thought to result in any material harm to the landscape or visual amenity. The agent has submitted an amended layout plan together with a suggested condition which would restrict the siting of domestic paraphernalia outside of a designated space. Such an approach, together with the removal of permitted development rights for the erection of new buildings and the like within the site, would further limit any potential harm to the character of the area.

My main concerns lie with an increased use of the access track and the impact that domestication would have upon visual amenity and landscape character. There would be a significant increase in domestic vehicles being seen within the landscape when using the access track over its 750 metre length. This together with the parking of vehicles within open view across the valley and additional light spill at times of darkness will without doubt have an effect upon the character and appearance of the surrounding landscape and visual amenity. 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 rural setting.

Wildlife

The application is supported by an ecological survey of wildlife within the site and the report concludes that the proposed development will impact upon bats and birds. It should be noted that bats are a European Protected Species and their habitat both within the barns and around the farm yard and associated buildings will be impacted upon as a result of the proposals. The ecological report concluded that bats likely use Barn 1 for rest and feeding during the night and that it is likely that bats have roosted behind timber boarding to the gable ends of Barn 2. The application proposes to relocate bat habitat and roost within the new building to the south and to remove all existing spaces currently used by the species from the original barns in their entirety. The new roosts will have the required space internally that will provide for a suitable alternative site for rest, feeding and roost.

As a result of the above, the proposed development will result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), such is an offence unless a license is obtained for the works from Natural England. The ecological report confirms that an EPS license will be required for the works to be carried out. Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions - inclusive of determining planning applications that impact upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

(i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);

- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The proposed development will provide for an alternative re-use of a rural building. Any agricultural or existing use is to cease and all land and buildings will be turned to residential if permission is granted. The buildings concerned are typical of rural areas however their heritage value within the local area is considered to be limited. The buildings are not listed and have no significant architectural or historic merit and no such justification has been submitted to counter this opinion as part of the application. Given the limited value of the buildings I can find no other overriding reasons of public interest that would justify the deliberate disturbance of this protected habitat and the proposals therefore fail part (i) of the test.

(ii) That there is no satisfactory alternative

The application site is a one off complex containing two rural buildings and some remains of a former farm house. Notwithstanding the individual nature of the site, there are considered to be alternative sites that could be viewed as being acceptable for a development of this nature. No evidence has been submitted to suggest that there is no other alternative sites within the borough for live work units and therefore on this basis the proposals are considered to fail part (ii) of the test.

(iii) That the Favourable Conservation Status (FCS) can be maintained

The Council's Nature Conservation and Reserves Officer supports the recommendations and actions set out within the submitted report by David F Wills dated 14 March 2012. Further, Natural England support the comments of the Council's Nature Conservation and Reserves Officer. Notwithstanding the above I am satisfied that the proposed bat mitigation can be achieved within the new building and that were such a scheme to be required (were permission to be granted) such will ensure that a FCS for bats can be maintained at the site.

The site is recognised as providing a habitat for nesting Swallows, for which 21 nest cups were located within the buildings to be converted. The application does not provide for any Swallow cups or other nesting sites however subject to further survey work and submission of details, were planning permission to be given I am satisfied that these species could be accommodated within the development site.

Other matters

The highway authority are satisfied that the proposals will not give rise to material harm to highway safety at the point where access is taken off the public highway and onto the private access track. They are satisfied that the visibility splays provided are commensurate with a safe means of access/egress given the relatively low speed of traffic along the approach road.

The proposals will make use of a reed bed filtration system; such a system will likely require the Environment Agency consent to discharge any treated water to the

ground strata. The Councils Drainage Officer has not raised issue with this aspect of the proposals and it seems to provide a suitable means of treating waste water at the site.

The receipt of the New Homes Bonus is noted, however, your officers consider that this matter carries very limited weight in this case.

Conclusions

The proposals fail to accord with local planning policy that restricts the conversion of rural buildings to residential use unless there is a demonstrable reason as to why other preferable uses cannot be provided. Such is considered to be contrary to Policy H7 of the Local Plan and Policy DM2 of the emerging Core Strategy. In addition, the site is 750 metres from the nearest public road and at such a distance the proposals do not make for a sound connection to the local highway network which is contrary to Policy EC6 of the Local Plan.

The proposals will provide for a new residential property within open countryside that is remote from adequate service provision and sustainable modes of transport in which aims to access day to day services. Despite the provision of a work element, the residential property will have a significant reliance upon the private motor vehicle and generate additional private journeys to nearby settlements; such would be contrary to planning policy which aim to direct all new residential development to existing settlements with adequate service provision.

In addition, the proposed development would result in the deliberate disturbance of a protected habitat. There is no overriding public benefit with which to justify such deliberate disturbance whilst there are considered to be alternative development sites within the borough that would be capable of providing a development such as that proposed. As a result, the scheme fails to satisfy the derogation tests necessary for the Local Authority to discharge its duty set out within Regulation 9(5) of the Habitat and Species Regulations (2010).

