

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 February 2013 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 9 and 30 January 2013 (attached)
- 3 Public Question Time.
- 4 Declarations of Interests To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 08/12/0017 - Reinstatement and reuse of 19th century approach drive to Hestercombe House from South Lodge, Hestercombe, Cheddon Fitzpaine
- 6 24/12/0057 - Erection of timber shed at Daisy Alice Orchard, West Sedgemoor Road, Helland, North Curry (resubmission of 24/12/0036) as amended by plans and letter received 08/02/13
- 7 43/12/0128 - Retention and alteration of fence and gates to eastern boundary and retention of fencing to northern boundary at the Orchard, Tonedale, Wellington (as amended).
- 8 45/12/0025 - Change of use of land to domestic parking within curtilage to include engineering works and change of use of field shelter to domestic garage at Argent House, West Bagborough (retention of works already undertaken).
- 9 48/12/0022 - Variation of condition nos 1 and 5 of application 48/10/0036 for amendments to the layout and house detailing/design (in regards to parcel p1 plots 1 - 40) at land off Bridgwater Road, Monkton Heathfield.
- 10 48/13/0002 - Erection of single storey rear extension and construction of dormer windows to front at little acorns, Goosenford, Cheddon Fitzpaine.

- 11 48/13/0003 - Construction of dormer windows to front at Blenheim, Goosenford, Cheddon Fitzpaine.
- 12 E/0025/38/13 - Erection of scaffolding without permission at Mambo, Mill Lane, Taunton.
- 13 E/0130/36/12 - Permanently occupied mobile home situated at the Paddocks, Windmill Farm Lane, Stoke St Gregory.
- 14 Planning Appeals - The latest appeals lodged and appeal decisions received (attached).

Tonya Meers
Legal and Democratic Services Manager

15 May 2013

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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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

Planning Committee – 9 January 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier, C Hill,
Mrs Hill, Miss James, Morrell, Mrs Smith, Watson, A Wedderkopp,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Matthew Bale (West Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Beaven in connection with application No 13/12/0008;
Councillor Mrs Herbert in connection with application No 38/12/0265;
Councillor Mrs Stock Williams in connection with application No 43/12/0084 and Mrs A Elder, Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

1. Apologies

Councillors Mrs Messenger and Tooze.

2. Minutes

The minutes of the meetings of the Planning Committee held on 7 November 2012 and 28 November 2012 were taken and read and were signed.

3. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared a personal interest as he knew the applicant for application No 53/12/0008, and stood down as Chairman of the Committee for this item. Vice-Chairman Councillor Coles temporarily took the chair. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England. He also declared a personal interest in application No 23/12/0032 and left the room during it discussion. Councillors Mrs Allgrove, Bishop and A Govier declared that they had received communications from members of the public in regard to application No 43/12/0084. They felt that they had not “fettered their discretion”. Councillor Watson declared that he knew the applicants for application Nos 13/12/0008 and 53/12/0008. He did not feel that he had “fettered his discretion”. Councillor Bishop declared that application No 23/12/0032 had been considered at Nynehead Parish Council and that he had taken no part in the discussion.

4. Applications for Planning Permission

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

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

23/12/0032

Installation of 19,640 no. ground mounted Photovoltaic Solar Panels to provide a 5mw installation with power inverter systems, transformer stations, sub-station, security fencing and access gates in a field north of Grange Farm, Nynehead.

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A2) DrNo BRS.4133.006 rev A Planting Plan
 - (A3) DrNo BRS.4133_08-1a Point of Connection Plan
 - (A0) DrNo BR8120866_01 rev P3 Solar compound site layout
 - (A0) DrNo BS8120866_02 rev P3 Solar compound site fencing
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production.
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.
- (e) Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associate's ecological survey dated September 2012 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of all timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest of species.

Once approved the works shall be implemented in accordance with the approved details and timings of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained.

- (f) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (g) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Environment Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include how the site will be maintained during the course of the development, including any temporary protection of ecological interest on the access routes. The Environmental Management Plan and Construction Environmental Management Plan shall be implemented as approved for the duration of the approved development including the decommissioning phase.
- (h) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within six months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (i) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.
- (j) No development shall commence until a scheme to limit surface water flows from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.
- (k) No development shall take place within 6m of the top of bank of any river or ditch at any time during the development.
- (l) Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to, an approved in writing by, the Local Planning Authority. The plan shall include the size of vehicles to be used for deliveries and the routes to be used. The

- developer shall ensure that any contract for deliveries to the site shall stipulate the vehicles sizes and routes approved in the management plan.
- (m) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.
 - (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting the Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.
 - (o) No external artificial lighting shall be installed on the site.

(Note to Applicant:-

Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission).

Reason for granting planning permission:-

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some slight, localised harm to the visual amenities of the area, however, the benefits are considered to outweigh the limited harm and the proposal is acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. The development would not cause harm to wildlife interests, the amenities of nearby property nor highway safety, nor would it lead to an increase in off-site flooding. It was therefore, considered to be acceptable in accordance with Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

24/12/0039

Development of solar photovoltaic farm comprising approximately 5,304 No panels, rated at up to 1.5MW, and covering an acre of 3.9 hectares, complete with installation of associated infrastructure including mounting frames, inverter, transformer, substation, pole mounted CCTV cameras and fence at Higher Knapp Farm, Knapp

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo PD184 Rev C Row Layout
- (A3) DrNo PD184 Rev C PV Layout (amended plan)
- (A3) DrNo PD184 Rev C CCTV Layout (amended plan)
- (A1) DrNo E739-25-01-O WDP Substation Elevations, Sections & 3D Views
- (A0) DrNo (66) 602 E-House Arrangements
- (A3) DrNo PE10041/Figure 1 Zone of Theoretical Visibility
- (A3) Deer Fencing Details- No Small Mammal Gate
- (A0) DrNo (66)6603 Rev C3 Typical Inverter House Arrangement
- (A0) DrNo (66)6603 Rev C3 Typical Inverter House Arrangement
- (A1) DrNo PE11041-001 Topographical Survey 15 August 2012
- (A3) DrNo PE10041-001 Figure 14 Planting Plan
- (A3) DrNo PE10041-002 Habitat Plan
- (A3) DrNo SKD184 Rev B Landscape Plan
- (A1) DrNo PE10041-002 Indicative Swale Location Plan
- (A3) Site and Location Plan

(c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production.

(d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.

(e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Wardell-Armstrong LLP submitted report, dated September 2012 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for breeding birds shall be permanently maintained. The development shall not be occupied until the scheme for the

maintenance and provision of the new bird boxes and related accesses have been fully implemented.

- (f) No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations, has been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- (g) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.
- (h) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within six months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (i) (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall include hazels, which can be coppiced on rotation, on the eastern section of the field
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of five years after completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by, the Local Planning Authority.
- (j) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and

Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

- (k) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.
- (l) The development hereby permitted by this planning application shall only be undertaken in accordance with the submitted Flood Risk Assessment specifically including the following measures:-
 - All access routes shall be permeable surfaces constructed of either mown grass or unbound stones; and
 - The drainage strategy shall be implemented in full prior to any new buildings or arrays being installed at the site.
- (m) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.
- (o) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.
- (p) No external artificial lighting shall be installed on the site.
- (q) No service trenches shall be dug within the canopy of any existing tree within the application site without the prior written approval of the Local Planning Authority.
- (r) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2005. Such fencing shall be erected prior to any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- (s) No development shall take place until coloured samples of the materials to be used in the construction of the external surfaces of the buildings/containers and colours of the CCTV cameras and their poles 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.

- (t) A full traffic management plan for the site, prior to the development taking place shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter be fully implemented as agreed.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

- (ii) **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation. **BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

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

- (iv) It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing green field rate, and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water, and include: a) Interception and reuse b) Porous paving/surfaces c) In filtration techniques d) Detention/attenuation e) Wetlands.

- (v) There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

(vi) Applicant was advised to check for the position of a gas pipeline which apparently crosses the north western corner of the site PRIOR to commencing any works on the site.

(vii) Somerset County Council Rights of Way section advises:-

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the cyclepath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, and then authorisation for these works must be sought from SCC

Rights of Way Group:-

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

If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.

(viii) Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

County Highway Authority advises that prior to the commencement of development a traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site should be submitted to the Local Highway Authority and fully implemented thereafter.

Reasons for granting planning permission:-

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some short term harm to the visual amenities of the area, but the long term harm is considered to be limited to users of the public footpaths at or near the site. The benefits were, therefore, considered to outweigh the limited harm and the proposal is acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of Taunton Deane Core Strategy. The development would not cause harm to wildlife interests, residential amenities or highway safety, nor would it lead to an increase in off-site flooding. It was, therefore, considered to be acceptable and in accordance with Taunton Deane Core Strategy Policies

DM1 (General Requirements) and CP8 (Environment) and guidance contained in the National Planning Policy Framework.

31/12/0015

Erection of two storey rear extension and detached double garage at Rosendale, Henlade, Taunton (as amended)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo 2512-02 Rev B Proposed Plans, Elevations and Section
 - (A4) DrNo 2512-03 Location Plan
 - (A4) DrNo 2512-04 Site Plan
 - (A1) DrNo 2512_05 Rev A Proposed Plans and Elevations – Garage
- (c) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rosendale.

(Note to Applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission).

Reason for granting planning permission:-

The scheme would assist in providing the required accommodation for a disabled resident, where there were limited other options to achieve this and whilst not an ideal design, is not deemed to cause unacceptable detriment to the appearance of the property or the surrounding area. The proposal, as amended, is not considered to result in a material impact on the residential amenities of the occupiers of neighbouring properties and would have no adverse impact on highway safety. As such, the proposal was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

49/12/0073

Erection of 2 No single storey dwellings with associated garages, parking and access on garden land attached to Spring Gardens, Wiveliscombe (Resubmission of application 49/12/0055)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo A2012 505 Site Survey
 - (A3) DrNo A2012 504 Elevations
 - (A3) DrNo A2012 503 Ground Floor Plans
 - (A3) DrNo A2012 502 Rev A Site Layout Plan
 - (A3) DrNo A2012 501 Rev B Site and Location Plan
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (d)
 - (i) Prior to implementation a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details of the design, materials and type of boundary treatment to be erected within the site. The agreed boundary treatment shall be completed before the dwellings are occupied and thereafter so maintained.
- (f) The access, driveway, parking and turnings areas shall be hard surfaced before any dwelling hereby permitted is first occupied, in accordance with drawing number A2012/502. The hard surfacing shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the development site.
- (g) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details.
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration (including dormer windows) to the dwellings hereby permitted without the further grant of planning permission.

- (i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway and footpath boundary and hung so as to open inwards only.
- (j) The development hereby permitted shall not commence until surface water drainage details have first been submitted to, and approved in writing by, the Local Planning Authority. The means of surface water disposal shall be implemented and thereafter maintained in accordance with the approved details.
- (k) The garages hereby permitted shall remain available in perpetuity for the parking of vehicles and the storage of bicycles only.
- (l) There shall be no obstruction to visibility greater than 600mm above adjoining ground surface level in advance of lines drawn 2m back from the shared driveway edge on the centre line of the footpath (as widened) extending to points on the nearside shared driveway edge 2m either side of the footpath as indicated on approved plan A2012-502 Rev A. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times.
- (m) The development hereby permitted shall not commence before details of the proposed crossing and widening of the Public Right of Way (footway) have been submitted to, and approved in writing by, the Local Planning Authority. The details of the crossing shall include a change in surface material and level. No dwelling shall be occupied until the approved details, widening and crossing have been fully provided in accordance with the approved details.
- (n) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside (Market Place) carriageway edge 11m either side of the access as indicated on approved plan A2012-501 Rev B. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

(ii) The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the

applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

(iii) The developer is advised of the need to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water.

(iv) New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made.

(v) You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.

(vi) Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

(vii) If the development would result in any of the outcomes listed below, then authorisation must be sought from Somerset County Council Rights of Way Group:-

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

If the works involved in carrying out this development would make a PROW less convenient for continued public use; or create a hazard to users of a PROW, then a temporary closure order may be necessary and a suitable alternative route must be provided.

(viii) The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

(ix) Please note that due to the combination of works to the carriageway and footway, it is likely that a S278 Agreement will be required by the Highway Authority to secure the works. Having regard to powers of the Highway Authority under the Highways Act 1980, the applicant is advised that the alteration of an existing access will require a Section 171 Permit. Application for such a permit should be made at least four weeks before access works are intended to commence).

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing is considered acceptable.

The proposed access would be satisfactory and would not harm the safety of highway users or pedestrians within the vicinity of the site. The development would not have a detrimental impact on surrounding visual or residential amenity and was considered to be acceptable with regard to the design, scale, form and layout of the proposals. The development was therefore in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR3 and 49 (Transport Requirements of New Development), Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) and CP4 (Housing) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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

13/12/0008

Change of use, alterations and conversion of building 14 from B1(light industrial to C3A (dwelling house) at Cothelstone Yard, Cothelstone

Reasons

(1)The application fails to demonstrate that a suitable business or other appropriate re-use cannot be attracted to Building 14. The building has been used previously for business purposes and an extant permission provides a suitable alternative economic re-use for the building. The justification, in terms of requiring security at the site, submitted in support of the application does not carry sufficient weight so as to warrant permitting the residential re-use of the rural building contrary to planning policy which is heavily weighted towards finding other suitable employment and community orientated uses for such buildings. The proposals are therefore contrary to Policy DM2 of the 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 business floorspace approved within the extant planning permission for Cothelstone Yard, the proposed conversion results in a permanent residential dwelling remote from adequate services, employment, education and other services and facilities generally 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 sustainable modes of transport. The proposal is therefore considered to be an unsustainable form of development contrary to Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Policies SP1, CP4, CP8, DM1 and DM2 of the Taunton Deane Core Strategy. The proposals also conflict with guidance contained within the National Planning Policy Framework.

(3) The application fails to provide adequate information, in the form of an up to date wildlife and protected species survey and therefore the Council cannot

be satisfied that the proposed development will not result in the deliberate disturbance of a protected species or habitat within Building 14. 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). The proposals are therefore contrary to Policies CP8 and DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

(4) The proposed development will result in a conflict in land use between the residential property and adjoining buildings that are subject to future redevelopment for economic purposes, the permission for which includes community, retail, business and light industrial uses. Nuisance and disturbance generated by the re-use of adjoining buildings will be detrimental to the amenity of future occupants of the proposed dwelling. The proposals are therefore considered to conflict with Policy DM1 of the Taunton Deane Core Strategy.

(Note to applicant: - Applicant was advised that :- In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused).

5. Erection of 7 No. detached dwellings on land to the rear of 14-28 Stoke Road, Taunton (38/12/0265)

Reported this application.

Resolved that subject to the applicant entering into a section 106 Agreement to secure leisure and recreation contributions as well as allotment and community hall contributions, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A2) DrNo SPP/1414/1A Vegetation Survey
 - (A1) DrNo Vertexe SGB233 Measured Building Survey
 - (A3) DrNo A1202 407A House Type 12 Plans/Elevations
 - (A3) DrNo A1202/406 House Type 11 Plans/Elevations
 - (A3) DrNo A1202/405A House Type 10 Plans/Elevations
 - (A3) DrNo A1202/404 House Type 9 Plans/Elevations
 - (A3) DrNo A1202/402B Site Layout Plan
 - (A3) DrNo A1202/401 Site Location Plan
 - (A3) DrNo A1202/409 Site Block Plan
 - (A3) DrNo A1202/402B Site Layout Plan

- (A3) DrNo A1202/408A Site Layout Plan
- (c) No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. A sample panel of the brick and mortar shall be constructed on site and agreed with the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ambios Ecology's submitted report, dated March 2012 and up to date bat surveys and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when species could be harmed by disturbance; and
 - Measures for the enhancement of places of rest for the species.
- Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented.
- (g) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved

details unless any variation thereto is first approved in writing by the Local Planning Authority.

- (h) The window(s) in the first floor side elevations of plots 1 and 7 shall be glazed with obscure glass and be limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.
- (i) The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and not be converted to additional habitable accommodation.
- (j) The drives shall be hard surfaced (not loose stone or gravel) before being brought into use. They shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.
- (k) The areas allocated for parking on drawing A1202/402B shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- (l) At the proposed access there shall be no obstruction to visibility greater than 900 mm above adjoining road level within the visibility splays shown on the submitted plan A1202/408A. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- (m) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of any trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- (n) No works on site shall commence until a surface water management plan has been submitted to, and approved in writing by, the Local Planning Authority and plan shall thereafter be carried out as agreed prior to occupation of any dwelling.

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for those species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

(ii) The developer should contact Wessex Water in respect to all connections and sewers.

(iii) Having regard to the powers of the Highways Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. Application for such a permit should be made at least four weeks before access works are intended to commence.

(iv) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

Reason for planning permission, if granted:-

The proposal, for residential development, was located within defined settlements limits in a sustainable location where the principle of new housing was considered acceptable. The proposed access and parking would be satisfactory and the development would not have a significant detrimental impact on access and traffic or on the amenity of surrounding residential properties and was considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49, retained Taunton Deane Local Plan Policies C4 (Recreation Provision) and M4 (Residential Parking Provision) and Core Strategy 2011-2028 policies CP4 (Housing), CP5 (Inclusive Communities) and DM1 (General Requirements).

6. Redevelopment to form 42 later living apartments with communal facilities and associated landscaping and parking at the former Wellington Medical Centre, Bulford, Wellington (43/12/0084)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following contributions:-

- Affordable Housing - £623,790;
- Active Recreation - £30,534; and
- Community Halls - £23,474

The Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice- Chairman and if planning permission was granted, the appropriate conditions to be agreed by the Chairman be imposed, together with any advisory notes and the Reasons for Granting Planning Permission.

