

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 20 March 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 27 February 2013 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 43/12/0130 - Erection of 4 no. dwellings together with associated works (additional car parking within the vicinity including the change of use of the playing area) on land adjacent to 35 Penny Close and 72 Howard Road , Wellington (resubmission of 43/12/0072).
- 6 14/12/0032 - Outline application for the erection of a bungalow in the garden of 8 Heathfield Close, Creech St Michael (amended).
- 7 13/12/0009 - Erection of two storey rear extension at Fennington Oaks, Kingston St Mary.
- 8 E/0168/35/12 - Conversion of store / garage to residential accommodation at the Globe Inn, Kittisford Road, Stawley, Wellington.
- 9 E/0206/10/12 - Unauthorised occupation of mobile home at Ivylen, Stapley Road, Biscombe, Churchstanton.
- 10 Erection of 7 no dwellings on land to the rear of 14 - 28 Stoke Road, Taunton (38/12/0265). Report of the Planning and Litigation Solicitor (attached).
- 11 Residential occupation of a Mobile Home without any agricultural justification at Alebar Farm, West Buckland (E/0181/46/10). Report of the Planning and Litigation Solicitor (attached).
- 12 Planning Appeals - The latest appeal decisions received (attached).

- 13 38/13/0041/T - Application to fell one Prunus tree included in Taunton Deane Borough (Taunton no.5) Tree Preservation Order 1991 at 4 Queens Drive, Taunton (TD523).
- 14 38/13/0027 - Erection of single storey extension at 1 Cambridge Terrace, Taunton.
- 15 08/13/0001 - Erection of conservatory to rear of 10 Standfast Place, Cheddon Fitzpaine.

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](mailto: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 – 27 February 2013**

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

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

Also present: Councillor Mrs Slattery in connection with application No.E/0025/38/13  
and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **21. Apologies**

Councillors Mrs Messenger, Morrell and Tooze.

### **22. Minutes**

The minutes of the meetings of the Planning Committee held on 9 and 30  
January 2013 were taken and read and were signed.

### **23. Declarations of Interest**

Councillors A Govier and D Wedderkopp declared personal interests as  
Members of Somerset County Council. Councillor Govier also declared a  
prejudicial interest in respect of application No 43/12/0128. He made a  
statement as a Ward Member and then left the room during the discussion of  
this application. Councillor Nottrodt declared a personal interest as a Director  
of Southwest One. He also declared that he was a Ward Member for  
application No 08/12/0017. He did not feel that he had “fettered his  
discretion”. Councillors Mrs Hill and Mrs Smith declared personal interests as  
employees of Somerset County Council. Mrs Hill also declared that she was  
a Trustee of application No 08/12/0017. She did not feel that she had  
“fettered her discretion”. Councillor Watson declared a prejudicial interest in  
application No 48/12/0022 as his brother owned a property on the site. He left  
the room during the discussion of the application. Councillor Wren declared a  
personal interest as an employee of Natural England.

### **24. 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:-

**08/12/0017**

**Reinstatement and reuse of 19th Century approach drive to Hestercombe House from South Lodge, Hestercombe, Cheddon Fitzpaine**

**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:-
- (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;
- (c) (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;
- (d) Prior to commencement of the development hereby permitted the proposed access over at least the first 5m 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. Details of the surfacing and maintenance of the new reinstated drive shall also be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (e) 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;
- (f) 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;

- (g) 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;
- (h) 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 by, the Local Planning Authority;
- (i) No additional lighting will be installed within the site area;
- (j) The distance between new planting either side of the drive through Sandilands Wood shall be no more than 9m.

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

- (i) 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.
- (ii) 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.
- (iii) The County Highways Authority own the rights to the surfaces of each access and it is designated as highway land. Hestercombe Gardens Trust should contact the Taunton Deane Area Highways Manager in relation to improvements to the surfacing at both accesses.
- (iv) 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 County Highway Authority. 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.
- (v) 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.
- (vi) 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.
- (vii) 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.)

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

The reinstatement of the driveway and associated fencing, although visible in the landscape was 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 would be no significant effects on flights lines or feeding habitat of the protected Lesser Horseshoe Bats and the proposal was 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 were established points of access and their use for the driveway proposed was not considered to result in unacceptable harm to highway safety. As such, the proposal was 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).