For the above reasons, 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

42/12/0019

MR L JANES

INSTALLATION OF A BALCONY TO THE WEST ELEVATION OF ANCILLARY BUILDING AT FISHERMAN'S REST, MIDDLE SWEETHAY, TRULL (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 320614.121331

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

RECOMMENDED CONDITION(S) (if applicable)

1. The balcony, by reason of its size, siting and design, represents an incongruous addition to the traditional form and linear appearance of the building and as such adversely affects the character and appearance of the building, the surrounding landscape and the setting of the Grade II listed building opposite. The proposal is contrary to Policies S1, S2 and H17 of Taunton Deane Local Plan Policy DM1 of the emerging Core Strategy Policy and the National Planning Policy Framework.

Notes for compliance

PROPOSAL

The application seeks permission to retain a metal balcony erected on the west elevation of the ancillary building to Fishermans Rest. The balcony scales 4.5 metres by 2.5 metres with the floor height at 2.7 metres. Enclosing the balcony is a 1.1 metre metal railing fence.

SITE DESCRIPTION AND HISTORY

The site comprises the dwelling house (which was a former barn) and an ancillary building (formerly outbuildings), on which the balcony has been erected. There are also two dormer windows on the ancillary building which are the subject of a separate application.

42/03/0050 - Conversion of outbuildings to ancillary living accommodation - Conditional Approval

42/12/0003 - Application for a lawful development certificate for the increased height of the ridge of the annex from the originally permitted plans and the change in external materials from render (as permitted) to stone at Fishermans Rest, Sweethay, Trull - Granted

42/12/0019 - Installation of two dormer windows (Retention of works already

undertaken) - Current application

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

TRULL PARISH COUNCIL - The Parish Council have considered the above and have serious and long-standing objections to certain aspects of the development of the ancillary building at Fishermans Rest, Middle Sweethay.

The original application, **42/03/0050**, made no mention of the dormer windows or balcony.

Planning application **42/10/0046** – Installation of two dormer windows in the southern roof slope of ancillary building at Fisherman's Rest (retention of works already undertaken). This application was withdrawn on 23/3/2011 and the Parish Council registered objections with the Enforcement Officer after neighbours of the site contacted the Parish Council with their concerns. We have received no reply or offer of consultation from the Enforcement Officer and the Parish Council objects to the retrospective granting of the application because of its impact on neighbours. These windows are directly opposite and overlook a neighbouring property.

The comments above regarding the lack of response from the Enforcement Officer also apply to the very large balcony, the size and metal construction of which, are not in keeping with the building. The 'Planning, Design and Access Statement' included with the application states that the 'views are of the open countryside and Fisherman's Rest as opposed to the neighbouring dwelling'. This is the view from only one side of the balcony and is not the case from all sides. Visiting the site it is clear that the balcony overlooks and is highly visible from the road and neighbouring property. Until application 42/12/0020 the details of the balcony or dormer had not been supplied and no opportunity has been given for any consultation on these aspects to take place.

The Parish Council feel that the dormer windows and balcony, impact heavily on the neighbouring property across the road from the development and for this reason the Parish Council object to this planning application.

Representations

12 letters of support (many of which are from the wider Taunton area); works benefit the local village and improve its aesthetics; the development significantly improves the site and surrounding area; sold the property to the owner and have a keen interest in the development; impressed with the improvements; works are in keeping with the house; development of the property is well fitting of the environment it is in; the balcony is a practical and inoffensive amelioration of the property for the benefit of the residents.

One letter of no objection.

One letter of objection; balcony is out of place and not in keeping with the building. As an owner of a listed building opposite I would like to oppose the application.

Cllr Mark Edwards - supports application.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,
GUID RURAL - RURAL BUILDING CONVERSIONS POLICY GUIDANCE,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The balcony is on the west elevation of the building and overlooks the garden of Fishermans Rest. The main considerations in respect to this application are the impacts upon the character and appearance of the barn, the surrounding area, and the nearby listed building.

The building is single storey with two small dormers on the south elevation. It is linear in design and represents a typical barn in the area. The building was converted to ancillary accommodation under application 42/03/0050. The reason for granted the permission was as follows:

"The proposal involves only limited extension to the building and as a result will not cause material harm to the character of the countryside. The proposal therefore accords with Policy S1(D) of Taunton Deane Local Plan Revised Deposit."

Despite the roof of the building being higher than what was originally approved, the building retains its simple scale and form. The balcony is constructed in metal and represents an unsympathetic and unsightly addition to the barn. It increases the complexity of the building to the detriment of its character and appearance.

The building is situated amongst a cluster of farm building, barn conversions and a Grade II Listed building. The conversion to an ancillary building still enabled the building to retain its traditional barn form. This is an important factor when considering the impact upon the wider landscape. The balcony on the west elevation prevents the building from sitting comfortably with the surrounding farm buildings and results in an adverse impact upon the character of the landscape.

The closeness of the listed building means that the proposal must be considered in terms of impact upon the setting of the listed building. The listed building is a traditional farmhouse surrounded by farm buildings, of which the said converted barn is one. The position of the ancillary building opposite the listed building means that alterations to its form and character may affect the setting of the listed building. The balcony forms an incongruous addition to the building which alters its character and form to the detriment of the setting of the listed building.

To conclude, the application is recommended for refusal due to adverse impacts upon the character of the building, the surrounding area and the setting of a listed

building.