7. Outline application for the demolition of Orchard Lodge and redevelopment of site to provide residential dwellings and associated open space at Orchard Lodge, Cotford St Luke (53/12/0008)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 agreement to secure the following:-

- a. 25% of the dwellings to be Affordable.
- b. A contribution of £2,688 per dwelling towards improving existing children's play facilities in the area.
- c. A contribution of £1,454 per dwelling towards improving active recreation facilities in the area.
- d. A contribution of £194 per dwelling towards the provision of Allotments in the area.
- e. A contribution of £1,118 per dwelling towards improvements to community halls in the area.
- f. Public Art should be provided within the development through the engagement of an artist in the design process.
- g. A contribution of £2309 per dwelling towards increasing capacity at Kingsmead (secondary) School,

Also resolved that if the Section 106 Agreement was not entered into and completed by 4 February 2013, planning permission should be refused unless an extension was otherwise agreed in writing by the Local Planning Authority.

The Growth and Development Manager be authorised to determine the application in consultation with the Chairman and Vice-Chair and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (b) No demolition shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition of the existing buildings.
- (c) Stone from the existing building to be demolished shall be salvaged from the demolition and retained on site for use within the development. Details of how the stone shall be reused shall be provided as part of any reserved matters application seeking approval of appearance and the development shall thereafter be carried out in accordance with such details.
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved by, the Local Planning Authority. Such details shall be implemented prior to the occupation of any of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such. [Please see informative note 2].
- (e) Prior to the commencement of the development hereby permitted, full details of the means of access to the site, including visibility splays, shall be submitted to, and approved in writing by, the Local Planning Authority. The

approved details shall be carried out prior to the occupation of the development hereby permitted, or in accordance with some other phasing programme that may otherwise have been agreed in writing by the Local Planning Authority and shall thereafter be retained and visibility splays maintained in accordance with the approved details as such.

(f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the use of the site discontinues.

(g) The proposed roads, including footpaths and turning spaces and parking spaces for the dwellings where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway and parking facilities (including cycle parking provision that shall be agreed as part of any reserved matters application) to at least base course level between the dwelling and existing highway.

(h) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower International Ecological Consultancy's submitted report, dated March 2012 and include:-

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

(i) The landscaping/planting scheme that shall be approved pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development.

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

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application and contributions

to infrastructure and has imposed conditions to enable the grant of planning permission.

(ii) The details submitted pursuant to condition (d) regarding surface water should use the principles of Sustainable Drainage Systems in the scheme design.

(iii) The details of the means of access to Dene Road to the east of the site, required as part of condition (e) should include facilities to enable the safe crossing of Dene Road by pedestrians to the footway on the opposite side of the road.

(iv) At Dene Road there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage.

(v) At Milsom Place there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage to Milsom Place.

(vi) At Aveline Court there shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 17m either side of the access.)

Reason for outline planning permission, if granted:-

The proposed development was considered to be acceptable in principle and would not impact unreasonably upon the local highway network or wildlife interests. The impact on infrastructure and community facilities could be mitigated through appropriate planning obligations. It has been shown that a detailed design and layout could be provided that would respect the character of the area, integrate well into the surrounding townscape and not impact unreasonably upon existing nearby dwellings. It was, therefore, in accordance with Policies SD1 (Presumption in favour of Sustainable Development), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport), CP7 (Infrastructure), CP8 (the Environment), CP1 (Sustainable Development Locations) and DM1 (General Requirements) of the Taunton Deane Core Strategy, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the National Planning Policy Framework.

8. E/0189/38/12 – Tall fence being erected at Taunton Town Football Club, Wordsworth Drive, Taunton

Reported that it had come to the attention of the Council that a fence had been erected exceeding 2m in height within the Taunton Town Football Ground.

A site visit had been made and the Chairman of the club had advised that the extended height of the fence was required by the Non League Pyramid to comply with ground regulations. He had also advised that the club would not

be submitting an application as the club need all its resources to complete the building works following the recent fire.

The fence was positioned well within the site, separated from the road by the car parking area. A fence was already present in this position, extending to approximately 2m in height and this has now been increased to 3.3m in height it did not appear to dominate the existing or proposed buildings on the site.

By virtue of the positioning well within the site, the 3.3m high fence was not deemed to result in any loss of light or overbearing impact to the amenities of neighbouring properties. The proposal is not considered to lead to any increased noise and disturbance that would impact upon the amenities of neighbouring properties and was positioned a sufficient distance from the road to avoid any harm to highway safety.

Resolved that:- no further action be taken.

9. Appeals

Reported that two appeals had been lodged and three appeal decisions had been received, details of which were submitted.

(The meeting ended at 10.15pm)

Planning Committee – 30 January 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, C Hill,
Miss James, Morrell, Mrs Smith, Tooze, Watson, A Wedderkopp,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillors Cavill, D Durdan and Miss K Durdan in connection with application No.14/12/0036 and Mrs A Elder, A Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

10. Apologies

Councillors Govier, Mrs M Hill and Mrs Messenger.

11. Minutes

The minutes of the meeting of the Planning Committee held on 12 December 2012 were taken and read and were signed.

12. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he would step down as Chairman of the Committee for the duration of the Amberd Lane report. The Vice-Chairman Councillor Coles took the Chair for this item. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England and Tracey Meadows (Corporate Support Officer) declared a prejudicial interest in application no. 38/12/0468 as the applicant was her daughter. She left the room during consideration of the application.

13. Residential Development at Amberd Lane, Trull

At the meeting of this Committee on 5 September 2012 the above application was considered for the residential development of land at Amberd Lane, Trull.

Following the Committee's decision to recommend approval of the application subject to the conclusion of a Section 106 (S106) Agreement, a letter was received from TLT Solicitors on behalf of a local resident. The first step in the pre-action protocol for Judicial Review of the Council's decision.

In her reply, the Legal and Democratic Services Manager had countered the various issues raised by the solicitors but an offer was also made to refer the matter back to the Committee so that the objectors concerns could be aired. The Committee could also be asked if, having considered the issues, it wished to affirm its earlier resolution to grant permission.

Following this, a meeting was held with two local residents who had since submitted a written statement of their concerns which were set out below together with the Legal Services Manager's responses:-

- 1. The Planning Officer failed to recognise that the policies of the Taunton Deane Core Strategy were pertinent to this application.**
- 2. The Planning Officer failed to acknowledge that the proposal was not in accord with the policies of the development plan.**

In the Committee report reference was made to various policies of the Core Strategy as being relevant planning policies (DM1, DM2, SP1 and CP8). However currently there were no Small Sites Allocation Document relating to sites such as Amberd Land although the first draft was due to be published for consultation shortly but was unlikely to be adopted until 2014 at the earliest.

Paragraph 14 of the Framework made it clear that in decision making, if the development plan was absent, permission should be granted unless:-

- Any adverse impacts of doing so would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicated development should be restricted.

It was this test against which the Planning Officer judged the application and the recommendation of conditional approval reflected this.

- 3. The items sought by way of a S106 Agreement did not comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010**

The Committee was informed by both the report and verbally at the meeting that some of the obligations offered by the developer were in excess of the standard requirements of the authority which would accord with the CIL Regulations.

However, it had been made very clear to Members that they should not allow additional obligations to sway their judgment on the application and there was no evidence of this.

4. Other administrative shortcomings

Reported that it was accepted that although the Environment Agency had been consulted, they had not responded. They had again been consulted and any response received would be reported to Members.

There was no evidence that undue weight was given by the Committee to the views of Trull Parish Council, and representations made at the meeting last September had made it clear that objectors considered that the Parish Council had been unduly swayed by the proposed benefits for the community

In view of the Legal Services Manager, it was not considered that any issues raised by the objector were sufficient to affect the validity of the decision reached at the meeting on the 5 September 2012.

Resolved that having considered the issues raised by the objector, the earlier decision of the Planning Committee in relation to application No 42/12/0013, be endorsed.

14. Applications for Planning Permission

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

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

38/12/0468

Erection of two storey extension to front of 77 Lyngford Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-

- (A3) DrNo 07 Proposed Floor Plans and Elevations
- (A3) DrNo 06 Existing Floor Plans and Elevations
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan

(Note to Applicant:-

Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission).

Reason for granting planning permission:-

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

30/12/0048

Change of use of covered part of store to plumbers store and office at Fosgrove Lane, Pitminster

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plan:-

(A1) DrNo 4234/12 Site Plan

- (c) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the change of use and thereafter maintained at all times.
- (d) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no change of use of the storage use to any other purpose, including within use B1, shall occur without the further grant of planning permission.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission.
- (ii) If new water supply connections are required from Wessex Water to serve this development information can be obtained from the water company.
- (iii) As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRCA) regarding on-site sewage disposal and septic tank systems. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.

Reasons for granting planning permission:-

The proposed use of the building as a plumbers store and office would utilise an existing building in the countryside, which requires minimal alteration to convert it to the intended use. The proposal was not considered to have a

detrimental impact on the rural character of the surrounding landscape or material harm on the residential amenities of nearby properties. Whilst the proposal would have some impact on traffic flows, the County Highways Authority had raise no objection and it was not considered that the proposal would result in detriment to highway safety that would warrant refusal of the application. As such, the proposal was in accordance with the provisions of Policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of Taunton Deane Core Strategy and the relevant sections of the National Planning Policy Framework.

30/12/0046

Variation of condition No. 6 of application 30/02/0013 to site an additional 2 No. mobile homes and 1 No. touring caravan for family members at Fosgrove Paddock, Fosgrove Lane, Pitminster.

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The site shall be occupied by a single gypsy family group as set out under the current submission.
- (c) No trade or business or storage of goods or materials in connection with any trade or business shall take place at the site.
- (d) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting the Order), the design, siting and external appearance of any ancillary building or structure, whether or not required by the conditions of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 (revised 1997) shall be approved by the Local Planning Authority before such building or structure is erected or placed on the land.
- (e) No more than one commercial vehicle shall be parked at the site at any one time.
- (f) No caravans or mobile homes other than those hereby approved shall be sited on the land at any time without the prior written approval of the Local Planning Authority.

(Notes to Applicant: -

- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- (ii) You are advised that the boundary hedges should be allowed to grow and be maintained at 2m or above.

Reason for granting planning permission:-

The proposal for two additional mobile homes and a touring caravan for family members is considered not to have a detrimental impact upon visual or

residential amenity and was therefore considered acceptable given the lack of suitable alternative sites and, accordingly was considered in line with the NPPF 'Planning policy for traveller sites' and did not conflict with Policy DM1 (General Requirements) and Policy DM3 (Gypsy and Traveller sites of the Taunton Deane Core Strategy).

27/12/0024/REX

Erection of a Horticultural Nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/09/0020/REX)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo Proposed access – 18274/001/SK01A
 - (A3) DrNo Street Scene – HLCM/10B
 - (A3) DrNo Ground Floor Plan – HLCM/08B
 - (A3) DrNo Side Elevation (West) – HLCM/07B
 - (A3) DrNo Side Elevation (East) – HLCM/06B
 - (A3) Rear Elevation (South) – HLCM/05B
 - (A3) Front Elevation (North) – HLCM/04B
 - (A4) Site Location Plan – HLCM/01
- (c) Before the commencement of any works hereby permitted, details or samples of the material to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- (d) (i) Before any part of the permitted development is commenced, a scheme of planting trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme

shall be completely implemented before the development hereby permitted is occupied.

- (f) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use.
- (g) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge.
- (h) The existing access shall be permanently closed within one month of the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced.
- (i) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained at this height and in accordance with drawing 18274/001/sk01/A
- (j) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority.
- (k) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway.
- (l) Three months prior to commencement of works on site, a full up to date wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. The report shall include
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
 3. Measures for the retention and replacement and enhancement of places of rest for the species.Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained.
- (m) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning

Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

- (n) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority.
- (o) The development hereby approved shall be used for nursery/horticultural purposes only as described in the applicants' e-mail dated 29th September 2006.
- (p) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved unless an application for planning permission is first submitted to, and approved by, the Local Planning Authority.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.

(ii) You are advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991).

(iii) you are advised by the County Rights of Way Group that:-

- The proposed works must not encroach onto the width of the footpath.
- The health and safety of walkers must be taken into account during works to carry out the proposed development.
- Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard for pedestrians.
- Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicle use during or after works to carry out the proposal.
- If the development made the public right of way less convenient for continued public use, required changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided).

(iv) Applicant was also advised of the following by the Nature Conservation Officer:-

1. The condition relating to wildlife requires the submission of information to protect and accommodate wildlife. The Local Planning Authority will expect to see a detailed wildlife survey and a method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of

the need for planning consent) must comply with the appropriate wildlife legislation.

Reason for granting planning permission:-

There has been no significant change in policy guidance or material considerations since the previous permission was granted in November 2009, under reference 27/09/0020. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable and accorded with Policy 5 of the Somerset and Exmoor National park Joint Structure Plan Review, policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of the Taunton Deane Core Strategy.

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

42/12/0058

Erection of dwelling in rear garden and formation of new access at Ashridge, Honiton Road, Trull

Reasons

The proposal for this rear garden would result in a cramped form of single storey development out of keeping with and detrimental to the character of the area and contrary to Policy DM1d of the Taunton Deane Core Strategy 2011-2028.

15. Outline application for residential development of 35 No houses, Scout Hut, recreational open space and associated works at land south of Hyde Lane, Creech St Michael (14/12/0036)

Reported this application

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following:-

- 25% Affordable Housing provision on site,
- Contribution of £85,799 towards primary education,
- Contribution of £92,345 towards secondary education,
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £2668 per dwelling towards the provision of children's play facilities,
- Contribution of £194 per dwelling for allotments or a reduction thereof if there is a partial provision made on site,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut,
- provision of maintenance of the open space and flood attenuation area

- a contribution of £35,000 (or £1000 per plot) for the provision of a footway link to the secondary school,
- provision of footway link to Hollinsworth Park and the M5 bridge and
- Green Travel Plan measures

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (b) 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.
- (c) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted

to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:-

- details of which areas drain to which attenuation facility and the associated volumes projected ; and
- details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of the submitted Sunflower international Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended phase 1 Habitat survey report, dated August 2011 and the submitted Sunflower international Ecological Consultancy's Ecological Mitigation report dated January 2012 and includes:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
3. Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

- (g) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not be detrimental to the amenity of the occupants of the premises on the completed development. The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

- (h) Proposals for the boundary treatment for the site adjacent to the M5 shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Highways Agency, and then implemented prior to occupation of any development.
- (i) Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works.
- (j) Details of the noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed.
- (k) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.
- (l) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.
- (m) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times.
- (n) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle 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.
- (o) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

- (p) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority, including a connection with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane.

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.

(ii) The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

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

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

(iii) Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel L_{Amax} applies in all bedrooms during the night (2300h to 0700h).

Reason for outline planning permission, if granted:-

The proposed development of up to 35 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal was in accordance with the provisions of Policies SD1 and SP1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy C4 of the Local Plan.

16. E/0172/17/12 – Occupied mobile home at Pond Cottage, Fitzhead Road, Fitzhead

Reported that it has come to the attention of the Council that a mobile home was being occupied without any special justification on land at Pond Cottage, Fitzhead Road, Fitzhead.

The site was in open countryside and accessed via a track from the main access to Pond Cottage. Although the occupants were related to the owners of the land, the mobile home was no longer being used as ancillary accommodation to Pond Cottage. Therefore it was considered that a change of use had occurred which required planning permission.

Resolved that:-

(1) Enforcement action be authorised seeking the cessation of the occupation of the mobile home as a separate unit of accommodation, on land at Pond Cottage Fitzhead Road, Fitzhead.

(2) Any enforcement notice served should have a six month compliance period for the occupants to find alternative accommodation; and

(3) subject to being satisfied with the evidence, the Solicitor to the Council instigate legal proceedings.

17. E/0072/38/10 – Untidy site at 18 Hoveland Lane, Taunton

Reported that it has come to the attention of the Council that a residence in Hoveland Lane had become extremely untidy. A Notice under Section 215 of the Town and Country Planning Act 1990 requiring the gardens to be tidied and the fabric of the dwelling repaired had therefore been recommended.

The matter had been previously discussed with the owner and it was decided in the first instance to draw up a schedule of urgent works to be carried out in order to avoid the notice being served. A commencement was made but unfortunately the work was not completed.

The condition of the garden and dwelling had since been allowed to deteriorate further to a point where the adjoining property had had to engage professionals to deal with the infestation of vermin. The condition of the site was now so poor that the service of a Section 215 Notice was the only option available to the Local Planning Authority to secure the improvements needed so as not to be detrimental to the visual amenities of the neighbouring property and surrounding area.

Resolved that: - (a) the Solicitor to the Council be authorised to serve a Notice under Section 215 of the Town and Country Planning Act 1990, requiring;

- (1) The overgrown vegetation to be removed from the front garden area and the garden to be left in a tidy condition;
 - (2) The plastic bags partially filled with rubbish to be removed from the driveway and porch and;
 - (3) Repairs to be carried out to the fabric of the dwelling to prevent further deterioration which would detract further from the visual amenities of the area;
- (b) Any notice served should have a 4 month compliance period;
And;
- (c) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

18. E/0008/30/13 – Unauthorised change of use of land for siting of two touring caravans on land known as Gypsy Platt, Leigh Hill, Nr Burnworthy

Reported that it has come to the attention of the Council that land known as Gypsy Platt, Leigh Hill, Nr Burnworthy was being used to site two caravans which were being used for residential occupation.

The caravans were sited in an isolated area that was not well related to existing built structures and would be clearly visible from the adjacent lane. It was therefore stark and prominent in appearance, resulting in detriment to the landscape character and rural beauty of the Blackdown Hills Area of Outstanding Natural Beauty.

Resolved that:-

- (1) Enforcement action be authorised to secure the removal of the two caravans and cease residential occupation of the site at Gypsy Platt, Leigh Hill, Nr Burnworthy.
- (2) Any enforcement notice served should have a six month compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

19. E/0135/38/12 – Unauthorised use of property for sales of Motor Vehicles at 10 Fullands Road, Taunton

Reported that an Enforcement Notice had been issued on 4 December 2012 to stop the sale of motor vehicles from 10 Fullands Road, Taunton which had been taking place without planning permission.

The owner had now acquired commercial premises in Taunton where he now operated his car sales business.