**24/12/0057**

**Erection of timber shed at Daisy Alice Orchard, West Sedgemoor Road, Helland, North Curry (resubmission of 24/12/0036)**

### **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:-
  - (A4) Shed information
  - (A4) Location Plan (Amended)
  - (A4) Layout Plan (Amended)
  - (A4) Site Plan;
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme 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;
- (d) The existing caravan on the site shall be removed within one month of the completion of the shed hereby approved;
- (e) The shed shall be used for agricultural purposes in connection with the use of the unit only.

(Notes 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.)

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

The proposed shed was required in connection with the maintenance and upkeep of the small orchard and was considered to be acceptable and would



not harm visual nor residential amenity of the area. Therefore, the scheme accorded with Taunton Deane Core Strategy Policies DM1(General Requirements), DM2(4a)(Development in the Countryside) and CP8 (Environment).

#### **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)**

#### **Conditions**

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

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

- (c) The sections of trellis hereby permitted shall remain as open trellis in perpetuity, and at no time shall the trellis be enclosed or covered with further boarding or other such material unless an application is first submitted to, and approved in writing by, the Local Planning Authority.

(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 entered into pre-application discussions to enable the grant of planning permission.)

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

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

#### **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)**

#### **Conditions**

- (a) 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;
- (b) (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;
- (c) 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.

(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 proactive way and had imposed planning conditions to enable the grant of planning permission. (ii) 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).

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

The works, subject to the landscaping scheme, were not considered to have a significant adverse impact upon the landscape character and were deemed to maintain the rural beauty of the Quantock Hills Area of Outstanding Natural Beauty. The scheme was not deemed to result in material detriment to the amenities of neighbouring properties or harm to highway safety. As such, the proposal was 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.

#### **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 regard to Parcel P1 plots 1 - 40) at land off Bridgwater Road, Monkton Heathfield**

#### **Conditions**

- (a) 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/0l Rev B Surface water/sewer construction details  
DrNo 10059/EW/l01 Sports field water retention basin  
DrNo 1009/EW/102 Brittons Ash water retention basin  
DrNo 10059/5K/Ol 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 R311 Rev D Landscape Proposals Parcel R3

DrNo R312 Rev D Landscape Proposals Parcel R4

DrNo ACH 5691/100-I Rev M Planning Layout Sheet 1 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 1 superseded 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  
DrNo 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  
DrNo ACH 5691/P-141-2 Rev B  
DrNo 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  
DrNo 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;

- (b) 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 six months and thereafter maintained unless a variation is first agreed in writing by the Local Planning Authority;
- (c) 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;
- (d) The surface water drainage feature at Brittons Ash shall be constructed in strict accordance with the details on Cooper plan No 2309 - 1OL unless an alteration is first submitted to, and approved in writing by, the Local Planning Authority;
- (e) 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;
- (f) 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 No 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;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) Prior to the occupation of Redrow plot Nos 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;
  - (k) 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;
  - (l) 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;
  - (m) 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;
  - (n) 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;
  - (o) (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;

(p) 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.

(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.)

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

The proposal was 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 was therefore considered acceptable and, accordingly, did 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).

#### **48/13/0002**

#### **Erection of single storey rear extension and construction of dormer windows to front at Little Acorns, Goosenford, Cheddon Fitzpaine**

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

(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.)

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

The proposed dormer windows and extension had been designed to be in keeping with the existing dwelling and were not considered to result in harm to the street scene or the surrounding landscape. The scheme was 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 was 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.

**48/13/0003**

**Construction of dormer windows to front at Blenheim, Goosenford, Cheddon Fitzpaine**

**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:-

(A4) DrNo 3012-07 Site Plan;

(A4) DrNo 3012-06 Location Plan;

(A2) DrNo 3012-03 Existing and Proposed Elevations.

(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.)

**Reasons for granting planning permission:-**

The proposed dormer windows had been designed to be in keeping with the existing dwelling and were not considered to result in harm to the street scene or the surrounding landscape. The scheme was 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 was 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.

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

The Chairman reported that he had certified that the item covered by Minute No. 26 should be dealt with as an urgent matter.

**26. E/0085/44/09 – Non compliance with planning condition at Old Barn Court, Wrangway, Wellington**

Reported that it had come to the Council's attention that the premises known as The Root House (previously referred to as Barn B at Old Barn Court), Wrangway, Wellington was being used as a separate unit of accommodation without the necessary consent.