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

CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313

SHERRILL SOLUTIONS

RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 7 DWELLINGS WITH ASSOCIATED ACCESS AND 8 NO PARKING SPACES ON LAND TO THE REAR OF THE GARDENERS ARMS, PRIORSWOOD ROAD, TAUNTON AS AMENDED BY LETTER AND PLAN PL01B RECEIVED 23 MAY 2012.

Grid Reference: 322993.125612

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the signing of a Section 106 Agreement to secure

1. One unit of affordable housing
2. Contributions, towards the provision of community leisure facilities as follows:
 - a. £1454 per dwelling towards the provision of active outdoor recreation
 - b. £2688 per 2+ bedroom dwelling towards children's play provision
 - c. £1118 per dwelling towards community halls
 - d. £194 per dwelling towards the provision of allotments.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. An affordable housing unit will be provided and the proposed access would be satisfactory and the development would not have a detrimental impact on the visual or residential amenity of surrounding residential properties and accordingly does not conflict with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4(Leisure Provision) and M4 (Residential Parking Provision) and Policy DM1 and CP4 of the emerging Taunton Deane Core Strategy.

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:

(A1) DrNo 1193(PL-)05 Block Plan as Proposed
(A1) DrNo 1193(PL-)04 Floor Plans, Elevations and Sections
(A1) DrNo 1193(PL-)03 Floor Plans, Elevations and Sections

(A1) DrNo 1193(PL-)02 Floor Plans, Elevations and Sections
(A1) DrNo 1193(PL-)01 B Site Plan as Proposed

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

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

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

4. Prior to development commencing on site a drainage plan for the whole development shall be forwarded for approval in writing by the Local Planning Authority, including results of percolation tests carried out and shall include soakaways to be constructed in accordance with Building Research Digest 365.

Reason: To prevent discharge of surface water into the mains drainage system to limit the risk of flooding.

5. The applicant shall undertake all the recommendations made in Acorn Ecology Ltd's Ecological Survey Report dated February 2012, (Appendix 4 Conservation Action statement) and provide mitigation for bats and birds as recommended.

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 bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate bats and breeding birds

6. If the period of time, from the granting of planning permission and the commencement of development extends more than one year, then further wildlife surveys must be commissioned to ascertain any changes in the use of the site by protected species.

Reason: To ensure that the use of the site by protected species is monitored, bearing in mind that the results of the submitted surveys may change.

7. The first and second floor window(s) in the southern elevations facing the southern boundary of the site shall be glazed with obscure glass to be agreed

in writing by the Local Planning Authority and shall thereafter be so retained. The said windows shall be fixed shut or limited opening in a manner to be agreed in writing by the Local Planning Authority prior to their occupation and there shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy H17(A).

8. The area allocated for parking and turning on the submitted plan, drawing number 1193[PL-]01B shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

9. Notwithstanding the details shown on the approved plan 1193 [PL] 01 B, no development shall take place until a scheme detailing arrangements and specification for the site access and proposed highway improvements have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: In the interests of highway safety.

10. The proposed estate road, footways, tactile paving, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes for compliance

PROPOSAL

The proposal is to erect 7 dwellings on the site of part of the former Gardeners Arms Pub and car park at Priorswood Road. This originally included 2 x bedroom houses, 4 x bedroom houses and a 1 bed roomed flat and provision of 8 parking spaces. The 4 bed units have subsequently replaced by the smaller 3 bed units. An access road off Plais Street and a turning area are provided to serve the development.

SITE DESCRIPTION AND HISTORY

The site consists of part tarmac area which was the rear of the pub car park, part garden area that existed to the side of the pub and a two storey brick building on the frontage with Plais Street that forms the boundary with Cambria House to the south. The southern and eastern boundaries are formed by part brick and part concrete walling to approximately 2m in height with gardens of houses beyond.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - no objection

The proposed site is situated within a residential area near to the town centre of Taunton, within development limits. As a result, the principle of development in this location is acceptable.

The site is situated along Plais Street a designated unclassified highway to which a 30mph speed limit applies. From my site visit it was observed that Plais Street itself provides sufficient width, however, numerous vehicles parked on the public highway reduce the overall width. Plais Street is essentially a no through road and serves a number of properties, to which access to the wider highway network is obtained at the junction with Priorswood Road, which forms part of the A358 and is a Class 1 highway and a well utilised route.

In terms of detail, the proposal seeks to erect seven dwellings with a shared surface area and eight vehicle parking spaces. The entrance into the site will utilise the existing access onto Plais Street.

Access - Drawing No. 1193 [PL-]01 indicates the point of access onto the publicly maintained highway. The access measures dimensions of 5.0m, to which the Highway Authority consider acceptable as it will allow two vehicles to pass each other, without being an obstruction on the adopted public highway.

With regards to the submitted 'Design & Access Statement' it indicates that only the proposed footway to the south of the site access will be offered for adoption. Having raised queries with the Local Planning Authority (18/05/2012) in relation to delineation, service vehicles and maintenance, I am in receipt of a letter dated 21st May 2012 from the applicant, to which it is noted from drawing No. 1193 [PL-]01 A that part of the access into the site is shown to be adopted. The Highway Authority would not adopt such a small area as it gives no greater public benefit, to the surrounding highway network.