Resolved that the enforcement notice be withdrawn.

20. Appeals

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

(The meeting ended at 9.10pm)

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 UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

08/12/0017

HESTERCOMBE GARDENS TRUST

**REINSTATEMENT AND REUSE OF 19TH CENTURY APPROACH DRIVE TO
HESTERCOMBE HOUSE FROM SOUTH LODGE, HESTERCOMBE, CHEDDON
FITZPAINE**

Grid Reference: 324150.128723

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The reinstatement of the driveway and associated fencing, although visible in the landscape is not considered to appear prominent, to the detriment of the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens, its surrounding Conservation Area or the setting of the nearby listed buildings. As confirmed by the test of likely significant effect, there will be no significant effects on flight lines or feeding habitat of the protected lesser horseshoe bats and the proposal is not considered to result in an unacceptable level of noise and disturbance that would result in material detriment to the living conditions of the adjacent dwellings. The accesses to be used are established points of access and their use for the driveway proposed is not considered to result in unacceptable harm to highway safety. As such, the proposal is in accordance with the relevant sections of the National Planning Policy Framework, Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies DM1 (General Requirements) and CP8 (Environment) of the 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 771.135 Site Plan
(A1) DrNo 771.137 Proposed Site Plan
(A1) DrNo 771.138 Drive & Main Drive Junction Plan
(A1) DrNo 771.139 Gate Elevations
(A1) DrNo 771.140 Sections

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

3. (i) Trees and vegetation shall be removed in the period after the first October following the date of commencement and the landscaping/planting scheme shown on the submitted plan 771.137 shall be completely carried out before the following March, unless otherwise agreed in writing.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy and the minimise disruption to habitat structure for bats, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

4. Prior to commencement of the development hereby permitted the proposed access over at least the first 5.0m metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

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

5. The use of the driveway hereby permitted shall be limited to walkers, cyclists and the shuttle bus only and shall not be used for any other vehicular traffic at any time.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The shuttle bus shall not be used outside of the hours of 09:00 and 23:30 at any time and shall be used for a maximum of 35 days per year only. Hestercombe Gardens Trust shall maintain an up to date register of all dates on which the shuttle bus is used and the event for which it is used and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The two gates adjacent to Middle Lodge, shown to be manually operated on the submitted plan 771.137 shall be locked in an ajar position from 07:00 hours to 19:00 hours and at all other times shall be locked shut, with the exception of the 35 days each year when the shuttle bus is in operation, when the gates shall be locked shut at 23:30 hours.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The informal parking on the verges in Sandilands Wood shall be used for a maximum of 35 days per year only. At all other times, a barrier to the north of the Memorial Hall shall prevent vehicular access to the northern part of the Woods, details of which and the position of which shall have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the scheme does not harm the grassed verges in order to respect the character and appearance of the area, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

9. No additional lighting will be installed within the site area.

Reason: To protect bats and their habitats, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

10. The distance between new planting either side of the drive through Sandilands Wood shall be no more than 9 metres.

Reason: To ensure connectivity is maintained for bats, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

Notes to Applicant

1. It is the responsibility of Hestercombe Gardens Trust to check whether any advertisement consent or highways consent is required for the suggested signage and make the relevant applications, if necessary.
2. It is the responsibility of Hestercombe Gardens Trust to check whether any

planning permission is required for the special events, for which the shuttle bus is required and make the relevant applications, if necessary.

3. Note at the request of the County Highways Authority:

The County Highways Authority have highlighted that the Highway Authority owns the rights to the surfaces of each access and it is designated as highway land. Hestercombe Gardens Trust should contact the Taunton Deane Area Highway Manager in relation to improvements to the surfacing at both accesses, who can be contacted on 0845 3459155.

4. Note at the request of the County Highways Authority:

Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Mrs Maureen Atwell, Transport Development Group, Environment Dept, County Hall Taunton TA1 4DY, or by telephoning him on (01823 355645). Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

5. Note at the request of the County Ecologist and Natural England:

It is recommended that the applicant considers planting an avenue of trees both sides of the drive south of the Pond Wood as this would be beneficial to lesser horseshoe bats from the Hestercombe House roosts in accessing a main feeding area at Sandilands Wood to the south of the Middle Lodge.

6. Note at the request of the County Ecologist and Natural England:

In order to reduce the risk of collision of motor vehicles and lesser horseshoe bats, the speed limit for motor vehicles on any part of the drive should not exceed 10mph.

7. The applicant should be aware that if the informal car parking on the verges in Sandilands Wood is to be used for a greater period than the suggested 35 days per year, a change of use planning application may be required.

PROPOSAL

Hestercombe Gardens are situated to the north of Taunton, between Cheddon Fitzpaine and West Monkton. The main house is a Grade II* Listed Building, whilst the formal garden, landscape garden to the north and orangery are Grade I Listed. Hestercombe Gardens and Grounds fall within the Hestercombe Conservation Area and are also designated as a Park/Garden of Special Historic Interest. In addition, in wildlife terms, the site is also designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

In 2010, an application for the re-instatement of the original approach drive (Portman Drive) was submitted, which was subsequently withdrawn following concerns raised by the case officer and Landscape Officer. This application is now a resubmission for the re-instatement and re-use of the 19th Century approach drive to Hestercombe House, now also including the track within Sandilands Wood. This would run from South Lodge, through Sandilands Wood, cross Hestercombe Road adjacent to

Middle Lodge and then cross agricultural fields, following the line of a former track to link in with the main Hestercombe driveway (Park Gate Drive), just to the south-west of the main car park. Within Sandilands Wood, the existing tarmac drive would be retained and repaired, whilst the existing larch, sycamore and ash trees alongside the drive would be removed and replaced with a new avenue of crab apple trees with an understorey of viburnum phyladelphis. In the section crossing the agricultural fields, it is proposed to remove the turf covering to reveal the tarmac, which is stated to have been laid in the 1950s for the fire brigade, and make good any damaged areas to match the existing. In the lower sections near Middle Lodge, the tarmac has been broken up and it is therefore proposed to remove this and relay tarmac to match that further along. It is also proposed to erect a post and wire stock fence along the sides of the drive and install two pairs of cattle grids at points along the track to provide a crossing for farm vehicles and livestock. In the upper part of the proposed drive, adjacent to the pond, it is proposed to remove three trees, two poplars and a hawthorn, which are growing in the path. The existing gateway, wall and piers adjacent to Middle Lodge and opposite, at the north of Sandilands Wood are to be retained as existing, whilst the gate at Middle Lodge is to be retained and the gate opposite is to be replaced. It is not proposed to light the driveway.

It is stated that Hestercombe Gardens Trust (HGT) wish to re-instate the Victorian Portman Drive for pedestrians and cyclists on a daily basis and for occasional use by the shuttle bus, when there are major events being held at the gardens, up to a maximum of 35 days per year, on which days parking would be permitted along the driveway verges within Sandilands Wood. It would provide a safe route for cyclists that avoids the narrow roads of Pitcher's Hill and a safe route for school children from Rowford, along with other walkers and would enable transfer by shuttle bus of additional visitors utilising the overflow parking on special event days. This reinstatement of driveway is understood to have been included in the 1999 Garden Restoration Plan. The present Park Gate Drive would remain the main entrance to the house and gardens, no motor vehicles would use the proposed driveway other than the shuttle bus.

Supplementary information supplied with the planning application states that The Portman Drive was created in the 1890s by the Hon Edward Portman to by-pass Pitcher's Hill and even out the slope for horses. The Portman Drive is stated to be significant as the formal approach to the main house in the Victorian Era and connects South Lodge, Middle Lodge and Hestercombe House, whilst the fields retain some of the parkland trees.

Following queries raised from consultee responses, the agent clarified that:

- The memorial hall car park is not part of the planning application and no lighting has been proposed for that area.
- During a day when Hestercombe Gardens would be open, the north and south gates near Middle Lodge are intended to be locked in an ajar position with a lockable drop bolt so that only pedestrians and cyclists can pass through. When the visitor centre is locked up at night, and as part of Hestercombe's standard security procedure the gates would then be locked shut by Hestercombe Gardens Trust staff. The gates would normally be unlocked and locked in the ajar position at 7.00am, and locked shut at 7.00pm. Currently, Sandilands Wood is open at all times of the day and night and the north gate is unlocked.
- When there are occasional special events at Hestercombe Gardens that use the proposed shuttle bus, the north and south gates near Middle Lodge will be open. Hestercombe Gardens Trust staff would be in attendance as and when an event

requires the use of Sandilands Wood for parking. Gates will be locked shut at the conclusion of the event by Hestercombe Gardens Trust staff.

- The drive in Sandilands Wood can be used as either one or two way, which the Memorial Hall currently does. On days when Sandilands Wood has been used by the Memorial Hall for parking, the drive has been one way, with entry at South Lodge and exit at Middle Lodge. It does not appear to have been used as a cut through on those days. Hestercombe Gardens Trust intend to follow the same strategy. On days when the drive is not in use, access to the upper section of the drive in Sandilands Wood could be controlled with a barrier across the drive above the Memorial Hall, in a similar position to the log placed across the road at the moment.
- The re-instated driveway would be used by walkers, cyclists and a shuttle bus. All car traffic to Hestercombe Gardens would continue to use the Park Gate entrance as at present.
- Shuttle bus usage will be determined by the nature of the event. The frequency of bus journeys are likely to be higher around the opening and closing times of the event, and at other times will be determined by demand - as at any other park and ride car park.
- Occasional parking on the verges in Sandilands Wood means parking on the special event days when the shuttle bus is in use, and also for the Memorial Hall on their event days. On days when the drive is not in use, access to the upper section of the drive in Sandilands Wood could be controlled with a barrier across the drive above the Memorial Hall, in a similar position to the log placed across the road at the moment. On special event days, cars would still be directed to the main car park via the Park Gate entrance. Hestercombe Gardens Trust staff would be controlling the verge parking, together with temporary car park signs.
- The verges would be planted with hardwearing grass types, and will not be used at a time when parking would cause irreparable damage to the grass.
- The narrow pedestrian paths to the side of the cattle grids are to be developed with small gates to prevent any calves or sheep by-passing the grids.
- There is no proposal to install a cattle grid next to Middle Lodge. Cattle grids are proposed at the two field crossings illustrated on drawing no. 771.137.
- The proposals will not have the affect of changing the security circumstances of Middle Lodge. The building presently faces onto the public road, and its other three sides bounded by hedges and fences back onto an open field.
- Plans for replanting the verges have already been approved by Natural England and the Forestry Commission.

The application was accompanied by a protected species survey. An assessment of likely significant effect on the designated Special Area of Conservation has been undertaken by Somerset County Council's Ecology Officer, which was subsequently forwarded to Natural England.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHEDDON FITZPAINE PARISH COUNCIL - Objects

- The entrance/exit adjacent to South Lodge is single track and not within the village speed limit of 30mph so is too dangerous.
- Potential conflict of interest between two large events occurring at Memorial and Hestercombe, particularly with single track drive. As private land, not a planning issue but practical issue that needs resolving, who takes precedence?

- Driveway as crossed road by Middle Lodge is also outside speed limit and in distinctive dip, not visible from either side of road. If crossing to be manned, no problems with principle, if not manned, objections on lack of visibility.
- No figures provided on car parking spaces created, not possible to understand number of shuttle buses needed.
- Shuttle bus at 35 days per year (3 days per month) seems high usage and further shuttle bus days may be required in future.
- 11.30 finish disruptive to residents at South and Middle Lodges, previous application 11pm.
- Impact of noise of walkers, vehicles and cattle grids.
- Safety of animals/farming business from walkers with lack of knowledge of countryside.
- How will drivers see to enter/exit cars in dark as driveway not lit. Conflict between protection of bats and drivers tripping/stumbling.
- Crossing fields with animals in – need to ensure both the animals/walker are protected.

SCC - TRANSPORT DEVELOPMENT GROUP - The application seeks to reinstate and reuse the existing access and 19th century approach drive to Hestercombe House. With regards to the reuse of this entrance the point of access is already established although historical.

Firstly, It should be noted that the existing main entrance off of Volis Hill into the Hestercombe site will be retained and continue to be used as the main access into the site. Paragraph 6.1 of the Design and Access Statement details that the proposal seeks to reinstate the existing (historical) Portman Drive access route off of Hestercombe Road and reuse the existing access. The purpose is to utilise the Sandilands Woods (Cheddon Fitzpaine Memorial Hall) area as an overflow car park during major events held at Hestercombe Gardens. Without knowing the constraints of the main site, the Highway Authority would have recommended that an enlargement to the existing car park would be more beneficial. Nethertheless, the Highway Authority have the following comments on the detail of the scheme:-

The accesses in question are located along Hestercombe Road a designated unclassified highway to which the National Speed Limit applies. It was observed from my numerous site visits that Hestercombe Road is predominantly single width with overgrown verges. Given the narrow nature of Hestercombe Road, it is likely that vehicle speeds are less than the allocated Traffic Regulation Order (TRO), however, no information has been provided by the applicant to justify any reduction. From observations I would estimate that vehicles are approximately travelling 30-40mph, this is due to the highways narrow nature and proximity with the junction with Pitchers Highway (classified unnumbered highway).

Hestercombe Road Access and internal track

At present the access into the Hestercombe site appears to be unused (reason being surface grass on access frontage), however, it should be noted that the point of access is already established and that it could be used at anytime regardless of being subject to a planning application. In terms of assessing the planning application, the Highway Authority must consider any improvements to the access a benefit and deem whether the access is suitable for the level of traffic anticipated/generated from the proposed development.

The Design and Access Statement states (6.2 Proposed Users)... *“The Memorial Hall uses the Middle Lodge south gate as an exit for large events such as the July flower show”*... this indicates that the access is already in use and used in operation with events at Hestercombe House, it is considered that the application is to formalise this use.

Section 6.2 (Proposed Users) of the Design and Access Statement states the following... *“Shuttle bus to transfer people between Hestercombe and Sandilands Wood for large events on a maximum of 35 days in a year. The last shuttle would be 11:30pm”*... The use of the overflow car park would see a ‘Shuttle bus’ transport visitors from the Sandilands Wood car park to Hestercombe. The anticipated level of vehicle movements has not been defined although a region of 35 days in a calendar year as been specified (it is assumed that these would be associated with a major event at Hestercombe), which when broken down is approximately in operation once every ten days. This is considered a minimal amount of vehicle movements, if not any (as the purpose of the Shuttle bus is to transport visitors internally).

The access itself is a Listed structure (conservation) and is approximately 3.5m in width with access gates set back 4.0m from carriageway edge. It should be noted from the attached road records extract that the Highway Authority owns the rights to the surfaces of each access and is designated as highway land. I have spoken with the Taunton Deane Area Highway Manager in relation to improvements to the surfacing at both accesses and he is happy to speak with the applicant, he can be contacted on 0845 3459155.

In terms of visibility, although the splays from the access are likely to be below the required standards that the Highway Authority would wish to see for any *new* access created in this location, it is considered that as the access is existing and the levels of proposed traffic that would utilise this access would be a similar to the previous use of the site (agricultural), it would be unreasonable for the Highway Authority to object on this basis.

Additionally, the internal access track, which will be private is detailed to be hardsurfaced and properly consolidated.

Sandilands Wood Access

The purpose for using this access is to allow the site to be used as an overflow car park during major events, linking the Sandilands Wood to the Hestercombe site. Again, the access into the Sandilands Wood (Cheddon Fitzpaine Memorial Hall) site appears to be unused, however, it should be noted that the point of access is already established and that it could be reused at anytime regardless of being subject to a planning application.

The Memorial Hall car park is located within designated land in control of the applicant, as are both accesses. Again as stated within the Design and Access Statement, it has previously served as an overflow car park during major events at Hestercombe. The inclusion of a ‘Shuttle bus’ would see visitors collected from the Memorial Hall car park and taken to the Hestercombe site.

The key issue in terms of highway safety relates to the Shuttle bus crossing over the publicly maintained highway (Hestercombe Road) from one site to another. As

mentioned previously visibility from each access is restricted, however, it would be unreasonable for the Highway Authority to raise an objection to the use of these access given the minimal level of traffic utilising the access.

Therefore taking into account the above information I raise no objection, suggest conditions.

LANDSCAPE - Subject to clear control of driveway by occasional vehicles i.e mainly pedestrian and cycle use and details of felling and replanting, the proposals are welcomed.

HERITAGE - No objection

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) - We do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

SOMERSET GARDENS TRUST - This would be an interesting development in the continuing restoration of historical elements of the Grade II* Hestercombe House and Grade I Formal Gardens. Reinstating the avenue of fruit trees and underplanting with viburnum and ribes, would recreate the impressive approach to Hestercombe for pedestrians and cyclists alike.

BIODIVERSITY - The proposal involves the felling of trees and possible crown raising. This may have an impact on the foraging habitat available for bats associated with Hestercombe SAC.

GARDEN HISTORY SOCIETY - This has been referred to Somerset Gardens Trust for comment.

SCC - RIGHTS OF WAY - No comments received

NATURAL ENGLAND - The test of likely significant effect documentation undertaken for your council by Larry Burrows of Somerset County Council dated 27 November 2012 was received by Natural England on the same day. Thank you for allowing us extra time to make a comment. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The application site is adjacent to Hestercombe House Site of Special Scientific Interest (SSSI). This SSSI is part of the Hestercombe House SAC. Natural England advises that your authority can conclude that the project is not likely to adversely affect the integrity of Hestercombe House subject to the proposals being carried out

in strict accordance with the details submitted including the conditions detailed in Part C para 11 of the attached HRA document, we advise you, as the Competent Authority, that it can be ascertained that this application will not adversely affect the integrity of Hestercombe House SAC. You do not therefore need to undertake further stages in the appropriate assessment process

As we discussed last December Natural England was consulted by the Forestry Commission (FC) on the Felling Licence proposal to fell growing trees on the Hestercombe Estate. My colleague Richard Penny attended a site meeting yesterday afternoon and met with Philip and Oliver White and Ben Knight of the Hestercombe Gardens Trust, and their bat consultant Dave Cottle. Richard has confirmed that Natural England does not object to the proposal subject to the FC as competent authority undertaking a Habitats Regulation Assessment.