Planning permission had been granted in 2004 for the annexe and barn conversion but Condition 12 of that permission stated that Barn B should only be used as an annex to Barn A as a single family dwelling and not as a separate unit of accommodation.

The owners of the property had been contacted and further applications seeking the removal of Condition 12 had been submitted but both had been refused, but the unauthorised use of The Root House had continued.

**Resolved that:-**

- (1) Enforcement action be authorised to stop the use of The Root House (Barn B), Wrangway, Wellington as a separate unit of accommodation;
- (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.

**27. E/0025/38/13 - Erection of scaffolding without permission at Café Mambo, Mill Lane, Taunton**

Reported that it had come to the Council's attention that a scaffolding structure had been erected several months ago without planning consent at Café Mambo, Mill Lane, Taunton.

The owners had been contacted and they had stated that the scaffolding was necessary to provide protective cover whilst maintenance works took place and to enable the external areas to remain open for customer use. It had also become clear that it was intended to re-erect the scaffold for a three month period each year to enable maintenance work to be undertaken.

Despite this, a planning application to retain the structure had been requested. To date, an application capable of being determined had not been received by the Council and the scaffolding was currently still in position.

**Resolved that:-**

- (1) Enforcement action be authorised to secure the removal of the scaffolding that had been erected at Café Mambo, Mill Lane, Taunton;
- (2) Any enforcement notice served should have a two week 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.

**28. E/0130/36/12 – Permanently occupied mobile home situated at The Paddocks, Windmill Farm Lane, Stoke St Gregory**

Reported that a complaint had been received concerning the unauthorised residential occupation of a mobile home situated on land at The Paddocks, Windmill Farm Lane, Stoke St Gregory.

The owners of the land had been requested to submit a planning application to regularise the situation but this application had subsequently been refused.

The mobile home was currently still in position on the land and was being used for residential purposes.

**Resolved** that:-

- (1) Enforcement action be authorised to secure the removal of the unauthorised mobile home being used for residential occupation from the land at The Paddocks, Windmill Farm Lane, Stoke St Gregory;
- (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.

## **29. Appeals**

Reported that one appeal decision had been received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 7.49 pm.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

PLACES FOR PEOPLE

**ERECTION OF 4 NO. DWELLINGS TOGETHER WITH ASSOCIATED WORKS (ADDITIONAL CAR PARKING WITHIN THE VICINITY INCLUDING THE CHANGE OF USE OF THE PLAYING AREA) ON LAND ADJACENT TO 35 PENNY CLOSE AND 72 HOWARD ROAD , WELLINGTON (RESUBMISSION OF 43/12/0072)**

Grid Reference: 313637.121387

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval Subject to the applicant entering into a Section 106 agreement to secure a contribution of £7,700 + VAT towards the enhancement of children's play facilities at the existing Howard Road play area.

The proposal will provide affordable dwellings for the area without compromising car parking within the estate. Contributions to provide additional play equipment at Howard Road will enhance the play facilities for users in the area and provide superior facilities to those that would have existed on the former play area at Penny Close. The proposal is therefore considered to be acceptable in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy, Retained Policy C4 (Standards of play provision) of the Taunton Deane Local Plan, Policy 49 (Transport Requirements of New Developments) of the Taunton Deane Local Plan and advice contained in the National Planning Policy Framework.

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

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

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

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

(A3) DrNo 110558 L(0)01 Rev A Location Plan  
(A3) DrNo 110558 L(0)02 Rev F Site Plan  
(A3) DrNo 110558 L(0)11 Rev B Site A Plan  
(A3) DrNo 110558 L(0)12 Existing Site Sections  
(A3) DrNo 110558 L(0)13 Rev B Proposed Site Elevations 1 and 2  
(A3) DrNo 110558 L(0)101 Rev A House Type A1-2B4P  
(A3) DrNo 110558 L(0)102A House Type B1

(A3) DrNo 110558 L(0)103 Rev A House Type B2-3B5P Brick  
(A1) DrNo 110558 P(0)02 Topographical and Tree Surveys  
(A3) DrNo 110558 L(0)21 Rev A Site B Plan  
(A3) DrNo 110558 L(0)22 Existing Site Sections 3 and 4  
(A3) DrNo 110558 L(0)23 Rev A Site B Proposed Side Elevations 3 and 4  
(A3) DrNo 110558 L(0)24 Additional Parking Area Details  
(A3) DrNo 1105-01 Landscape Proposals  
(A3) DrNo 1105-02 Landscape Proposals