If the applicant wishes to pursue adoption of the internal access road, ideally, a minimum carriageway width of 5.0m with additional 500mm wide service margins will be required. However, there does not appear to be sufficient room available

within the site for a turning head of an adoptable size to be provided.

Despite the non-standard nature of the access and internal layout, the Highway Authority would consider adopting the access and internal courtyard in its entirety, should the applicant propose to offer it for adoption.

Additionally at the point of access a tactile paved pedestrian crossing location, in accordance with DfT 'Guidance on the use of Tactile Paving Surfaces' should be provided across the site entrance. This can be secured by an appropriate planning condition.

Visibility - Visibility for vehicles emerging onto Plais Street is below the recommended standards which would be applied in this location. However, given that this is an existing access and that the proposed alterations including its widening and the provision of a new footway, this is considered to be an improvement over the existing situation. Furthermore, it is acknowledged that the access would have had an element of traffic generation associated with it historically, as such, the available visibility is considered to be acceptable.

It should be noted that part of the proposal will incorporate a 1.5m footway along Plais Street, to provide pedestrians access to the dwellings fronting the public highway. This footway in turn is likely to eradicate vehicles parking on the highway in this location, thus providing improved visibility for vehicles exiting from the site to the left of the access.

Vehicle Movements - It is believed that the previous use of the site, which was part of the Gardener's Arms public house was land allocated for vehicle parking and amenity/seating. It is considered that the site currently does not generate any vehicle movements. However, in the past there may have been an element of vehicle movements associated with this access.

Referring to TRICS database the estimated vehicle movements for a single residential unit is approximately 6-8 movements per day. As a consequence, it is anticipated that the potential level of vehicle movements of the site will result in 42-56 trips per day, which equates to five vehicle movements in the peak hour. It is noted that there will be increase in vehicle movements along Plais Street, however, the Highway Authority consider that the surrounding highway network can accommodate the traffic levels that are likely to be generated by the development.

Internal Layout - The site access and parking area as detailed on drawing No. 1193 [PL-]01 is shown to be properly consolidated and surfaced (not loose stone or gravel), which will prevent any debris from being carried onto the public highway.

The internal layout of the site, which provides a shared vehicle turning area and accommodates eight vehicle parking spaces, each bay provides dimensions of 2.4m x 4.8m which is acceptable.

It should be noted that Somerset County Council now apply, the newly adopted (March 2012) Somerset County Council – Parking Strategy, which states that Taunton, a 'Zone A' region the following vehicle parking should be applied:-

5.3 The standards for residential development (ZONE A)

Zone	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
A – Red	1 car space	1 car space	2 car spaces	3 car spaces

Therefore based on the above optimum standards the site would require 15 vehicle parking spaces (four, three bedroom properties, two, four bedroom properties and a one bedroom coach house). However, it would be unreasonable to object to the development on these grounds as the Highway Authority were consulted (Pre-Application) prior to the implementation of the newly adopted standards; as a result the previous Parking Strategy can be applied in this instance. Given the location of the development a 50% reduction in vehicle parking can be applied. This is due to the close proximity to adequate services, facilities and the easily accessible walking/cycle links.

Previously I raised concerns regarding the internal court area catering for service/refuse vehicles. However, it is noted from drawing No. 1193 [PL-]01 A, that the sites bin storage facilities are located in close proximity to the public highway and within the allocated target distance for refuse collection.

The applicant should note that no doors, gates or low-level windows, utility boxes, down pipes or porches are permitted to obstruct footways. Therefore the Highway limit shall be limited to that area of the footway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

Drainage - Having liaised with the Somerset County Council Supervision Officer, it has been brought to my attention that the private soakaways are proposed within the gardens of the properties. Although set back away from the public highway, the applicant would need to serve notice to the residents of the surrounding properties the zone of influence of the soakaway effectively sterilising those neighbouring properties with regard to future development. Again, this can be addressed by the inclusion of a suitable planning condition.

Footway - From drawing No. 1193 [PL-] 01 it is noted that there are proposed highway works on Plais Street. The provision of a footway in this location would reduce the width of the carriageway in a location where there is a presence of motor vehicles parked on the highway. This could potentially increase the likelihood of vehicle/pedestrian conflict, which is detrimental to highway safety. However, the provision of the footway would provide suitable pedestrian access to the two proposed dwellings that front onto Plais Street. It would also result in a continuation of the existing footway provision along Plais Street, and would result in improved vehicular and pedestrian visibility from the site access. Therefore, the proposed footway is on balance considered to be acceptable.

Notwithstanding the above, although the site access and proposed footway are acceptable in principle, amendments are required. These amendments would include potentially providing a wider footway, the provision of larger site access radii, and the continuation of the footway into the site itself. A condition is therefore suggested to secure these improvements.

As a result, the Highway Authority raises no objection to this proposal subject to

the conditions:

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve the development. Please note from 1st April all sewer connections will require a signed adoption agreement before connection can be made. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer.