Representations

A letter has been received from the Trustees of Cheddon Fitzpaine Memorial Hall stating that they raise no objection to the planning application but raise concerns:

- Containing speed of those vehicles driving past popular, widely-used Village Hall
- Plan shows herringbone parking up the driveway, Trustees would wish to see that to the north of the hall and not the south. Intend to resolve this amicably with Hestercombe Garden Trust.
- Feel further details of park and ride scheme would be helpful to assess impact on hall.

11 letters of objection were received from 7 different households on the grounds of:

- Somerset County Council rejected the drive re-instatement as part of their 2006-2011 transport plan. Already a suitable access to Hestercombe House via Pitchers Hill and Park Gate. Portman Drive has not been used as through road for decades, query whether it ever became the 'normal' approach to Hestercombe House as Park Gate entrance was kept active from date of construction and remained in constant use. When Portman Drive was used, used so little that closed down and no or extremely little traffic used area in question, now 21st Century. Previous arrangement of crossing Hestercombe Road suitable in Portman era, impossible to reintroduce today due to volume/speed of traffic and legally. High volume of traffic bringing more problems to area. Junctions at Middle Lodge and South Lodge not speed controlled, South Lodge is already on difficult and dangerous junction, more traffic undesirable so close to primary school. Visibility at Middle Lodge very poor for pedestrians, cyclists and vehicles because of construction of original gateways, cannot be altered due to historical significance. Gateways at Middle Lodge set 4m from the edge of the carriageway, substantially less than 5 metre set out as a condition. No evidence that traffic on Hestercombe Road has been or is being monitored as asserted in Design and Access Statement. Hestercombe traffic should be going via safest route, along main road best able to cope with it. Proposal would spoil the aesthetics of a very quiet and beautiful country lane. Query whether entrance drive at South Lodge one way or two way, two way system would cause chaos at junction by South Lodge, one way would

exit onto Hestercombe Road where poor visibility, therefore very dangerous and would conflict with shuttle bus. Proposed signage not sufficient. Cars continually on Hestercombe Road and Farm Drive looking for Hestercombe House as sat navs direct them the shortest route. HGT cannot guarantee that cars will not use this route, particularly on open days. Well thought out traffic management strategies are needed to direct visitors. Use of shuttle bus not considered to be a minimal amount of vehicle movements.

- Crossing from Sandilands Wood to Portman Drive impractical and dangerous, more traffic, walkers, children crossing may put public at risk. Road extremely straight, fast and busy, with fast cars, large lorries and farm machinery. Three working farms use it all of time. Buses and double deckers are large part of traffic produced by HGT. Not right to crowd more traffic through gates. Blind spot in a hidden dip and very difficult to hear cars approaching when windy or amongst trees. Children running in front of adults would not easily be seen as walls to gateways go right to the edge of the road and no speed restriction on that road.
- No evidence of restoration in recent years. A theme park has been built, nothing to do with the gardens. HGT have blocked access to drive through Sandilands, not been allowed to be used for any reason. Walkers have been threatened on footpath in Sandilands in last 5 years. Whole path has been walked by countless walkers for over 20 years therefore right of way from South Lodge to Middle Lodge well established. Major project, whimsical idea with no benefit, damaging landscape, losing good pasture and wildlife habitats, upsetting local residents, squandering tax payers resources for road signage.
- Portman Drive is agricultural land, it is not used as a drive and not surrounded by lawns. Fencing and tarmacing a new driveway across fields would be an eyesore and totally change character of area. Why spoil an area by forging a fenced road through it if only for occasional shuttle bus, only a tenth of the year. Very few people come to Hestercombe by walking or cycling, majority come by car and coach. Either going to see a huge amount of parking in Sandilands Wood or query motives as Hestercombe has adequate parking on site, following taking down trees in Middle Combe. Design and Access Statement suggests trees were spaced to break up ugly drive, now gone so drive would not be screened off and be conspicuous. Original track not fenced, fields divided by ha-has so views from house not disrupted. Ludicrous to reinstate drive for historic reasons and fence it as negates given reasons for reinstatement. To reinstate a drive cutting a park field in two would destroy view of original park, now returned to natural state after not being used since 1960s, now recorded as one field on land register.
- Drive not been in use for over 50 years, now completely grassed over. Tree lined culvert has developed by pond, providing a habitat for flora and fauna. If proposal goes ahead, peaceful enclave would be destroyed.
- Significant signage needed on Hestercombe Road by Middle Lodge to say that it is private driveway, otherwise general public would think it a right of way.
- Particular impact on Hestercombe Farm, who use land for grazing of sheep and dairy cattle. Fields would become boxed and cluttered, shrinking appearance of landscape. Idea of cattle grids unacceptable and cause more disruption. Entrance by Middle Lodge into field used by a herd of 200 milking cows, application would not allow this as fenced either side and cattle grid. Two crossing gaps would damage soil structure both sides due to concentration of animal/tractor movement and trampling/churned up in wet years. Would also bring slippery conditions for pedestrians and animals. North end of driveway used for penning livestock, irrigation pond used by stock. Would cause disruption

of spreading of slurry with umbilical system and use of hole reel irrigator from the lake. Danger between dogs, cattle and sheep, pedestrians with dogs at risk where gaps in fence. Cows and sheep vulnerable to uncontrolled dogs, chasing could cause stress or even result in them being killed. Sheep regularly graze field, which would easily be able to negotiate the gap left for pedestrians to bypass the cattle grids and escape onto Hestercombe Road. Similar situation for young cattle.

- Development would encroach onto the privacy of properties, personal lives and security of Hestercombe residents. No security to Middle Lodge or Sandilands Wood through proposal to lock gates slightly ajar, applicant has made no attempt to address this problem from outset. Threat to security and amenity of Middle Lodge as a residence, cattle grids close to Middle Lodge would cause impact. Middle Lodge vulnerable due to its isolation, Proposed drive to south-west of The Bothy and prevailing winds would carry noise and pollution from pedestrians and shuttle bus towards house.
- HGT has proved trees are of no importance, many tons felled for sheep grazing. Object to more felling and spoiling of trees. Not restoration, drive was unfenced. Gotton Copse has been damaged and opened up to boy racing with cars and motorbikes, over night campers and music groups. Query if this would do same to Sandilands Wood.
- Middle Lodge not built for motor vehicles to be passing so close, only feet from the house. Drive built to save horses the steep climb, restoration drive no longer needed as horse and carriages no longer used. Motor vehicles now in use.
- Query and disputes dates and descriptions in Design and Access Statement. Crown support work of HGT but stipulate work should be carried out in a sensitive manner, therefore work that impinges on peaceful enjoyment of other residents should have full discussion and consensus sought. Residents would support restoration carried out in this way and but little sympathy for Hestercombe becoming a theme park. Never any discussions or consultations with the Trust and attempts at communication are ignored.
- This is Quantock Hills Area of Outstanding Natural Beauty (*NB – Site falls outside of AONB*)
- Under Natural Environment and Rural Communities Act 2006 Part 6 refers to extinguishing mechanically propelled vehicle rights and no further Byways Open to all Traffic generated by claims based on horse and cart origins. In light of this, query whether proposal would be legal.
- Need for buses to transport people from cars parked in wood indicate new and larger visitor events at Hestercombe Gardens. Aerial view of Hestercombe shows large areas of available parking in various Combes that could be used to increase parking without safety risks. Query number of parking spaces envisaged, impact of parking on driveway verges and whether change of use application is needed.
- Query proposed times of opening/closing gates at Middle Lodge as outside of normal Hestercombe opening times. Query how applicant proposes to manage and restrict use of Sandilands Wood and prevent unauthorised motor vehicles passing/parking if gateways remain unsecured. In past, there have been problems with fires in Sandilands Wood, boy racers and fly tipping. To prevent this, northern gate is kept locked and entry to northern part of wood restricted by timber obstacles as gate at South Lodge rarely closed. Query how parking on verges would be monitored and prevented on other days as grass verges and newly planted cherry trees would be vulnerable.
- Extra cars parked in Sandilands Wood may put bookings of Memorial Hall in jeopardy. Memorial Hall used most often on a Saturday, probably coincide with

when Hestercombe would want to use drive for cars and car parking. Query whether Hestercombe staff will manage traffic/car park, how parking spaces would be allocated to Memorial Hall. At weekends used mainly for weddings, childrens parties and flower shows, often large numbers of children at events, concerns that traffic going past would be dangerous. Popular venue as far from public highway, quiet and secluded in wood, application could jeopardise future revenue of unique hall, originally bequeathed to village by Portman Family. Needs of business should not override local community. Drive into Memorial hall currently only used by hall users, not a public right of way.

- Track through field needs careful management to keep it litter free. Track would be an opportunity for fly tipping and joy riding.
- Restoration of areas are of great importance but need careful consideration. Query where electricity supply would come from to operate electrically operated gates in future.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP9 - S&ENP - The Built Historic Environment,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - TD CORE STRATEGY- ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

A number of queries have been raised as to the status of the Portman Drive in the past and whether it is justified to reinstate this driveway, particularly if it was not of significant importance. On the basis that the drive passes both South Lodge and Middle Lodge on it's route to Hestercombe, it is plausible to believe that this was in fact a drive of some significance. Notwithstanding this, the matter now for consideration is whether it is acceptable, in planning terms to provide a driveway across the land to accommodate walkers and cyclists and occasional use by the shuttle bus.

Hestercombe House and Gardens form a historic designed landscape of international significance, listed at Grade I on the English Heritage Register of Parks and Gardens of Special Historic Interest and designated as a Conservation Area. Any proposed development should therefore respect the importance of these areas. Whilst objections have been raised regarding the reinstatement of the driveway, it is important to note that the Conservation Officer raises no objection to the proposal. The site is situated some distance from the main buildings and formal garden and would therefore have no impact upon their setting. Furthermore, it is important to note that English Heritage did not wish to comment on the application and suggested that specialist in house conservation advice is sought and, as stated, the Council's Conservation Officer raised no objection. Furthermore, Somerset Gardens Trust regarded the proposal as an interesting development in the continuing restoration of historical elements of the Grade II* Hestercombe House and Grade I Formal Gardens. They also considered that reinstating the avenue of fruit trees and underplanting with viburnum and ribes, would recreate the impressive approach to Hestercombe for pedestrians and cyclists alike. It is therefore a pertinent point that despite the concerns raised by local residents, the Conservation specialists

consulted raised no objection, whilst Somerset Gardens Trust were in favour.

In addition, in landscape terms, the Council's Landscape Officer was consulted and welcomed the proposals subject to occasional use of the driveway by vehicles with the main use being pedestrians and cyclists. Members should be aware that this is in contrast to the previous scheme, over which several concerns had been raised by the Landscape Officer, but have since been overcome by the provision of additional information. It is acknowledged that little of the former use of the land as a driveway remains to the north of Hestercombe Road when viewing the site from public viewpoint, and a large proportion of the hardcore and tarmaced area has now been grassed over. However, the re-exposure of this tarmaced driveway and making good of damaged areas is not deemed to cause excessive harm to the character of the landscape, whilst driveways across grassland to serve stately homes is a common sight. Although the driveway would be visible from public viewpoint, it would not be significantly prominent to the extent that it would scar the rural landscape or cause detriment to the appearance of the countryside or the Hestercombe Conservation Area.

The erection of a fence along a driveway is also a common situation and it is important to note that fences can often be erected to a higher level than that proposed without the need for any planning permission. The nature of the fence in this instance was agreed following discussions with the Council's Landscape Officer, who considered that a wiremesh fence would be the most appropriate form of boundary treatment in this instance, due to its nature of allowing views through it. It is proposed to remove two Poplar trees and one Hawthorn in the northern part of the proposed driveway but these are not important specimens that are considered to contribute significantly to the rural landscape and their removal is not therefore a concern in terms of visual amenity. There are a number of other more mature trees along this section and these are to remain.

In terms of the lower section of driveway through Sandilands Wood, the tarmac along this element is still very much present and little works are required to this surface. Whilst it is proposed to remove the existing larch, sycamore and ash trees that run alongside the driveway through Sandilands Wood, these are not considered to contribute significantly to the area and their replacement with an avenue of crab apple trees is deemed acceptable. It is important to note that Sandilands Wood is a well established area of woodland and further trees screen the driveway and proposed avenue of new trees from wider viewpoint. These trees would similarly screen the additional proposed car parking on special event days. As such, the appearance of Sandilands Wood from outside of the site would appear very similar to the current situation and the proposals are not considered to cause harm to the appearance of the area.

Whilst objectors raise concern regarding the loss of habitats for wildlife and damage to the landscape, it is pertinent to note that the Council's Nature Conservation Officer was consulted and raised concern only regarding the impact upon bats. Following this, a Test of Likely Significant Effect was undertaken by the Somerset County Council's Ecologist, which concluded that the proposal would not result in harm to wildlife and this was supported by Natural England. It is therefore considered that the impact of the proposal upon wildlife has been adequately assessed by specialists in that field and was not deemed to be adversely affected.

The Test of Likely Significant Effect suggests a condition that any tree removed that

creates a gap of more than 5 metres is replaced by a single row of hedgerow planting. The three trees to be removed are adjacent to the pond, which are randomly spaced and would not therefore create a gap as such, as they are not within a row of other trees. The other trees to be removed are those rows within Sandilands Wood, which would be replaced with rows of Crab Apples. As such, the removal would be replaced with a row of trees that would create a new flight line, to safeguard the bats and the condition is not deemed necessary

Concerns have been raised regarding the impact on the closest residential property, Middle Lodge. One concern is that it was not built to accommodate traffic passing in such close proximity, although it is important to note that it is positioned next to Hestercombe Road, a public highway and the proposed driveway would be a similar distance from it. It is acknowledged that the proposal would result in walkers and cyclists passing to the west of the dwelling during the opening hours of Hestercombe Gardens, however in view of the close proximity of the dwelling to the road at present, which is stated by many objectors to be a very busy road, it is not considered that cyclists and walkers, in no closer proximity than the traffic passing along the road, would result in a detrimental amount of noise that would harm the living conditions of the occupiers of that property.

The issue of noise of the shuttle bus has also been raised, particularly in view of the cattle grids. There appears to have been some confusion regarding the positioning of the cattle grids. It should be noted that the cattle grids are some distance from Middle Lodge, with the closest being approximately 60 metres away from the boundary with that property and 70 metres from the dwelling itself, there are no cattle grids directly adjacent to Middle Lodge. Whilst it is acknowledged that vehicles travelling over cattle grids do create an element of noise, due to distance from the dwelling, this is not considered to create a level of noise that would be detrimental to the living conditions of Middle Lodge. Furthermore, whilst the occupiers of Middle Lodge would be aware of the shuttle bus passing the site, due to the nature of the shuttle bus being used for special events only (up to 35 days per year), this would be every so often on occasional days. It is therefore considered to result in minor intermittent disturbance rather than a constant noise that would cause material detriment to the occupiers of that property. Whilst the last shuttle bus is at 11.30pm, again this is on occasional days and not a constant issue. It is also pertinent to note the close proximity of Middle Lodge to the public highway and it is not considered that the noise generated by the shuttle bus would be significantly greater than that of cars, tractors, lorries, etc passing on the public highway, anytime of the day or night. A condition has been attached limiting shuttle bus movements to the suggested 35 days. Whilst it is acknowledged that further shuttle bus days may be required in the future, this would require permission to vary the condition and the impact upon the amenities of the affected residential properties would be assessed at that point.

Concerns are also raised regarding the impact of the driveway on other Hestercombe residents. Whilst it is noted that the driveway would pass in close proximity to South Lodge and Middle Lodge, it is still some distance from the remainder of residential properties. As such, it is not considered that the proposed use of the land would result in harm to the amenities of those properties.

The issue of the security of Middle Lodge was also raised. However, it is important to note that the gates would be locked on a normal day at 7pm when Hestercombe Staff undertake their locking up procedure and unlocked again at 7am. As such, it is not deemed that there would be an increased impact on the security of Middle Lodge

as the gates would be locked in the early evening and would remain locked throughout the night. In view of the property currently lying adjacent to a field gate, it is not considered that the situation would differ significantly from the current situation.

It is noted that the situation would be different on the days of special events, up to 35 days per year, when the gates would be open. However, the agent has confirmed that Hestercombe Gardens Trust staff would be in attendance on days when Sandilands Wood is being used for additional parking and the gates would be locked at the end of the event by the staff. On the basis that there would be Hestercombe Staff in attendance and also the shuttle bus movements creating a presence, it is not considered that the gates being opened would compromise the security of Middle Lodge significantly.

A concern has also been raised as to how cars would be prevented from utilising the proposed driveway. As stated above, the gates would be locked in an ajar position on the majority of days, which would not allow vehicular access, whereas on days when the gates are open to enable the shuttle bus to pass, HGT staff would be in attendance to prevent cars from using the driveway, which would overcome the concerns of general Hestercombe traffic utilising this driveway, particularly if sat nav systems were to direct them this way. At the end of the day, the gates would be locked by Hestercombe staff, which would prevent vehicles being able to enter land to the north of Hestercombe Road, overcoming the concerns regarding boy racers, fly tipping, etc. Similarly, a barrier to the north of the Memorial Hall would prevent vehicular access to and protect Sandilands Wood from such activities.

A great number of objections have been received regarding the use of the accesses onto the busy Hestercombe Road and the crossing of it by the shuttle bus, walkers and cyclists. The County Highways Authority have considered the application fully and from a highways point of view, it is important to note that the point of access is already an established access that could be used at any time regardless of a planning application. On this basis, although the visibility splays are below the required standards that would be expected for a new access, this is an existing access and it is not considered that the proposal to utilise the shuttle bus for up to 35 days per year would result in an unacceptable increase in traffic movements that would warrant a refusal. The County Highways Authority suggests two conditions, one relating to proper consolidation of the first 5 metres of its length and the other relating to new gates being erected 5 metres from the carriageway edge. The first condition has been attached accordingly and a concern is raised that the requirement of 5 metres regarding the gates is already not being met. The condition relates to any gates erected, rather than the repositioning of existing gates. The County Highways Officer is aware that the current situation, refers to the current distances in his report and although substandard, takes into account that it is an existing access that can be used at any time.

A number of other concerns have been raised regarding the use of the Sandilands Wood and conflict with the Cheddon Fitzpaine Memorial Hall, along with traffic conflict in using the driveway. It is however important to note that these issues would be civil matters to be agreed between the parties involved and it would be for them to decide how any traffic issues are dealt with on the private land, etc. It has been stated that Hestercombe staff would be in attendance on days when parking is taking place in Sandilands Wood to supervise the situation. However, how the relevant parties intend to operate systems within the site are not planning matters

and are not issues that the local planning authority can become involved with or take into account in the processing of this planning application.

The query has been raised by objectors that it has not been stated how many car parking spaces are proposed in Sandilands Wood and whether planning permission is required for this car parking. It is important to note that cars will be directed to the main car parking area accessed from Park Gate Drive and Sandilands Wood would only be used as overflow parking, when required on special event days. As this is being carried out on an informal and infrequent manner, and only for a nominal amount of days per year (no more than 35 days a year), it is not considered to constitute a change of use. However, it is proposed to attach a note to the decision stating that if this use intensifies in the future, a planning application may be required. The agent has confirmed that outside of the special event days, a barrier would prevent cars accessing Sandilands Wood beyond the Memorial Hall to prevent the car parking being used and this has been conditioned accordingly.

A significant number of concerns have highlighted the impact of the proposal upon Hestercombe Farm, who graze the land with cattle and sheep, the farming business and the safety of animals, etc. These are civil matters to be agreed between the parties involved and are not planning matters that can be taken into account in the processing of the application. However, it is important to note that the driveway will not separate the land entirely due to the arrangement of the double cattle grids that will allow for the animals to cross from one side of the drive to the other, thereby still allowing them to graze the land in its entirety, with the exception of the small amount of land actually forming the driveway. Concerns have also been raised over animals being able to wander along the driveway. However the arrangement of double cattle grids prevents animals gaining access onto the main driveway, but simply allows them to cross in places, whilst the use of small pedestrian gates will prevent sheep and calves being able to bypass the cattle grids.

In terms of speed along the driveway, a matter which has been raised by the Trustees of the Memorial Hall, in order to limit the impact on the bats, a speed limit of 10mph is suggested by the County Ecologist. However, it is up to the Hestercombe Gardens Trust to control the speed of vehicles on their land and decide how to make users aware of any speed limit. A note to applicant regarding this speed limit is proposed to be attached to any decision. Similarly it would be for Hestercombe to decide how to deal with any litter dropped. There would also appear to be some confusion as to the use of the driveway by objections raising concern about it being used as a through road or for fly tipping and joy riding. The application clearly states, and this has been re-iterated by the agent that the driveway would be for walkers, cyclist and the shuttle bus up to 35 days per year. It would not be used by cars, which would continue to use Park Gate Drive, as per the existing situation. Concern is also raised as to whether it is worth reinstating the driveway when it would only be used for a tenth of the year. Whilst the shuttle bus would only use it for this period, it would be open on a daily basis to walkers and cyclists.

One objector raised the concern about byways open to all traffic not being generated by claims based on horse and cart origins. The application in front of members is for planning permission and therefore only planning matters can be taken into account. If there are other legal issues that need to be addressed, it would be necessary for the applicant to address these independently of the planning application.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

24/12/0057

MS S COLE

ERECTION OF TIMBER SHED AT DAISY ALICE ORCHARD, WEST SEDGEMOOR ROAD, HELLAND, NORTH CURRY (RESUBMISSION OF 24/12/0036) AS AMENDED BY PLANS AND LETTER RECEIVED 08/02/13

Grid Reference: 333012.124211

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed shed is required in connection with the maintenance and up keep of the small orchard and is considered to be acceptable and would not harm visual nor residential amenity of the area. Therefore, the scheme accords with Taunton Deane Core Strategy Policies DM1(General Requirements), DM2(4a)(Development in the Countryside) and CP8 (Environment).

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) Shed Information
(A4) Location Plan (Amended)
(A4) Layout Plan(Amended)
(A4) Site Plan

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

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the living hedge and sedum roof to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or

as otherwise extended with the agreement in writing of the Local Planning Authority.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

Planning permission is sought to erect a timber shed, measuring 1.82 m x 3.65m. The shed will have windows on one elevation. It will be sited in the North West corner of the site. An amended plan shows the shed position to be 9 metres from the waterway running along the northern boundary.

SITE DESCRIPTION AND HISTORY

The site is located in the open countryside approximately 1 mile from the settlement limit of North Curry. It is accessed from a minor lane, at the north east corner of the site, which runs north from the A378 to North Curry. The Orchard is 0.28 ha (0.68 acres) and the submitted plan shows 11 apple trees growing on the site. The site runs parallel to the highway and is approximately 85m long x 32m wide. A hedge and/or drain run around the boundaries of the site and are between 3m and 4m in width. There is an existing caravan on the site, which the applicant states is currently used for storing equipment.

24/09/0031 - ERECTION OF LOG CABIN AND WOODEN APPLE STORE Refused 23/12/09

24/10/0023 - FORMATION OF HARDSTANDING FOR THE SITING OF A CARAVAN, ERECTION OF STORAGE BUILDING AND CREATION OF AN ACCESS TRACK Refused by Committee 26/04/11 and subsequent Appeal dismissed

24/12/0036 - ERECTION OF TIMBER SHED
Application withdrawn

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL – In spite of the reduction in the size of the shed and the location, the changes do not fully address the concerns of the Parish Council. The concerns not addressed are the construction of a shed in an open and sensitive landscape and the unsuitability of the shed for the stated purpose, a shed with windows being inappropriate for secure storage of tools and apple storage. Concerns remain that the long term intention is to occupy the site permanently.

CC - TRANSPORT DEVELOPMENT GROUP - No observations

LANDSCAPE – The shed is very suburban in character in a rural area. If it is acceptable in planning terms it will need careful screening.

SOMERSET DRAINAGE BOARD CONSORTIUM - The Board had a fairly protracted discussions with the original applicant Mr Horacek regarding development at the above location in 2009 & 2010. I believe that development was refused, went to appeal and the decision was upheld by the Planning Inspector. The Board's concerns related to protection of the maintenance access to allow the land drainage network to be adequately maintained particularly the viewed rhyne called "Sedge moor Old Rhyme" to the north of the site. Viewed rhyne are watercourses that the Board undertakes maintenance of as those drainage channels provide the arterial drainage network between the field boundary ditches to the Main Rivers operated and under the jurisdiction of the Environment Agency. There is also a "non viewed" rhyne to the west of these proposals which is the responsibility of the adjacent landowners to undertake the required maintenance and this would include the current applicant.

The current siting appears to be closer to the top of bank of the adjacent watercourses than the 9.0 meters stipulated in the Board's Byelaws however because of the temporary nature of the proposals the Board could accept a lesser distance of 6.0 meters from the top of bank of the adjacent watercourses. This reduced distance would require the applicant to conclude a land drainage consent application with the Board and the applicant would have to confirm within the submission how maintenance would be carried out. Basically the how, what, where and by whom? If the siting details can be agreed indicating that the proposals will be site no closer than 6.0 meters from the top of bank of the adjacent watercourse and land drainage consent will be applied for the Board would not object to the application. Recommend informative not.

Representations

Four letters of objection have been received on grounds of;

- The shed is neither fitting nor appropriate
- Location will be imposing
- A third of the site foods
- Will have clear view of shed from bedroom window
- Little orchards should not have any kind of dwelling, structure or building
- Shed will be disruptive and intrusive to immediate inhabitants.
- Will affect regions character and peaceful environment.

PLANNING POLICIES

CP8 - TD CORE STRATEGY- ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
NPPF - National Planning Policy Framework,
FZ2 - Floodplain Zone 2,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in no payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

Daisy Alice Cider Orchard is located on the Somerset Levels, outside of defined settlement limits, where new development is strictly controlled. Policy DM2 defines the uses that will be supported on the open countryside. Section 4(a) of the policy supports new non-residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit. The cider apple trees are a form of agriculture and the proposed shed is to store equipment needed in order to maintain the "orchard".

This application is a re-submission following negotiations with the applicant to reduce the size of the proposed shed. The shed has also been re-positioned to minimise its visual impact. The site is located in a landscape character area where the visual impact of the development on the wider area is considered to be important. The proposed sedum roof and living hedge to be planted along two sides of the shed will reduce the visual impact of the shed.

The site lies within an area that is liable to flood. There is a small raised area within the site which is outside of the land which would flood (in Flood Zone 1) but it is surrounded by land in Flood Zone 2 and 3b. The proposal is not considered to be vulnerable development and is not considered to increase flood risk. The amended plan shows the shed to be 9 meters away from the watercourse adjoining the northern boundary to prevent any further requirements for consents from the Drainage Board.

The applicant has confirmed their intention to remove the existing caravan on the site once the shed is erected.

The proposal is not considered to affect the amenities of nearby properties. The fact that it may be visible from a window does not mean that their residential amenities are adversely affected. The shed is modest in size and it is considered commensurate with the size and requirements of the orchard. It is considered to be positioned in the most suitable location within the site and the proposed landscaping will prevent significant adverse impact upon the visual amenities of the landscape. As such the application is recommended for approval.

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

CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313

43/12/0128

MR P LODGE

RETENTION AND ALTERATION OF FENCE AND GATES TO EASTERN BOUNDARY AND RETENTION OF FENCING TO NORTHERN BOUNDARY AT THE ORCHARD, TONEDALE, WELLINGTON (AS AMENDED)

Grid Reference: 312776.121521

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon character and appearance of the area nor highway safety and is therefore considered acceptable and, accordingly, does not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

1. The approved works to the fence and gates hereby permitted shall be fully completed, including the application of the approved wood stain, within three months of the date of this permission.

Reason: To ensure that the unauthorised fencing and gates at the property, which are subject of ongoing enforcement action, are appropriately amended to reflect the approved scheme to the benefit of the surround area.

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

(A4) Block Plan
(A4) Location Plan
(A4) Annex 1

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

PROPOSAL

The application seeks planning permission for the retention of fencing, with partial alteration of that fencing, at The Orchard, Tonedale, Wellington.

In detail, the application proposes the retention of 1.8 metre high timber fencing to the North East and Southern boundary of the property. It is also proposed to reduce the height of the fencing and gates to the Eastern boundary of the site to 1.2 metres and erect of 600m high trellising above this section of the timber board fence and gates. The fencing will be finished in Cuprinol cedar stain.

SITE DESCRIPTION AND HISTORY

The Orchard is a detached bungalow within the Tonedale area of Wellington, located between Burchills Hill to the west and Millstream Gardens to the east. The property benefits from gardens to three sides and two points of vehicular access - one off Burchills Hill and one off Millstream Gardens. The dwelling is served by ancillary buildings that are sited along the north east boundary of the property and from off road parking to the eastern corner of the site. The application site is surrounded in its entirety by private housing.

Prior to being replaced, there was timber picket fencing and gates erected along the eastern boundary of the site; this fencing was erected without the grant of planning permission and therefore was unauthorised development. This matter was reported to the Council's Planning Committee who determined not to take any enforcement action against the owner of the property at that time. Prior to the erection of the fencing and gate subject of this application, the vehicular access and driveway to the western boundary of the site was originally open fronted with only reflective traffic bollard's and stones sited along the highway edge with space retained to allow access and egress to and from the site.

The unauthorised picket fencing was replaced by closed boarded timber fencing to a height of 1.8 metres, and this new fencing was also erected along a section of the North East and Southern site boundaries with works completed on 21 October 2011. Following a complaint to the Council, a planning application was submitted to regularise this fencing, however planning permission was refused, LPA reference 43/11/0119, for the fencing onto Millstream Gardens for following reason:

The fence and gates at the eastern site boundary and access onto Millstream Gardens, by virtue of its scale, design, materials and positioning, is considered to have a stark and imposing appearance within the area thereby represents an incongruous feature within the street scene, detracting from the character and visual amenity of the area. The proposed fence and gates in this prominent position relate poorly to the residential area of Millstream Gardens and fail to respect the open plan nature of the sites surroundings. The proposed development is therefore considered to conflict with Policies S1 (D) and S2 (A) of the Taunton Deane Local Plan.

The Councils decision to refuse planning permission was upheld at appeal, where (with regard to fencing onto Millstream Gardens) the Inspector found that the fencing was incongruous and intrusive within the street scene.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No comments received.

WELLINGTON TOWN COUNCIL - Recommend that permission is refused as the proposal would be harmful to the character and appearance of the area.

WELLINGTON COMMUNITY OFFICE - N/A

PLANNING ENFORCEMENT - No comment

SCC - RIGHTS OF WAY - There is no public right of way running through the site, however an application to add a footpath has been received by Somerset County Council. Plan of proposed footpath provided.

Representations

4 letters from neighbouring residents with no objection to the proposals, raising the following planning related matters:

- Having lived next door for 18 years there has always been a 6 ft high fence around the property;
- The fence is not out of character with the surrounding architectural layout of the estate and the alterations will not detract from security and will be aesthetically satisfactory;
- We have no concerns with the present fence and gates and the proposed alterations are equally acceptable and in keeping with the original fences at The Orchard which were erected when Mill Stream Gardens estate was completed.

7 letters of objection from neighbouring residents, raising the following planning related matters:

- Mill Stream Gardens is an open plan estate with gardens to the front;
- The fencing is not in keeping and looks intrusive;
- How can he apply when the fencing has been refused by TDBC, Wellington TC and the Planning Inspector?
- The fencing is an eyesore and aesthetically very unpleasant to look at;
- The alterations with trellis will not make a difference;
- The amended fencing is still not in keeping with the open plan estate;
- Applicant has plenty of privacy within his boundary without erecting such an eyesore;
- Prior to the erection of this fencing the lane was being used by pedestrians for over twenty years;
- The footpath application is awaiting decision by the Highway and Footpath Committee;
- The lane was purchased in 2008 and the picket fencing erected without planning;
- Visitors and trade to the property regularly block the access;
- The fence does obstruct visibility of vehicles emerging from their parking spaces and driveways;
- The fencing and gates make driving tricky and dangerous especially when cars are parked along the road side or in driveways;

- Previous owners had a bollard removed and lockable post installed to allow oil to be delivered and for emergency access only;
- The fence has left adjoining owners with no visibility splay; children play in the area and this is an accident waiting to happen;
- The fencing should be set back and not higher than one metre;
- The fence should be returned to its original state - close boarded with trellis above and not blocking the footpath;
- The application contains a number of errors including site address, the fence has blocked a footpath and plans are shown without measurements.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issue to consider is the impact of the fencing upon the character and appearance of the area. There have been a number of objections from the public and the Town Council in relation to the fencing, virtue of its detrimental impact upon the character and appearance of the area.

The existing fencing has been found previously to be unacceptable in terms of its impact upon the character and appearance of the street scene when viewed within Mill Stream gardens. Such a view was supported at appeal by an Inspector who found that upon approaching the site along Mill Stream Gardens the fencing was incongruous and intrusive. The Inspector noted that a stain finish would reduce the impact of the fence but not to an acceptable degree.

In discussions with the applicant, it has been agreed that the fencing to the South that fronts onto a private parking space does not require planning permission as it is not adjacent to a highway. The fencing to the Northeast and East boundaries is adjacent to the highway and does require planning permission.

The fencing to the Northeast boundary will be retained as a closed boarded structure approximately 1.8 metres in height. The fencing along this stretch of the highway cannot be seen upon approaching the site; it is set back from the edge of the road by approximately 2.5 metres with an intervening grass verge. Being set back from the highway is somewhat more in keeping with the open plan aspect of the area. This arrangement is considered to result in a less dominating appearance to this section of the fencing, and for this reason the fencing to the Northeast boundary of the site is not considered to result in significantly harm the character or appearance of the area.

The fencing and gates to the Eastern site boundary previously caused most concern, virtue of the perceived incongruous and intrusive appearance within the street scene. Mill Stream Gardens is generally an open plan. The fencing and gates, as amended by these latest proposals, will continue to be sited immediately abutting the highway and footpath. Upon approaching the site along Mill Stream Gardens from the East, the fence and gates will remain a prominent feature within the street scene, however the enclosed nature of the fence and gates will be reduced by the proposals, which will see the upper 600mm amended to form timber trellising. The closed board

element will have a maximum height of 1.2 metres. Being able to see through the upper 600mm of the fence and gates is considered to reduce the incongruous impact of the structure within the street scene.

Previously unseen evidence has been seen of historic fencing at the Eastern boundary of The Orchard has now been presented to the Council. This shows a timber fence with trellis having been sited along the eastern boundary; its design is very similar to that now proposed and does carry some weight in favour of the proposals. Notwithstanding this matter, the inter visibility between Mill Stream Gardens and The Orchard that will be provided by the proposed trellis, when coupled with the application of a wood stain, is considered to reduce the impact of the structure upon the character and appearance of the area to an acceptable degree.

Other matters

A number of neighbouring residents have raised concern and objected to the proposed gates and fencing virtue of the impact upon a 'historic footpath' that was once available to members of the public along the driveway of The Orchard; this provided a cut through between the Tonedale Mill area (now Millstream gardens) and Burchills Hill. This path is not a formally defined public right of way although I note that the matter is currently in the hands of Somerset County Council Rights of Way (ROW) team. Notwithstanding this matter, the proposed development does not currently affect a right of way and whilst I acknowledge the concern of neighbouring residents and members of the public with regard to historic use, should a path be defined along the driveway then it will be a matter for the ROW team and the private land owner to ensure that appropriate public access is provided.

The fencing was previously considered not to harm highway safety within Mill Stream Gardens and this conclusion was supported by the Planning Inspector at appeal. There remain objections to the proposal on the grounds of highway safety. However, the overall height of the fencing and its positioning along the site boundaries will not alter and therefore highway safety is not considered to be undermined by these latest proposals.