DRAINAGE ENGINEER - I note part of this development is to discharge to soakaways with the remaining area discharging to main sewer. No information is given as to this split approach. Full details of surface water disposal need to be forwarded for approval before any permission is given. This should show that sustainable urban drainage systems (SUDs) have been considered. Following contact with the agent I have agreed a condition should be attached with regard to soakaways and a drainage plan for the development.

COMMUNITY LEISURE - In accordance with Local Plan policy C4 provision for play and active recreation should be made for residents of these dwellings. A contribution of £2688 for each 2+ bed dwelling should be made towards provision of children's play. The contribution to be spent on additional facilities for the benefit of new residents within the vicinity of the development. A contribution of £1454 for each dwelling should be made towards the provision of facilities for active outdoor recreation. A contribution of £194 per dwelling should be sought for allotment provision along with a contribution of £1118 per dwelling towards local community hall facilities. Contributions should be index linked. A public art contribution should be requested, either by commissioning and integrating public art into design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

BIODIVERSITY - The site comprises of a car park and pub garden with an existing two storey brick building to the front of the site which is to be demolished. Acorn Ecology Ltd carried out an Ecological Survey Report of the building in February 2012. Findings were as follows

Bats - No signs of bats were identified during the survey, although the building is accessible to bats. The surveyor considered the building to have low potential roost value for bats due to its urban location, but advises that a precautionary approach be made in the demolition of the building.

Birds - Evidence of nesting birds (old nesting material and the carcasses of two newly hatched chicks) was identified at the northern end of the loft space. The surveyor suspects that the remains are those of pigeon or dove species. Signs of other birds, possibly sparrows was also noted. I agree that demolition should take place outside of the bird nesting season.

In accordance with NPPF, I would like to see wildlife protected and accommodated in this development. I suggest conditions.

Representations

2 letters of SUPPORT as will remove old garage and provide a new building to enhance the area.

1 letter of concern over proximity of houses to boundary.

5 letters of OBJECTION on grounds of

- Height of houses,
- Loss of light and privacy,
- Density out of keeping with area,
- Overdevelopment,
- The houses are too deep and high and will stand out,
- The gardens are too small,
- Parking problems in area and parking along road,
- Loss of parking in Plais Street and access in Plais Street a concern.
- Access to Plais Street will be disrupted during construction.
- The Plais Street designation for cyclists/pedestrians has been disregarded.
- The former stables building should be adapted for bins, recycling and cycling parking.
- There are bats in the area.
- Refuse lorries will be unable to access individual properties.
- Parking on street may disrupt or obstruct Funeral home business and Tesco Express has already caused problems.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
STR2 - Towns,
STR4 - Development in Towns,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£7,833
Somerset County Council (Upper Tier Authority)	£1,958

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£47,001
Somerset County Council (Upper Tier Authority)	£11,750

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the impact on the character and residential amenity of the area, the impact on drainage, ecology, policy considerations and parking/highway safety.

The proposal involves the provision of 7 dwellings on the site of 0.1ha of part of the former pub premises. The two four bedroomed properties at the rear of the site had dormer windows to the front and rear serving bedrooms and in order to reduce the degree of overlooking to the gardens at the rear of the site, these units have been replaced by 3 bed units which have ensembles served by rooflights set in the rear roof. The window to window distances here are around 17m and while marginally below the standard of 20m this is not considered to be so severe to warrant an objection on grounds of loss of privacy. The 3 bed units have side windows serving a landing and the stairs and it is considered appropriate to ensure that these windows are obscure glazed where they face neighbouring properties. The other two properties to the east of the site have rooflights serving ensembles to the rear. The depth of the larger houses was 9.4m but the replacement with the smaller house type has reduced this to 8.3m which is similar to the neighbouring properties to the rear and side. There are a wide variety of properties in the area and the impact of the depth of the houses is not considered detrimental to the character of the area to warrant refusal of the proposal. The gardens of the rear properties are smaller than the standard 10m gardens which exist at the rear of existing properties, however the reduced size is not considered to be a ground for refusal given no specific guidance or policy in this respect. While these matters are part of the overall design of the development it is not considered that the density, garden size, depth of the dwellings or their height is sufficiently out of keeping with the character of the residential area to warrant a refusal of the scheme.

The proposed development is on land that is part hard surfaced and part grass. The surface water system to serve the houses will be soakaways and there is a requirement via condition to submit a drainage plan for the site which will ensure there is no water drainage onto the existing highway. The foul drainage for the site will be dealt with by existing sewers.

The site has had an ecology survey carried out and there have been comments identifying that there are bats in the area. No signs of bats were found in the survey, however appropriate mitigation was identified and is recommended as a condition as part of any approval. A further survey is also recommended by condition if the development is not commenced within a year.

The proposal is for 7 units and this hits the trigger for leisure and recreation provision. As this cannot be provided on site given the site area the provision for off-site has to be allowed for under policy C4 and this forms part of the Section 106 requirements. Other contributions for allotments and community halls are identified and provision of these elements are supported by policy CP5 of the Core Strategy. In addition the new housing policy CP4 requires affordable housing on sites of 5 or more. The applicant has agreed to provide an affordable housing unit as well as the other contributions referred to and this would be a requirement of the Section 106 Agreement.