Conclusions

The proposed fencing and gates, with the amended design and finish are considered to have a satisfactory impact upon the character and appearance of the area. The proposals will not unduly harm highway safety nor affect an as yet authorised public right of way. It is therefore recommended that planning permission be granted subject to conditions.

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

45/12/0025

MR S HEARN

CHANGE OF USE OF LAND TO DOMESTIC PARKING WITHIN CURTILAGE TO INCLUDE ENGINEERING WORKS AND CHANGE OF USE OF FIELD SHELTER TO DOMESTIC GARAGE AT ARGENT HOUSE, WEST BAGBOROUGH (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 317072.133456

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The works, subject to the landscaping scheme, are not considered to have a significant adverse impact upon the landscape character and are deemed to maintain the rural beauty of the Quantock Hills Area of Outstanding Natural Beauty. The scheme is not deemed to result in material detriment to the amenities of neighbouring properties or harm to highway safety. As such, the proposal is in accordance with Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review, and Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

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

(A4) Location Plan received 4 February

(A4) Block Plan received 4 February

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

2. (i) The landscaping/planting scheme shown on the submitted plan received 14 February 2013 shall be completely carried out within the first available planting season from the date of the decision.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no building, structure or other enclosure shall be constructed or placed on the site other than that expressly authorised by this permission without the further grant of planning permission.

Reason: To ensure that the development does not result in unacceptable harm to the rural character of the Quantock Hills Area of Outstanding Natural Beauty or appearance of the Conservation Area, in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Please be aware that if it is intended to use the area of land to the north of the site for domestic purposes, a further change of use application would be required.

PROPOSAL

Argent House is located in the village of West Bagborough, adjacent to the Rising Sun public house, within the Quantock Hills AONB. The site in question refers to the land to the rear of Argent House, which is understood to have formerly accommodated the skittle alley, which was destroyed some years ago. The land slopes upwards towards Lydeard Hill and to the west is Stout Lane, a restricted byway, which is separated from the site by a mature line of trees. A field gate from Stout Lane has previously provided access to the land in question, with Tettenhall Cottage lying to the south of this access and The Rising Sun to the south of this. To the east is Overstream, a residential property, with Bashford Stables to the east of that.

This application seek retrospective planning permission for the change of use of land to the rear of Argent House to domestic curtilage to allow for car parking which has included the laying of hardstanding; the change of use of the existing timber field shelter to a domestic garage to include the installation of a pair of wooden garage doors; and the engineering works undertaken to level the site. During the processing of the application, an amended plan was submitted to show the planting of a beech hedgerow along the northern edge of the site.

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BAGBOROUGH PARISH COUNCIL - No comments received at the time of writing

SCC - TRANSPORT DEVELOPMENT GROUP - The parking area is situated off a private access lane (Stout Lane) behind the Rising Sun pub. There is existing use of this lane by the small number of properties here. The area that has been levelled and surfaced with loose aggregate is large enough for parking and turning by a small number of small private vehicles (cars). The loose aggregate means that the surface is permeable. The lane is metalled for much of its length from its junction with the public highway at the Rising Sun – this is considered an acceptable consolidated surface which prevents carriage of mud and other detritus on vehicle wheels from the muddier part of the lane near the parking/ turning area.

Given that the proposal would not appear likely to result in an unacceptable increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

THE QUANTOCK HILLS AONB SERVICE - No comments received at the time of writing

HERITAGE - No observations (verbal)

LANDSCAPE - Requests northern boundary is planted up with a native species hedgerow (verbal).

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received at the time of writing

Representations

Two letters received from the occupiers of Tettenhall Cottage raising concerns on the grounds of:

- Unconvinced that owners did not know they would require planning permission for engineering works within Conservation Area and AONB.
- Property runs parallel and directly fronts Stout Lane, hence sensitive to and exposed to vehicular traffic. Front door exits directly onto lane. Lived here six and a half years and have not experienced vehicular traffic using lane except for maintenance of lane and feed delivery for previous owners horse. Vehicles never accessed paddock.
- Stout Lane used by walkers, dogs running off lead, horse and bike riders accessing Quantocks, which is not compatible with regular traffic. Vehicles have to accelerate up lane to access new driveway, where width is 3.5 metres. Accident waiting to happen.
- Original access to paddock informal, relatively narrow and steep grass bank. Do not consider constitutes a right of way.
- Up to four cars parked in paddock, problem exacerbated by wife's parents living in same property and combination of classic cars, holiday vehicle, works vehicle and normal day to day vehicles. Intention to use as overspill parking, despite plenty of street parking available. We park our cars in street.

- Storm water run-off issues will be exacerbated by additional impermeable concrete driveway and semi-impermeable hardstanding, not addressed in Section 12. Tree within Conservation Area also removed without permission, to enlarge access.
- Construction of Stout Lane was never intended to carry traffic and will deteriorate. Already evident at top of lane where new concrete drive exists. Clearly applicants intention is to concrete this as well at some future stage.
- Bedroom immediately adjacent to new access, hence concerned about loss of privacy and increase in noise. Works extremely visually intrusive and unattractive.
- Concerns regarding conversion of stable into garage, in terms of noise and loss of privacy to our adjacent bedroom/bathroom, located three metres from stable. Will allow applicant to explore passion for classic car restoration and potential business opportunities this may afford.

PLANNING POLICIES

AONB - Area of Outstanding Natural Beauty,
 S&ENPP5 - S&ENP - Landscape Character,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 CP8 - TD CORE STRATEGY- ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The scheme has involved some engineering works to level an area of the site and the laying of hardstanding. The engineering works have resulted in a former natural slope being altered to a more angular bank, unnatural in appearance to the surrounding landscape and a reasonably small area of hardstanding laid on what was understood to have formerly been a grassed area and the former skittle alley. However, the site lies to the rear of the properties fronting the main road through the village and is therefore well screened from this public viewpoint. Whilst it is visible from Stout Lane, the restricted byway passing to the west of the site, these views would be limited to the access point itself, as the site is generally screened from Stout Lane by the well established line of trees. In addition, the bank, having been recently formed is still earthy in appearance, however, once this has been grassed over, the current prominent appearance would be softened and it would begin to integrate into the surrounding landscape. In terms of the hardstanding laid, by virtue of the site being on a higher level than that of Stout Lane, this would not be prominent from the byway. The land rises to the north and there is a public right of way in the upper slope. The proposed beech hedgerow, which has been conditioned accordingly, would establish over time to screen views from the north, further integrating the works into the rural landscape and reduce the impact on the natural beauty of the Quantock Hills.

The proposals to change the use of the former field shelter into a domestic garage involves no works, other than the installation of a pair of wooden doors. The external appearance of the building would therefore remain largely as existing, with minimal adverse impact on the landscape. The area in question lies almost adjacent to the residential curtilage of the neighbouring dwelling to the east, Overstream, which is

also separated from the site by a hedge with mature trees. As it lies close to neighbouring residential curtilage and does not protrude out into the countryside beyond that of the rear boundary of the neighbouring curtilage, the site is not considered to encroach out into the countryside to an unacceptable level. As such, the works are not considered to cause harm to the rural beauty of the Quantock Hills Area of Outstanding Natural Beauty or the character of the Conservation Area. In order to maintain this, a condition is attached that no further structures can be erected on the land without obtaining further planning permission.

A number of the concerns raised by a neighbouring resident relate to the vehicular access from Stout Lane, the fact that it has not been used for vehicles in the past and was not constructed to carry traffic. It is important to note that there was already an access in this position, which previously served the field and as such, planning permission is not required for the access itself. The requirement for planning permission on this site therefore relates only to the engineering works and the change of use of the area of land to domestic curtilage and the field shelter to a garage, and only objections to these aspects of the scheme should be given any weight. Furthermore, whether or not the applicants have a right of way to use Stout Lane for vehicular access is a civil/legal matter, to be agreed between the relevant parties. These are not planning matters and are not issues that the local planning authority can become involved with or take into account in the processing of this planning application.

The close proximity of the bedroom window at Tettenhall Cottage is also raised as a concern by the neighbouring resident. However, the bedroom window would have previously faced onto the field access. It is acknowledged from the occupiers letter that this field access may not have been used regularly. However, as an existing field access, it is pertinent to note that it could have been used on a daily basis by tractors and large agricultural machinery, without the need for any planning permission that could have resulted in a significantly greater impact on the bedroom windows than that of the domestic vehicles now utilising it. On this basis, it is not considered that significant weight should be attributed to this matter. It should also be noted that this is a secondary parking area, with the main parking area to the front of the dwelling, it is not the only parking available to the property, which would be likely to result in a lower frequency of use, than if it was the sole/main means of access.

A concern is also raised by regarding the parking of up to four cars on the site and that there is plenty of street parking available. However, it is important to note that the County Highways Authority do not look favourably upon on-street parking and would seek for parking to be provided off of the highway as far as possible, in order to avoid hindering the free flow of traffic on the public highway. As mentioned above, this is a secondary parking area and the County Highways Authority are satisfied with the parking and turning provision within the site and that the loose aggregate is a sufficient distance from the public highway so as not to be transported out into the highway, causing detriment to highway safety. A further concern refers to the storm water run-off problem on Stout Lane. However a large proportion of the hardsurfacing laid is loose aggregate, which being permeable is not deemed to contribute significantly to this problem.

It is acknowledged that the stable lies in close proximity to a habitable part of the adjacent dwelling, which is stated to be a bedroom/bathroom. The building is an existing structure, with the only alterations proposed to its appearance being the

installation of garage doors to the north-elevation. No other alterations are proposed to the building and it is not therefore considered to result in any increased loss of light, overbearing impact or loss of privacy. It is noted that the use of the building as a garage would be of a different nature to that of a stable, however the use as a stable could have resulted in some impact upon neighbouring amenity in terms of noise, smell, etc. Whilst the proposed garage would lie in close proximity to a bedroom, it is not uncommon for garages to lie in close proximity to habitable parts of the dwelling and the nature of activities likely to be undertaken in the garage are unlikely to be night-time activities that would cause significant disturbance to that room. As such, whilst the nature of the use of the building would change, it is not considered to result in a significant increased impact upon the neighbouring property that would result in material detriment to their living conditions. The planning permission sought is for domestic use of the garage and whilst the concern is raised regarding future business use, it is important to note that this would require a further planning application, the acceptability of which would be assessed if this came to fruition in the future.

As the works have already been carried out there is no time limit condition attached.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

48/12/0022

PERSIMMON HOMES (SOUTH WEST)

VARIATION OF CONDITION NOS 1 AND 5 OF APPLICATION 48/10/0036 FOR AMENDMENTS TO THE LAYOUT AND HOUSE DETAILING/DESIGN (IN REGARDS TO PARCEL P1 PLOTS 1 - 40) AT LAND OFF BRIDGWATER ROAD, MONKTON HEATHFIELD

Grid Reference: 325795.126346

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered to be in accordance with the outline planning permission 48/05/0072 and reserved matters permission 48/10/0036 and not to have a detrimental impact upon the overall design of the development nor on visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with National Planning Policy Framework Core principles and specifically paragraphs 17 and 125, Taunton Deane Core Strategy Policy CP1 and DM1, Taunton Deane Local Plan Policies T9 East of Monkton Heathfield, S1 (General Requirements) and S2 (Design) .

RECOMMENDED CONDITION(S) (if applicable)

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

DrNo 601 Topographical survey

DrNo 602 Topographical survey

DrNo 1348/DR/04 Rev K Surface water drainage strategy

DrNo 10059/DR/05 Rev D Off-site foul water strategy

DrNo 1348/DR/06 Rev F Foul water drainage strategy phase I

DrNo 1348/DR/07 Rev 0 Propose Development surface water strategy

DrNo 1348/DR/OS Rev 0 Foul water drainage strategy whole site

DrNo 1348/DRJ10 Rev B Development runoff outfall/rates

DrNo 1348/DR/il Rev C Overflow flood routing plan

DrNo 10059/CD/01 Rev B Surface water/sewer construction details

DrNo 10059/EW/101 Sports field water retention basin

DrNo 1009/EW/102 Brittons Ash water retention basin

DrNo 10059/5K/OI Rev G Eastern Relief Road Proposed Noise Barriers

DrNo 10059/HL/03 Rev A Horizontal and vertical alignment

DrNo 1 0059/HLII I Rev E Proposed Alignment Eastern Relief Road - Phase 1

DrNo 10059/HL/12 Rev B Eastern Relief Road - Phase 1 typical Construction Details

DrNo 10059/HL/13 Rev C Typical Construction Details - H

DrNo 10059/HL/15 Rev C Single Development Access

DrNo 10059/SK/06 Rev E Proposed roundabout

DrNo 4000 Rev A Bus and refuse Vehicle tracking sheet 1
DrNo 4001 Rev C Bus and refuse Vehicle tracking sheet 2
DrNo 4002 Rev C Bus & Refuse Vehicle Tracking Sheet 3
DrNo 4003 Rev A Bus & Refuse Vehicle Tracking Sheet 4
DrNo 4004 Vehicle Tracking Large Car sheet 5
DrNo 4005 Vehicle Tracking Large Car sheet 6
DrNo 4006 Vehicle Tracking Large Car sheet 7
DrNo 4007 Rev A Engineering Layout sheet 1 of 2
DrNo 4008 Rev C Engineering layout sheet 2 of 2
DrNo 4010-1 Rev J Engineering Layout parcel sheet 1 of 2
DrNo 4010-2 Rev J Engineering Layout parcel sheet 2 of 2
DrNo 4013-i Rev A Engineering Layout parcel sheet 1 of 2
DrNo 4013-2 Rev A Engineering Layout parcel sheet 2 of 2
DrNo 4014-1 Engineering Layout parcel sheet 1 of 2
DrNo 4014-2 Engineering Layout parcel sheet 2 of 2
DrNo 4015 Engineering Layout parcel R4
DrNo 4016 Engineering Layout parcel P4
DrNo 4017-1 Engineering Layout parcel sheet 1 of 2
DrNo 4017-2 Engineering Layout parcel sheet 2 of 2
DrNo 4020 Rev B road and sewer long sections sheet 1 of 2
DrNo 4021 Rev A road and sewer long sections sheet 2 of 2
DrNo 4022 Rev B Road and sewer long sections road 2 and existing
Bridgwater Road
DrNo 4023 Rev A Road and sewer long sections road 8, 81 and 82
DrNo 4024 Rev B Road and sewer long sections road 3 and 5
DrNo 4025 Rev A Road and sewer long sections road 5T, 51 and 52
DrNo 4026 Rev B Road and sewer long sections road 6, 61 and 62
DrNo 4027 Rev A Road and sewer long sections road 7, 63 and 71
DrNo 2028 Rev A Road and sewer long sections road 4, 40 and 72
DrNo 4029 Road and sewer long sections road 41 and 42
DrNo 4030 Road and sewer long sections road 9, 10 and 91
DrNo 4031 Rev G Section 38 Agreement Plan
DrNo 4050 Rev A Highway detail, proposed turning head and Hyde lane
crossing
DrNo 4051 Road construction details sheet 1 of 2
DrNo 4051-1 Rev C Road construction details sheet 2 of 2
DrNo 4052 Rev A Sewer construction details
DrNo 4053 Square kerbs detail
DrNo 4054 Square at ch 350-390 kerbs detail
DrNo ACH-5691/4038 Rev H Proposed Adoptable Highway
DrNo ACH-5691/40389 Rev S Proposed Adoptable Highway
DrNo ACH 5691/ 001 Typical Section through bund
DrNo ACH 5691/ 003 Rev B Phasing Plan
DrNo ACH 5691/ 004 Extract from Revised Planning Layout
DrNo ACH 5691/ 005 Rev A Land Ownership Plan
DrNo ACH 5691/ 005-02 Land ownership breakdown plan
DrNo ACH 5691/ 006 Rev B Cycle rack location plan
DrNo ACH 5691/ 007 Rev A Section 106 Agreement plan
DrNo ACH 5691/ 008 Proposed Sub Station Location Plan
DrNo ACH 5691/ 009 Rev A Overhead 33kv Cable re-route Plan
DrNo ACH 5694 Masterplan plan
DrNo Ski 0-2 Redrow Developable Area Plan
DrNo 2309-04 Rev E Tree and hedgerow retention and removal plan 1 of 3

DrNo 2309/05 Rev G Tree and hedge retention and removal plan 2 of 3
DrNo 2309-06 Rev E Tree and hedge retention and removal pan 3 of 3
DrNo 2309/07 Rev L Landscape strategy plan
DrNo 2309-09 Rev L Proposed landscape scheme- sheet 1 of 3
DrNo 2309-10 Rev N Brittons Ash landscape proposals
DrNo 2309-11 Rev D Brittons Ash Greenway Detailed landscape proposals
DrNo 2309-12 Rev E Urban Park proposals
DrNo 2309-13 Rev I Community Square landscape proposals
DrNo 2309/14 Rev A Pocket park
DrNo 2309/15 Rev B Central park south
DrNo 2309/16 Rev A Central park North
DrNo 2309/17 Secondary school playing field
DrNo 2309/18 Cricket green/local park with super leap
DrNo 2309-19 Rev F Proposed landscape scheme sheet 2 of 3
DrNo 2309-20 Rev C Proposed landscape scheme sheet 3 of 3
DrNo P300 Rev F Landscape Proposals Parcel P1
DrNo P301 Rev F Landscape Proposals Parcel P1
DrNo P302 Rev B Landscape Proposals Parcel P2
DrNo P303 Rev C Landscape Proposals Parcel P2
DrNo P304 Rev B Landscape Proposals Parcel P2
DrNo P305 Rev C Landscape Proposals Parcel P2
DrNo P306 Rev B Landscape Proposals Parcel P3
DrNo P307 Rev B Landscape Proposals Parcel P3
DrNo P308 Rev B Landscape Proposals Parcel P3
DrNo R309 Rev E Landscape Proposals Parcel R1
DrNo R310 Rev E Landscape Proposals Parcel R2
DrNo R3I I Rev D Landscape Proposals Parcel R3
DrNo R312 Rev D Landscape Proposals Parcel R4
OrNo ACH 5691/100-I Rev M Planning Layout Sheet I of 2
DrNo ACH 5691/100-2 Rev J Planning Layout Sheet 2 of 2
DrNo ACH 5691/700 rev A Planning layout
DrNo ACH 5691/101 Rev C Location Plan
DrNo ACH 5691/701 layout plan
DrNo ACH 691/102 Rev C P.0.8. Location Plan
DrNo ACH 5691/103 Rev C Adoption and P05 plan
DrNo ACH 5691/104 Rev B Sections Through Key Building
DrNo ACH 5691/105 Rev B Sections Through Key Building
DrNo ACH 5691/106-1 Rev 0 Materials sheet I
DrNo ACH 5691/706 rev B Materials
DrNo ACH 5691/106-2 Rev C Materials sheet 2
DrNo ACH 5691/106-1 Rev C Materials sheet 3
DrNo ACH 5691/106-1 Rev C Materials sheet 4
DrNo ACH 5691/107 Rev D Surface Treatment Plan
DrNo ACH 5691/108-1 Rev B Affordable Housing Location plan
DrNo ACH 5691/108-2 Rev B Affordable Housing Location plan
DrNo ACH 5691/109-1 Rev A Storey height plan sheet 1
DrNo ACH 5691/709 Storey heights Plan
DrNo ACH 5691/109-2 Rev A Storey height plan sheet 2
DrNo ACH 5691/109-3 Rev A Storey height plan sheet 3
DrNo ACH 5691/110-1 Rev E Fences and enclosures location plan sheet
1superseded in part by ACH5691 P160-1 Rev D.
DrNo ACH 5691/710 Fences and enclosures location plan
DrNo ACH 5691/110-2 Rev D Fences and enclosures location plan sheet 2

DrNo ACH 5691/110-3 Rev D Fences and enclosures location plan sheet 3
DrNo ACH 5691/111-1 Rev C Fences and enclosures detail sheet
DrNo ACH 5691/711 Fences and enclosures
DrNo ACH 5691/111-2 Rev C Fences and enclosures detail sheet
DrNo ACH 5691/115-1 Rev B Street Scenes
DrNo ACH 5691/115-2 Rev B Street Scenes
DrNo ACH 5691/15-3 Rev B Street Scenes
DrNo ACH 5691/115-4 Rev B Street Scenes
DrNo ACH 5691/150-1 Conveyance Plan
DrNo ACH 5691/150-2 Conveyance Plan
DrNo ACH 5691/155 Joint Infrastructure works
Waste management plan 'Procedure 03: Waste Management
Persimmon House types
DrNo ACH 5691/P-120-1 Rev B
DrNo ACH 5691/P-1 20-2 Rev B
DrNo ACH 5691/P-121 Rev C
DrNo ACH 5691/P-121-2 Rev C
DrNo ACH 5691/P-122-1 Rev B
DrNo ACH 5691/P-122-2 Rev B
OrNo ACH 5691/P-123-1 Rev a
DrNo ACH 5691/P-123-2 Rev B
DrNo ACH 5691/P-1 24 Rev B
DrNo ACH 5691/P-125-1 Rev B
DrNo ACH 5691/P-125-2 Rev B
DrNo ACH 5691/P-126 Rev A
DrNo ACH 5691/P-127 Rev B
DrNo ACH 5691/P-128-1 Rev B
DrNo ACH 5691/P-1 28-2 Rev B
DrNo ACH 5691/P-129-1 Rev C
DrNo ACH 5691/P-129-2 Rev C
DrNo ACH 5691/P-I 29-3 Rev A
DrNo ACH 5691/P-129-4 Rev A
DrNo ACH 5691/P-130 Rev B
DrNo ACH 5691/P-131 Rev A
DrNo ACH 5691/P-132 Rev B
DrNo ACH 5691/P-133-I Rev A
DrNo ACH 5691/P-I 33-2 Rev A
DrNo ACH 5691/P-134-1 Rev A
DrNo ACH 5691/P-134-2 Rev A
DrNo ACH 5691/P-134-3 Rev A
DrNo ACH 5691/P-I 38-I to 138-5 Rev B
DrNo ACH 5691/P-139-1 Rev B
DrNo ACH 5691/P-140-1 Rev B
DrNo ACH 5691/P-141-1 Rev C
OrNo ACH 5691/P-141-2 Rev B
OrNo ACH 5691/P-142-I Rev B
DrNo ACH 5691/P-1 42-2 Rev B
DrNo ACH 5691/P-143 Rev B
DrNo ACH 5691/P-145-I
DrNo ACH 5691/P-145-2 Rev A
DrNo ACH 5691/P-I45-3
DrNo ACH 5691/P-I46-1 Rev A
DrNo ACH 5691/P-146-2 Rev A

DrNo ACH 5691 720 – 1 Rev A house type 621v1
DrNo ACH 5691 720 – 2 Rev B house type 621v2
DrNo ACH 5691 721 – 1 Rev A house type 641v1
DrNo ACH 5691 722 – 1 Rev A house type 753 v1
DrNo ACH 5691 723 – 1 Rev A house type 814v1
DrNo ACH 5691 723 – 2 Rev A house type 814v2
DrNo ACH 5691 723 – 3 Rev A house type 814v3
DrNo ACH 5691 723 – 4 house type 814v4
DrNo ACH 5691 723 – 5 Rev C house type 814v5
DrNo ACH 5691 724 Rev B house type 882
DrNo ACH 5691 725 – 1 Rev B house type 950v1
DrNo ACH 5691 725 – 2 Rev B house type 950v2
DrNo ACH 5691 725 – 3 Rev A house type 950v3
DrNo ACH 5691 726 – 1 Rev B house type 969v1
DrNo ACH 5691 727 Rev A house type 1180
DrNo ACH 5691 728 – 1 Rev A house type 1187v1
DrNo ACH 5691 728 – 2 Rev B house type 1187v2
DrNo ACH 5691 728 – 3 house type 1187v3
DrNo ACH 5691 728 – 4 Rev A house type 1187v4
DrNo ACH 5691 731 – 1 house type 1264v1
DrNo ACH 5691 731 – 2 Rev A house type 1264v2
DrNo ACH 5691 733 – 1 Rev B house type 1475v1
DrNo ACH 5691 733 – 2 Rev A house type 1475v2
DrNo ACH 5691 734 – 1 Rev A house type 1710v1
DrNo ACH 5691 745 – 1, 2,3,5 and 6 garages

Redrow House types

DrNo ACH 5691/R-120-1 to 120-5 Rev C
DrNo ACH 5691/R-1 25-2 Rev C
DrNo ACH 5691/R-126 Rev A
DrNo ACH 5691/R-1 27 Rev C
DrNo ACH 5691/R-128-1 and 4 Rev B
DrNo ACH 5691/R-128-2 Rev C
DrNo ACH 5691/R-128-4
DrNo ACH 5691/R-129-1 Rev B
DrNo ACH 5691/R-1 29-2 Rev C
DrNo ACH 5691/R-129-3
DrNo ACH 5691/R-130 Rev A
DrNo ACH 5691/R-131-1 Rev B
DrNo ACH 5691/R-131-2 Rev A
DrNo ACH 5691/R-131-3 Rev C
DrNo ACH 5691/R-132-1 Rev B
DrNo ACH 5691/R-132-2 Rev A
DrNo ACH 5691/R-133-1 Rev A
DrNo ACH 5691/R-133-2 Rev B
DrNo ACH 5691/R-1 334 Rev C
DrNo ACH 5691/R-1 33-4 Rev D
DrNo ACH 5691/R-134-1 Rev B
DrNo ACH 5691/R-134-2 Rev C
DrNo ACH 5691/R-134-3 Rev B
DrNo ACH 5691/R-134-4
DrNo ACH 5691/R-140-1 Rev A
DrNo ACH 5691/R-140-2 Rev B
DrNo ACH 5691/R-141-1 Rev B

DrNo ACH 5691/R-141-2 Rev C
DrNo ACH 5691/R-141-3 Rev B
DrNo ACH 5691/R-142 Rev B
OrNo ACH 5691/R-143 Rev B
DrNo ACH 5691/R-144 Rev B
DrNo ACH 5691/R-745-1 Garages - Plans and Elevations
DrNo ACH 5691/R-745-2 Garages- Plans and Elevations
DrNo ACH 5691/R-745-3 Garages - Plans and Elevations
DrNo ACH 5691/R-145-4 Garages - Plans and Elevations
DrNo ACH 5691/R-145-5 Rev A Garages - Plans and Elevations
DrNo ACH 5691/R-745-5 Garages - Plans and Elevations
DrNo ACH 5691/R-745-6 Garages - Plans and Elevations
DrNo ACH 5691/R-146-1 Rev A Bin Store detail
DrNo ACH 5691/R-146-2 Rev A Cycle Store detail
DrNo ACH 5691/R-150-1 Garages - Plans and elevations sheet 1 of 2
DrNo ACH 5691/R-150-2 Garages - Plans and elevations sheet 2 of 2
DrNo ACH 5691/R-151 Rev A Bin and Cycle store Detail Sheet
DrNo ACH 5691/R-152 Electricity Sub station

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

2. Ecological monitoring shall be undertaken in accordance with clause 7.14 of the updated Landscape and Wildlife Strategy prepared by Cooper Partnership dated November 2010 and clause 5.2 of the Wildlife management sub-plan for phase 1 Monkton Heathfield prepared by EAD dated November 2010. In the event that the monitoring identifies that changes/modifications are required to meet the management objectives of the Wildlife Management sub-plan, those changes/modifications shall be undertaken within the next 6 months and thereafter maintained unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To comply with any Natural England license requirement and to ensure that the long term management of the site is informed by up to date information and to identify where the existing maintenance regime requires modification to ensure adequate protection, mitigation and enhancement for wildlife in accordance with National Planning Framework paragraph 11.

3. Prior to the commencement of works on phase 2 of the development (planning permission no. 48/05/0072) and notwithstanding the submitted drainage details for the whole site, full details of the Pocket Park surface water drainage attenuation feature shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details of Pocket Park provide adequate surface water attenuation and do not compromise an acceptable residential layout with an adequate level of amenity and open space In accordance with Taunton Deane Core Strategy Policy DM1 and the Monkton Heathfield Design Guide SPD.

4. The surface water drainage feature at Brittons Ash shall be constructed in

strict accordance with the details on Cooper plan number 2309 - 1OL unless an alteration is first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the surface water attenuation feature does not pose a threat to public safety and is available for safe use in connection with the adjacent public open space when drainage conditions allow, in accordance with the provision of retained Taunton Deane Local Plan Policy C4.

5. The proposed estate roads, footpaths, footways, tactile paving, cycleways, bus stops/laybys, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhangs margins, multi purpose crossing, embankments, visibility splays, accesses, carriageway gradients, drive gradients and associated furniture and works shall be constructed in accordance with the approved highway details. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by 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.

6. The development hereby submitted shall not gain vehicular access to the A38 Bridgwater Road from the junction shown with Road 2 (the new estate road junction) on Drawing number ACH5691-100-1 M until such time as the new distributor road known as the Eastern Relief Road (ERR) and associated calming and Traffic Regulation Orders to the A38 have been constructed, implemented and are operational for the public in accordance with a design and specification that will have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed access from the A38 into the new development is not used until the ERR has been completed and traffic flows are reduced to a level that can safely accommodate the traffic from the development in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

7. The access to serve the foul water tanks, to the south west of the site, shall be constructed in accordance with the details approved under planning permission ref 48/11/009 and shall thereafter be maintained in order to provide access for maintenance purposes to the foul drainage tanks approved by that permission, unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed road provides an acceptable junction with the highway network and does not gain direct access off a County Route in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. All on site car parking spaces shall be a minimum of 2.4m x 4.8m and where those spaces are backing onto pedestrian pavements a minimum of 2.4m x 6m.

Reason: In order to ensure that adequate on plot provision of parking spaces and to avoid cars overhanging the pedestrian walkway in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. Prior to the implementation of on site planting around the electricity substation in the urban park, a planting schedule shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be undertaken in compliance with the approved details and thereafter maintained as such unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the impact of the proposed substation is not detrimental to the visual amenity of the street scene in accordance with Taunton Deane Core Strategy policy DM1.

10. Prior to the occupation of Redrow plot numbers R51 - 90 and R92 - 97, the approved landscaping bund shall be constructed on site. The bund shall be landscaped, in accordance with the approved landscaping scheme, during the next available planting season. The landscaped bund shall thereafter be retained in accordance with the approved details and maintained in accordance with approved landscape management strategy unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the new relief road and timber noise barrier where applicable is adequately screened from view in the interests of the visual amenity of the residents and surrounding area in accordance with Taunton Deane Core Strategy policy DM1.

11. The existing hedge to the north of the A38 boundary with the development site shall be retained (except at the approved points of access) with additional planting where necessary and where any plants die, shall be replaced with similar species and shall thereafter be maintained in accordance with the approved Landscape Management Plan unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To retain the hedge in the interests of the visual amenity of the area and to avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan retained Policy EN6.

12. The approved noise barriers shall be completed prior to the occupation of any adjacent dwellings hereby approved and shall thereafter be maintained in

accordance with those approved details.

Reason: In order to avoid unacceptable levels of noise pollution for future residents of the site in accordance with the World Health Organisation guidance and the requirements of Taunton Deane Core Strategy policy DM1.

13. The children's play areas shall be equipped / constructed in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Those details shall be in accordance with the submitted details and shall thereafter be maintained as such unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate and equipped children's play areas are provided on the site in accordance with Taunton Deane Local Plan policy C4 and Taunton Deane Borough Councils standards for children's play areas as incorporated in to the Section 106 agreement for the site.

14. Other than the Capland stone or similar materials to be used on plots 5, 7 and 33 and the proposed mortar for the site, only those materials specified in the materials key plan ACH5691 - 706 rev B shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority. In respect of the Capland stone or similar materials no development, shall begin on the external walls of plots 5, 7 and 33 until a panel of the proposed stone measuring at least 1m x 1m has been built on the site and both the materials, the coursing detail and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the building in accordance with National Planning Policy Framework Paragraph 56 and Policy DM1 of the Taunton Deane Core Strategy.

15. (i) The landscaping/planting scheme for parcel P1, including the new hedge along the A38, shown on the submitted plans ACH5691/P300 Rev F and ACH5691/P301 Rev F shall be completely carried out within the first available planting season from the date of commencement of the development of Parcel P1.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

distinctiveness of the area in accordance with National Planning Policy Framework Paragraph 109 and Taunton Deane Core Strategy Policy DM1.

16. Prior to the occupation of plots 1 to 4, 7 to 12 and 26 to 30 and their respective parking areas/garages, the agreed boundary wall between those areas and the employment allocated land to the south of the application site, shall be completed in accordance with plan number ACH5691 rev D and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy and National Policy Framework Core planning principles (Para 17).

Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The proposal is for the re-plan Persimmon plots 1- 40 of the first phase of residential development at Monkton Heathfield. Plots 1 – 6 front onto the A38 with the remainder of the units running from the A38 eastwards into the existing agricultural fields. The proposals amend the house types to be used in the development and amend the materials palette to include the use of local stone on 3 house types within the site.

SITE DESCRIPTION AND HISTORY

The site fronts onto the A38 to the southwest of the proposed entrance to the estate. The land is currently grassland and slopes gently to the south.

48/05/0072 - Outline Application for the proposed mixed use urban extension development comprising residential, employment, local centre, new primary school, A38 relief road, green spaces and playing fields at Monkton Heathfield. Permission granted 22/10/2008

48/10/0036 - Application for approval of reserved matters of application 48/05/0072 for details of phase 1, to include 327 no. dwellings and associated highways, landscaping including public open space, and the first section of the Eastern Relief Road and roundabout on A38 Bridgwater Road, at Land off Bridgwater Road, Monkton Heathfield. Conditional approval granted 20/05/2011

48/11/0022 - Application for the approval of reserved matters for the erection of the

first 9 no dwellings, following application 48/10/0036, at land off Bridgwater Road, Monkton Heathfield conditional approval 14th Dec 2011

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - no objection in principle but matters of detail need revision. There will be a private road in the scheme where the Advance Payment Code will be required.

Further comments after reconsultation

The scheme has now been revised to accord with our requirements.

WEST MONKTON PARISH COUNCIL - Objects strongly -

The originality of the application is steadily being eroded by applications for variations to produce cheaper boxes, rather than interesting and varied houses. Guidance for the site states that a standard layout, 'one style fits all' philosophy is unacceptable and stresses the opportunity to create a unique and local sense of place. The Council will find totally unacceptable the 'one style fits all' type approach adopted in many parts of the country and even in some past developments within the Borough. The following principles shall be adopted: the avoidance of standardised house types (i.e. the house style should reflect the architectural traditions of this part of Somerset rather than Milton Keynes or Swindon for example'

Variation of dwelling 753 v1: this would mean a dwelling sitting on top of a block of garages that would not all belong to the dwelling. The opportunities for disturbance are therefore significant. With reference to the FOG type houses, and flying freehold style houses, the Parish Council would respectfully remind the Borough Council of the policing difficulties experienced in Nerrols and Maidenbrook in regard to antisocial behaviour.

Variation of dwelling to1180: it looks as if the elevation facing the street scene will be three storeys of unrelieved brick – no windows, no patterns, no doors. This would be an area of about 75 sq mtrs. The SPG states in para 11.3 ...'general landscape design should seek to minimise opportunities for crime...' and in para 9.3 ...'ensure that buildings ...provide passive surveillance to the public realm' . Additionally, the SPG states also in para 9.3 that the landmark buildings – the block of flats being categorised as such, should be of ...'exceptional visual quality and strength'.

Further comments after reconsultation

The Parish Council have been re-consulted on the revised details the Parish Council is grateful for the responses to their comments received from J Moore and especially welcomes the relief of the vast areas of blank brick wall. The Parish Council would wish their earlier comments to be kept for the record on the file, but

otherwise has no further comment to add at this time.