The Highway Authority do not raise objection to the proposal but recommend a number of conditions. Parking is identified by locals as a problem in the area and has clearly disrupted the funeral business opposite. However parking to an appropriate

standard is proposed for the site and development here should hopefully discourage parking on the road. The conditions include a parking/turning area as the plan and the submission of a specification for the site access. Conditions concerning impact on the highway from construction work is not considered to meet the conditions test nor is the construction management plan and survey.

The receipt of the New Homes Bonus is noted, however, it is considered that this matter carries very limited weight in this case.

In summary the proposed residential scheme is considered suitable on this brownfield site and the proposal is considered not to harm residential amenity or highway safety and to satisfy the community use requirements and it is recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

20/12/0020

MR L DORMER

**ERECTION OF GROUND FLOOR REAR EXTENSION AT 6 KINGSTON COURT,
KINGSTON ST MARY**

Grid Reference: 321891.129775

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 1111_14 Plot 6 existing and proposed floor plans and elevations
(A4) DrNo 1111_13 site plan plot 6
(A4) DrNo 1111_12 location plan plot 6

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

Notes for compliance

- . Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

PROPOSAL

Permission is sought for the erection of a single storey leaded flat roof extension with a projection of 3m to the rear. The application is before committee because the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

This is the site of a semi detached dwelling of brick and slate construction and wood windows. There is a pitched roof porch to the front and pitched roof detached garage to the side.

This is a development of houses set off the main highway and within a gated development with plenty of parking and turning space.

The rear of the site is enclosed by a 1.8m high brick wall and a wooden fence, the rear is laid to decking and has raised planting areas and a wooden shelter area in the middle.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

KINGSTON ST MARY PARISH COUNCIL - No comments received.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make.

THE QUANTOCK HILLS AONB SERVICE - No comments received.

Representations

ONE letter of OBJECTION has been received raising the following concerns:

- loss of light
- covenant restricting fence/wall heights
- noise/disturbance/safety levels during construction
- general inconvenience.

PLANNING POLICIES

EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,
S5 - TDBCLP - North Curry Settlement Limits,
KM2 - TDBCLP New Housing Development Restrictions,
AONB - Area of Outstanding Natural Beauty,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed single storey flat roof extension would appear to be of a style that is in

keeping with the dwelling and is of a size that suitable to the site.

The design of the proposed extension is not seen as detrimental to the visual amenity of the area as it is seen to be in balance with the dwelling.

It is considered that, due to the flat roof style the proposed extension, the minimum additional height over and above the existing fence means that any impact on the adjoining neighbour is considered to be acceptable.

The points raised by the neighbours with regard to the loss of light have been considered. Although there may be some loss of direct sunlight, there are already buildings and fences in the area that impact on this. It is, therefore, considered that any further loss would not be sufficient to warrant refusal of the application.

The points raised by the neighbours with regard to the covenant restriction and the noise, security and inconvenience during construction are not considered to be material considerations in the determination of this application.

The proposed extension to the rear will have minimum impact on the street scene as the rear of the site is enclosed by a 1.8m timber fence and brick wall.

It is therefore considered acceptable and accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371

05/12/0017

MR A TAYLOR

ERECTION OF SINGLE STOREY REAR AND SIDE EXTENSION AT 23 GREAT MEAD, BISHOPS HULL

Grid Reference: 320701.124226

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:

(A4) DrNo 0812_03 location plan

(A4) DrNo 0812_04 site plan

(A1) DrNo 0812_01 existing and proposed floor plans

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

Notes for compliance

PROPOSAL

Permission is sought for the erection of a single storey extension with a projection of 3.3m to the rear wrapping round to a single storey extension with a projection 1.7m to the side.

This application is referred to Committee because the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

This is the site of a semi detached dwelling of brick and tile construction and white uPVC windows. The rear of the site is enclosed by a 1.8m brick wall and some fencing. There is a detached single garage with parking. The dwelling backs onto the Wellington Road/Silk Mills Road roundabout and is on a lower level to the highway.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make

BISHOPS HULL PARISH COUNCIL - No objections to make

Representations

None received

PLANNING POLICIES

T1 - TDBCLP - Extent of Taunton,
STR2 - Towns,
STR4 - Development in Towns,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed single storey wrap around extension, which is to replace the rear conservatory, would appear to be of a style that is in keeping with the dwelling and is of a size that is suitable to the site.

The design of the proposed extension is not seen as detrimental to the visual amenity of the area as it is seen to be in balance with the dwelling.

Due to the elevation of the site of the proposed extension being lower than the highway any impact on the on the street scene is considered to be acceptable.

As the proposed extension has a projection of less than 0.5m more than the conservatory that it is to replace any additional impact on the adjoining neighbour is considered acceptable.

It is therefore considered acceptable and accordingly does not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371

E/0337/33/11

**STRUCTURE ERECTED TO ACCOMMODATE A LARGE CARNIVAL FLOAT AT
CROSSWAYS, CURLAND, TAUNTON**

OCCUPIER:

OWNER: MR A and MR T LOCK
c/o 2 GLEBE COTTAGES, GLEBE LANE, THORNFALCON
TAUNTON
TA3 5NL

MRS LOCK

, ,

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of a structure to house and work on the construction of a Carnival float

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require :

- The removal of the structure constructed of scaffold poles, tarpaulin sheets and galvanized steel sheeting
- The cessation of any construction work on the carnival float in its present position.