LANDSCAPE - the amendments are considered acceptable

Representations

none received

PLANNING POLICIES

T1 - TDBCLP - Extent of Taunton,
T8 - TDBCLP - Monkton Heathfield Major Development Site,
T9 - TDBCLP Mixed-use Development Allocation (Monkton Heathfield),
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed layout is generally in accordance with the approved scheme. The original alterations to the house designs and materials were unacceptable as they introduced features that did not reflect the local area. During the Planning Committee's consideration of the original reserved matters details (48/10/0036) the Persimmon Homes house types were criticized by the Parish Council for being too simple and uniform. Part of the reason given by the applicant for altering the house types in this application is for marketing reasons but also in recognition of the parish's concerns. The Parish Council raised objections to the revised details and considered them even more out of keeping than previously.

Amended plans have now been submitted which address many of the objections to the proposed designs. The new designs are similar to those already approved for use on the site but include a greater variety of materials and additional features such as porches and bay windows (which can be found in the local area albeit not necessarily on the older vernacular buildings) which should help to introduce a more interesting street scene.

The FOG (Flat Over Garage) house type, where there is accommodation over garages, which the Parish Council object to, was accepted by the committee for the existing planning permission and remains within the current revised proposal. It would not be reasonable to refuse their continued inclusion in the revised scheme.

There would be 4 x 3-storey dwellings within this scheme, 2 more than in the previous layout. These have been arranged on two sides of a "square" feature and have been used to accentuate the sense of place at that point. Two of the dwellings, which form a focal point when entering the site from the A38, would be mid terrace with two storey houses on either side so that their height will seem reduced and in those circumstances I do not consider that the Parish Council initial concerns regarding the height would be justified. The two new semi detached plots (8 and 9) would have a projecting string course between the first and second storey and two side windows so that the brick side walls would be broken to a lesser degree. In addition there are two storey properties on either side which will help to reduce the overall impact of the taller buildings and I consider them to be acceptable in that context.

Overall, the amended proposal is considered to be acceptable.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

48/13/0002

MR L MARTIN

ERECTION OF SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF DORMER WINDOWS TO FRONT AT LITTLE ACORNS, GOSENFORD, CHEDDON FITZPAINE

Grid Reference: 324846.127796

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed dormer windows and extension have been designed to be in keeping with the existing dwelling and are not considered to result in harm to the street scene or the surrounding landscape. The scheme is not deemed to have an adverse impact on the amenities of neighbouring dwellings and would have no impact on highway safety. As such, the proposal is in accordance with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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 3012-02 Proposed Floor Plans and Elevations
(A4) DrNo 3012-04 Location Plan
(A4) DrNo 3012-05 Site Plan

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

PROPOSAL

Little Acorns is a red brick and tile semi-detached dwelling with one rooflight in the front elevation and a large flat roof dormer window to the rear. It is set amongst a mix of size and style properties, including gabled and hipped roof bungalows and two storey dwellings. It is positioned back from but fronting the road at Goosenford, to the east of Cheddon Fitzpaine with fields opposite and to the rear.

This application seeks to install two dormer windows in the front elevation to improve the first floor accommodation. The dormers would be of traditional pitched roof style and would be of dark wood finish timber effect cladding and tiles to match the existing dwelling. It is also proposed to erect a single storey rear extension to enlarge the living room.

During the processing of the application, further information was received confirming that the dormer window cheeks are proposed to be dark wood timber effect cladding. An application is also currently being considered for the installation of two dormer windows, of the same scale, design and materials to the front of the adjoining property, Blenheim.

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

WEST MONKTON PARISH COUNCIL - No comments received

Representations

None received

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The dormer windows are of gabled roof design and fenestration to match the existing property. They are of traditional style and are considered to be of appropriate proportions for the scale of the property to avoid dominating it. The use of dark wood timber effect cladding would blend in with the tiles, against which the dormer windows would be viewed, reducing their prominence.

The dormer windows sit high within the roof, which is not ideal and should normally be set well within the roof, up from the eaves and down from the ridge, in order to minimise the impact on the property. However in this instance, this would be more difficult to achieve due to the very shallow pitch of the roof. By virtue of this shallow pitch, the dormer windows are set back further from the road. Whilst clearly visible, the dormer windows, are not considered to result in unacceptable harm to the appearance of the dwelling or unbalance the appearance of the semi-detached properties.

Although there is no evidence of dormer windows to the front elevations of other properties along this row, there is a significant mix of style dwellings. As such, the installation of the two dormer windows is not considered to detract significantly from the diverse character of the street scene.

The dormer windows face forwards towards the road and are set in from the sides of the property. They are not therefore deemed to result in any increased impact upon the amenities of neighbouring dwellings.

To the rear of the property, there is currently an extension, which is set in from the boundary with Blenheim, with a conservatory to the rear of this. The proposed extension would replace the former extension, across the full width of the property and would protrude to the same extent as the extension to the rear of Blenheim. It would be of materials to match the dwelling and being to the rear would have no impact on the street scene.

As the extension would not protrude beyond the rear of that of the adjacent property, it would have no increased impact on their amenities. The proposed extension would come no closer to the boundary with Rosemead than the existing situation and would in fact be shorter in length. As such, the proposed rear extension is not deemed to result in any harm to the residential amenities of the occupiers of neighbouring dwellings.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

48/13/0003

MR I PREECE

**CONSTRUCTION OF DORMER WINDOWS TO FRONT AT BLENHEIM,
GOUSENFORD, CHEDDON FITZPAINE**

Grid Reference: 324852.127797

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed dormer windows have been designed to be in keeping with the existing dwelling and are not considered to result in harm to the street scene or the surrounding landscape. The scheme is not deemed to have an adverse impact on the amenities of neighbouring dwellings and would have no impact on highway safety. As such, the proposal is in accordance with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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 3012-07 Site Plan

(A4) DrNo 3012-06 Location Plan

(A2) DrNo 3012-03 Existing and Proposed Elevations

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

PROPOSAL

Blenheim is a painted brick and tile semi-detached dwelling with two rooflights in the front elevation and a large flat roof dormer window to the rear. It is set amongst a mix of size and style properties, including gabled and hipped roof bungalows and two storey dwellings. It is positioned back from but fronting the road at Goosenford, to the east of Cheddon Fitzpaine with fields opposite and to the rear.

This application seeks to install two dormer windows in the front elevation to improve the first floor accommodation. The dormers would be of traditional pitched roof style and would be of dark wood finish timber effect cladding and tiles to match the existing dwelling.

During the processing of the application, further information was received confirming that the dormer window cheeks are proposed to be dark wood timber effect cladding. An application is also currently being considered for the installation of two dormer windows, of the same scale, design and materials to the front of the adjoining property, Little Acorns.

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

WEST MONKTON PARISH COUNCIL - No comments received

Representations

None received

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The dormer windows are of gabled roof design and fenestration to match the existing property. They are of traditional style and are considered to be of appropriate proportions for the scale of the property to avoid dominating it. The use of dark wood timber effect cladding would blend in with the tiles, against which the dormer windows would be viewed, reducing their prominence.

The dormer windows sit high within the roof, which is not ideal and should normally

be set well within the roof, up from the eaves and down from the ridge, in order to minimise the impact on the property. However in this instance, this would be more difficult to achieve due to the very shallow pitch of the roof. By virtue of this shallow pitch, the dormer windows are set back further from the road. Whilst clearly visible, the dormer windows are not considered to result in unacceptable harm to the appearance of the dwelling or unbalance the appearance of the semi-detached properties.

Although there is no evidence of dormer windows to the front elevations of other properties along this row, there is a significant mix of style dwellings. As such, the installation of the two dormer windows is not considered to detract significantly from the diverse character of the street scene.

The dormer windows face forwards towards the road and are set in from the sides of the property. They are not therefore deemed to result in any increased impact upon the amenities of neighbouring dwellings.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

E/0025/38/13

ERECTION OF SCAFFOLDING WITHOUT PERMISSION AT MAMBO, MILL LANE,
TAUNTON

OCCUPIER: CAFE MAMBO

OWNER: LIFESTYLE HOSPITALITY GROUP LTD
CAFE MAMBO, MILL LANE, TAUNTON
TA1 1LN

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a scaffolding structure erected for the claimed purpose of carrying out essential maintenance.

RECOMMENDATION

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

The Enforcement Notice shall require:-

- the removal of scaffolding structure from the site.

Time for compliance - two weeks from the date of the notice coming into effect.

SITE DESCRIPTION

The site is an area of land set to the south of Cafe Mambo and is the courtyard for outside eating and drinking. The site can be approached from Mill Lane which is a pedestrian alleyway which runs along the rear of 13 - 17 North Street, Taunton. Cafe Mambo and land to the rear is largely bounded by brick walls which form part of the Castle area. Attached to Cafe Mambo is a Listed building, Ina Cottage. The site is a Scheduled Ancient Monument and falls within the Castle Conservation Area. There is a brick wall on the south side which is the external wall of 12 North Street, and the rear entrance to Cafe Mambo is to the north. To the west is the access to the upper level of land also used for outdoor eating in the summer and lies within the site of the Castle Ancient Monument.

BACKGROUND

An application to seek approval for the retention of this structure was submitted in December 2012 but was invalid due to lack of information supplied. After repeated requests for the required information, the application was returned in February 2013 due to that information not being submitted. The unauthorised structure continues to be in use on the site. The alleged purpose of the scaffolding structure is two-fold: to provide protective cover while works of maintenance take place, and to enable the external areas to remain open for customer use. It would appear from the submission of the aforementioned application, it is the intention of the applicants to erect said structure on an annual basis.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The erection of scaffolding to cover part of the courtyard attached to Cafe Mambo. The scaffolding has been assembled from metal scaffold tubes. The roof is constructed from corrugated iron sheeting. Where openings are made smaller (there are two: the entrance from Mill Lane, and from the raised decking into the VIP area) the facing is of monoflex sheeting.

RELEVANT PLANNING HISTORY

There have been several Planning and Listed Building applications for the site, the most recent listed below.

38/11/0162 - Change of use of land and extension to beer garden. - Conditional approval 27/10/2011.

38/11/0163LB - Alterations to boundary treatment. - Conditional approval 28/08/2011.

38/12/0158 - Erection of permanent toilet structure to replace porta loos (retention of work already undertaken) - Refusal 09/08/2012.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Core Strategy

DM1 – General requirements

CP8 – Environment

CONSULTATION

CONSERVATION OFFICER - I confirm that, in my opinion, the extant works are detrimental to the character of the Conservation Area and the setting of adjacent Listed Buildings.

DETERMINING ISSUES AND CONSIDERATIONS

It is not accepted that the scaffolding structure is required for 3 months every year to carry out maintenance works. Maintenance works could just as easily be carried out by appropriately placed temporary scaffolding without the need to cover the whole of the external yard area and raised deck area at the rear of the site. The structure clearly impacts on the character of the conservation area in this location and the setting of the adjacent listed building. The Local Authority has a duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting and to preserving or enhancing the character or appearance of a conservation area. The proposed structure although intended to be in place for 3 months of the year would impact detrimentally on the character of the area and the setting of the adjacent listed building. As such the development is considered to be contrary to

policies DM1 and CP8 of the Taunton Deane Core Strategy.

Part 4 of the Town & Country Planning (General Permitted Development) Order 1995 deals with temporary buildings and uses and allows for structures required temporarily in connection with and for the duration of operations being or to be carried out on, in under or over that land. However it is not considered in this instance that the structure erected is required to carry out any necessary maintenance works to the building. The majority of the structure does not relate to the building itself but covers the open yard area and new decking to the west.

In light of the works not being considered to fall within the allowance of Part 4 of the General Permitted Development Order it is considered that the nature of the structure being erected for 3 months a year needs planning permission and that the structure does adversely affect both the character of the conservation area and the listed building and consequently it is considered appropriate to take action to prevent the erection of this scale of structure in the future.

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: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0130/36/12

**PERMANENTLY OCCUPIED MOBILE HOME SITUATED AT THE PADDOCKS,
WINDMILL FARM LANE, STOKE ST GREGORY**

OCCUPIER: MS BAILEY

OWNER: MS V BAILEY
THE PADDOCKS, WINDMILL FARM LANE, STOKE ST
GREGORY
TAUNTON
TA3 6EL

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home for residential purposes sited on agricultural land.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action should the notice not be complied with, to secure the removal of the caravan and cease residential occupation of the site.

The Enforcement Notice shall require:-

- to secure the removal of the caravan and cease residential occupation of the site.

Time for compliance: 6 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is located on Windmill Farm Lane, which is a no through road with only three dwellings beyond. The road is narrow and carries little traffic. The mobile home is situated in an agricultural field adjacent to a stable block and range of outbuildings south -east of The Paddocks. The mobile home is accessed from a gate to the north.

BACKGROUND

A complaint was received and a site visit was carried out. The owner was advised that where the mobile home was located it required Planning permission. The owner said that her daughter and partner were living in the mobile home as a separate unit. The owner was reluctant to submit an application for consideration to retain the mobile home in its present location. She was advised of alternative locations but decided to submit a planning application. An application was received but was invalid and subsequently returned. A second application has been received under Planning application 36/12/0030 and refused on the 23 January 2013.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The siting of a mobile home in an agricultural field for domestic purposes requires a change of use planning application for consideration of its retention.

RELEVANT PLANNING HISTORY

Planning application 36/01/0012 - conditionally approved 04/09/2001 for a fence and formation of a hardstanding.

Planning application 36/02/0013 - conditionally approved 05/06/2002 for a granny annex.

Planning application 36/05/0006 - conditionally approved 14.04.2005 for a garage and roof over building.

Planning application 36/12/0030 - refused 23.01.2013 for the change of use of land and retention of a mobile home.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraph 55
Enforcement (paragraph 207)

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development
STR6 - Development Outside Towns, Rural Centres and Villages
Policy 5 - Landscape Character,

Taunton Deane Borough Council Core Strategy

DM1 - General Requirements
DM2 - Development in the Countryside
CP8 - Environment
SP1 - Sustainable Development Locations

DETERMINING ISSUES AND CONSIDERATIONS

Paragraph 55 of the National Planning Policy Framework states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g the essential need for a rural worker to live permanently at or near their place of work in the countryside. It has been widely accepted that the most appropriate way of assessing this need is through the use of the former Annex A of PPS7 and Taunton Deane have now officially agreed this as technical guidance.

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. There is no business being operated from the site and it has not been adequately proven that there is an essential need for the occupiers of the mobile home to live permanently on the site or that the needs of the animals could not be fulfilled by any other existing accommodation in the area. The scheme therefore represents an unjustified dwelling outside of settlement limits, increasing the need to travel by private car. As such, the proposal is contrary to Policies CP1(a) (Climate Change), SP1(Sustainable Development Locations) and SP4 (Realising the vision for the Rural Somerset & Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National

Planning Policy Framework 2012.

The mobile home appears as a stark and incongruous feature, out of keeping with the countryside location, to the detriment of the character and appearance of the rural landscape, which would be further exacerbated by the large proposed domestic curtilage. Furthermore it would set an undesirable precedent for future development. As such, the proposal is contrary to Policies STR6 and Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies DM1 (General Requirements) and CP8(Environment) of the Taunton Deane Core Strategy.

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

PLANNING OFFICER: Mrs K Walker
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

APPEAL DECISION FOR COMMITTEE AGENDA – 27 FEBRUARY 2013

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/C/12/218227 9/	HIGH SPIKED FENCE ERECTED IN FIELD ADJACENT TO BROAD LANE, NORTH CURRY	<p>It appears to the Council that the above breach of planning control has occurred within the last four years.</p> <p>The fence and gates are approximately 1.8m high measured from ground level where they are sited and are adjacent to a highway. Schedule 2, Part 2, paragraph A.1 (a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provides that Development is not permitted by Class A (<i>"The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure"</i>) if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular</p>	E/0322/24/10	<p>The Inspector was not satisfied that the appellant had discharged the onus upon him to show that the gates and fence in this appeal are not adjacent to a highway used by vehicular traffic. This means of enclosure is in excess of one metre in height, in breach of limitation A.1(a) to Class A of Part 2 of Schedule 2 to the GPDO, and planning permission has not been granted for its erection. As such there has been a breach of planning control and so the ground (c) appeal must fail.</p> <p>Reducing the height of the fence and gates to 1m in height above ground level would remedy the breach of planning control.</p> <p>The ground (f) appeal also fails.</p> <p>Having regard to all other matters raised the Inspector concluded the</p>

		<p>traffic would, after the carrying out of the development, exceed one metre above ground level.</p> <p>The fence and gates are contrary to development plan policies and harmful to the visual amenities of the area. The fence and gates, due to their height and design, represent an incongruous intrusion in to the rural area which is within the North Curry Landscape Character.</p> <p>The fence and gates are typical; of what may be found on an industrial area within a town. They are not characteristic of the rural area and there is no justification for their design.</p> <p>The fence and gates are considered to be contrary to Local Plan Policies S1(D) (General Requirements), S2(A) (Design) and EN12 (Landscape Character Areas), Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy; and guidance contained within</p>		<p>appeal should not succeed and so the enforcement notice should be upheld.</p>
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		<p>the National Planning Policy Framework.,</p> <p>The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.</p>		
APP/D3315/A/12/2183655	<p>Installation of 40 no. photovoltaic solar panels to provide a 10kw installation to the roof of a building at Slough Court, Slough Lane, Stoke St Gregory (retention of works already undertaken)</p>	<p>The development does preserve the setting of the principal listed building and therefore is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework.</p>	36/12/0009	<p>The Inspector considered that overall the scheme causes some very limited harm to the setting of the listed building. No alternative site has been identified and the limited harm is outweighed by the public benefit of cutting greenhouse gas emissions. The development is also reversible. A planning condition limiting permission to the remainder of the development's 25 year 'lifetime' would ensure there was no lasting damage to the distinctive qualities of the former dairy. Furthermore, heritage assets are likely to be adversely affected unless climate change is addressed. The Inspector therefore concluded that the benefit of generating electricity</p>

				from a renewable resource outweighs the very limited harm to the setting of Slough Farmhouse. The scheme accords with the provisions of CS Policy CP1 and therefore SUCCEEDS.
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