Time for compliance - 4 months from the date on which the Notice takes effect.

SITE DESCRIPTION

Crossway Farm is situated about half a mile to the south of the small village of Staple Fitzpaine. Once a farm comprising of a large yard and a substantial farmhouse the latter has recently been sold together with an amount of land. The remaining farm buildings and land is retained by the Crown.

BACKGROUND

A complaint was received in December 2011 that a structure comprising of scaffold poles and tarpaulins was sited within the farmyard adjacent to the boundary between the privately owned farmhouse and the remaining farmyard. The structure is used to house and work on a Carnival float owned by a local Carnival Club. This structure had been located in a different part of the farmyard but within the last 4 years it has been relocated to its current position which is adjacent to the boundary of the Farmhouse. In addition a small lean to building has been constructed and attached to the neighbouring barn wall is used as a workshop in connection with the Carnival float and its construction. It is claimed that the structure has been in its current position in excess of 4 years and five letters have been received from local residents supporting this claim. It has been suggested to the owners that a Lawful

Development application could be submitted which if accepted would render the structure immune from further action. However, photographs and other information submitted by the complainant refutes this evidence.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure comprises of a number of scaffold poles arranged to form a rigid structure over the float. It is covered with a selection of tarpaulins and plastic sheeting tied to the poles. The structure is fixed to the ground at various points with small bolts fixed through the shoes of the bottom of the scaffold poles into the concrete base. It is considered to comprise a building that does not benefit from an express grant of planning permission.

The main cause of concern is that work on building the carnival float is carried out in the evenings and can on occasions work does not finish until 11 - 11.30pm causing disturbance to the neighbouring property. It is considered that this comprises a change of use of the land which is not ancillary to the existing agricultural use.

RELEVANT PLANNING HISTORY

In 1992 an application for a covered bedded stockyard was approved under application 33/92/0006 and in 2003 the formation of a menage was approved under application 33/03/0003.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan

S1(D) (E) - General Requirements
S2(A) - Design

Taunton Deane Core Strategy 2011 - 2028

DM1 - General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The structure as erected lies on the boundary of the site with the yard of the adjacent Crossways Farm where the boundary treatment is a 2m close boarded fence. The structure housing the carnival float projects a further 4m above the fence and has a corrugated metal roof above white plastic coated sheeting.

The consideration is whether the development is an acceptable one in this location.

The construction of a carnival float is a non agricultural function located within a farmyard complex. Consequently the use is one that is considered would require permission. The structure to house the construction of the float consists of metal scaffolding poles with tarpaulin and plastic sheeting attached to screen the sides. The poles are in places bolted to the ground and this permanency is considered such to consider the structure as non-temporary and therefore planning permission is considered to be required.

The structure is located directly adjacent to the boundary and is considered to be an

unsightly one to the detriment of the visual amenity of the neighbour. In addition the noise arising from the construction causes a disturbance to horses stabled in the adjacent building and to nearby residents. The development is therefore considered to be contrary to policies S1(D) (E) and S2(A) of the Local Plan and policy DM1 of the Core Strategy. An alternative location within the farmyard that is not adjacent to the boundary and of a sufficient distance so as not to cause a visual or noise impact would clearly be possible. The structure in its current location is considered to be unsuitable and to warrant enforcement action.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

E/0261/10/10

BUILDING ERECTED ON COMMON LAND ADJACENT TO TIMBERLANDS FARM,
CHURCHSTANTON

OCCUPIER:

OWNER:

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the Pole Barn and reinstate the land to its former condition.

RECOMMENDATION

No Further Action be taken

SITE DESCRIPTION

The site is located on the Northern side of the road leading from Stapley to the small hamlet of Biscombe. It consists of a triangle piece of land set off the road and used by the occupier in connection with his agricultural business. The pole barn is sited against the northern boundary and is constructed of telegraph poles and corrugated sheeting. On land to the east of the site lie the occupiers other farm buildings, including a stock building and the mobile home granted permission on a temporary basis

BACKGROUND

A complaint was received on 6th September 2010 regarding the erection of a large 'pole barn' on the triangular piece of land east of Timberlands Farm. The occupier of the land erected the barn in order to keep hay and straw dry. A site visit was carried out and the occupier was asked about the structure. He claimed that the structure was moveable and therefore did not require planning permission. It was suggested that clarification should be obtained as to the planning status of the structure. The Councils Senior Solicitor has been consulted and it is considered that the erection of the barn falls within the definition of development as it is a building operation that has resulted in a building.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

As the barn/structure is considered to be a building under Section 55 of the Town and Country Planning Act, it is necessary to consider whether it is permitted development.

No agricultural notification was submitted prior to the building being erected so it can not be considered to be permitted development under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995. Even if prior notification were sought, the building would not be permitted development as it would be within 25 metres of a metalled part of a classified road.

RELEVANT PLANNING HISTORY

10/08/0028 retention of Mobile Home adjacent to the site

10/11/0049 Permanent agricultural workers dwelling

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

EN10 - Areas of Outstanding Natural Beauty

Taunton Deane Core Strategy 2011-2028

DM1 - General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The pole barn is adjacent to the field boundary set back from the road and is considered a suitably designed agricultural building in keeping with the rural character of the area. It is not adjacent to any residential property and while it is clearly visible from the road the building is considered to be in keeping with the rural character of the Blackdown Hills AONB. Consequently there is not considered to be any harm from the building and it is not considered expedient to take action, particularly when it is also necessary to remove the structure to construct the new agricultural worker's dwelling previously granted.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER:

Mr G Clifford

PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER:

Mr J A W Hardy, Telephone 01823 356466

E/0145/42/11

ACCESS NOT BUILT IN ACCORDANCE WITH APPROVED PLANS AT LOWER KIBBEAR FARM, KIBBEAR, TRULL

OCCUPIER:

OWNER: KIBBEAR FARM PARTNERSHIP
LOWER KIBBEAR FARM, KIBBEAR, TRULL
TAUNTON
TA3 7LN

BACKGROUND

The above Enforcement item was considered by Members at Committee on 29th February 2012. Authorisation was given to serve an Enforcement Notice.

In preparation of the notice evidence has come to the notice of the Local Planning Authority that the entrance, walls and coping stones have been in place for more than four years. The evidence is an invoice from the contactor who carried out the works dated 21st December 2007.

This suggests that the wall has been in existence for more than 4 years thus making it immune from any action by the Local Planning Authority under Section 171B (1) of the Town and Country Planning Act 1990 – which states:

.....where the breach of planning control consists of carrying out without planning permission of building, engineering, mining or other operations, no enforcement action may be taken after the end of a period of four years beginning with the date on which the operations were substantially completed.

Due to the new evidence coming to light it is not possible to take any further action over the unauthorised access and walls.

RECOMMENDATION

No further action be taken

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

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

Taunton Deane Borough Council

Planning Committee – 27 June 2012

Report of the Legal Services Manager

Enforcement Matter

Failure to comply with Enforcement Notices served in respect of Plots 1, 3, 54 and 41 on Persimmon site to the west of Bishop's Hull Road

Background

Members will recall that when Persimmon developed the site to the west of Bishop's Hull Road, Taunton four properties were built using unauthorised materials. These issues have been reported to the Committee on two occasions.

Meeting of 8 August 2011

The Committee authorised the services of enforcement notices in respect of plots 1 and 3 requiring the unauthorised facades to be removed and replaced with approved materials. There was a subsequent unsuccessful appeal against a refusal of planning permission for the same works. The enforcement notices subsequently took effect but were not complied with.

Meeting of 8 February 2012

The Committee were advised of this fact at the meeting and resolved to prosecute the owners of plots 1 and 3 for non-compliance with the notices. It should be noted that, by that time, plots 1 and 3 had been sold to individual owners and Persimmon could not be prosecuted.

The Committee were also advised that two further properties, Plots numbered 41 and 54 had also been built other than in accordance with approved materials, and it authorised the service of two enforcement notices in respect of those two plots. These notices were served and should have been complied with by 4 June 2012. The notice relating to Plot 41 which remained in the ownership of Persimmon has now been complied with. The one relating to Plot 54 which is now owned by an individual has not.

The resolution to prosecute

Following the resolution to prosecute, the Council received representations from solicitors acting on behalf of Persimmon saying that the works to the buildings constitutes permitted development and therefore prosecution was not appropriate. Whilst it was accepted by the Council, and had been accepted by the Inspector on appeal, that had the houses been completed the properties could have been altered to the current façade under permitted development rights, the current facades were unauthorised and therefore could be both the subject of enforcement action and

prosecution. The officers were therefore not minded to report the matter back to the Committee.

There were then subsequent discussions between the owners of Plots 1 and 3 and Persimmon, since the owners rather than Persimmon were under threat of prosecution. Persimmon therefore agreed that they would remove the existing facades and immediately replace them with like, in order to prevent prosecution of the owners. Officers were advised of this position and asked again to consider bringing the matter of prosecution back to the Committee for re-consideration, suggesting that the Council's requirement would look nonsensical to the average man in the street.

However, officers felt Members would require greater commitment to do the works from Persimmon and the owners. Persimmon have now supplied an undertaking to comply with the notices by the end of August, if required. The owners of Plots 1 and 3 have consented to these works being done.

Persimmon and the two plot owners have asked that in the light of the above commitments, the decision to prosecute be reviewed.

Consideration

A balance needs to be drawn between showing the Council will follow through on enforcement action, to maintain its credibility, and the need to avoid taking action which to the general public will be perceived as costly and achieving nothing. The entire front of both properties would need to be removed and the intention is to replace like with like, as this is what the owners want. In those circumstances it would not seem in the public interest to proceed with the prosecution. It should be noted that Persimmon has complied with the Notice on Plot 41.

On balance therefore it is considered that the earlier resolution to prosecute the owners of Plots 1 and 3 should be rescinded and no further action taken against the owner of Plot 54.

Legal Services Manager

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