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

3. Prior to the commencement of any other works on site, additional 11 parking spaces and access to them (6 on the site of the former play area, 3 parallel to the highway at the eastern end of Penny Close and two unallocated spaces opposite plots 1 and 2) indicated on drawing L(0)02 rev F shall be provided to at least base course level and brought into use. The said parking spaces and access to them shall be fully surfaced in accordance with the drawings hereby permitted prior to the occupation of the 4<sup>th</sup> dwelling hereby permitted. The parking spaces relating to the proposed dwellings to which they will serve shall be provided and surfaced in accordance with the details hereby permitted prior to the occupation of the dwelling to which they relate unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the replacement parking provision is provided and available for use before the existing facilities are lost, to prevent any increase in on-street parking in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

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

5. Only those materials specified on the plans hereby permitted shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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.

### 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 proposal comprises the erection of four affordable dwellings with associated car parking and the construction of a further 11 car parking spaces.

The dwellings would be constructed on two different sites; two dwellings on each site with 9 parking spaces between them. 11 parking spaces on top of this would be provided with 6 spaces on a former play area and a further 5 spaces on a grass verges.

On each site a pair of semi-detached dwellings is proposed.

### **SITE DESCRIPTION AND HISTORY**

Both sites are located within a residential area of Wellington and are car parking areas as originally laid out for the estate. One area is sited at the end of Howard Road, facing onto the road, and the other site is located behind properties in Penny Close.

This application is an amended scheme to 43/12/0072, which was withdrawn following an objection from the local highway authority on the loss of parking spaces. The amendment is the additional car parking spaces that are now being provided.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Views waited.

*WELLINGTON TOWN COUNCIL* - Object: -

- Recommend permission is refused as the proposal would result in an overdevelopment of the site to an unacceptable degree and would exacerbate on street parking in the area.

*WESSEX WATER* - Following comments: -

- Water and waste connection to be agreed and sewer connection to be adopted with Wessex Water.
- Applicant to contact Sewer Protection Team as surface water public sewer will be affected by the proposal.

*LANDSCAPE* - Following comments: -

- (initial comments) - Subject to protection of trees during construction and suitable landscape scheme, the proposals are acceptable.
- (further comments) - Except for the plot next to '10', acceptable in landscape terms.

*HOUSING ENABLING* - Following comments: -

- The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.
- There is a very high need for 2 and 3 bed affordable homes within Wellington and this scheme will contribute towards meeting this need. The scheme is receiving grant funding and it is supported by the Homes and Communities Agency. The homes will be built to the Homes and Communities Agency design and quality standards 2007, including Code for Sustainable Homes Level 3

*LEISURE DEVELOPMENT* - Views received from DLO -Parks Manager: -

- Contribution towards replacement play equipment required.

## **Representations**

5 letters of OBJECTION and 1 letter of OBJECTION signed by 32 residents (31 properties):-

- Loss of parking.
- Increase parking on busy road.
- Parking lost by existing development underway.
- Increase in neighbour disputes through lack of parking.
- Overdevelopment of very busy estate; plans already underway to build in excess of 500 houses on farm land to rear of building plots.
- Impact on access to rear of terraced blocks that would be reduced; probably make removal of large furniture or garden building impossible.
- Increase in on-road parking would significantly reduced space for emergency vehicles and refuse trucks.
- Housing Association made it clear that home included parking spaces; now forcibly taken away.
- Destruction of children's play area to facilitate extra cars created from demolishing existing parking is ludicrous and taking away facility is something no council should approve.
- Lack of children's play area will force children to play in the streets; coupled with increase cars parked in roadways is an increased danger to children.
- Extra cars from construction and building traffic will cause a hazard; road to 35 Penny Close only suitable for single traffic.
- Survey not carried out at appropriate time of day.
- No parking for visitors.
- Places for people should invest money into existing estate to an acceptable living standard.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
M4 - TDBCLP - Residential Parking Provision,  
STR2 - Towns,  
STR4 - Development in Towns,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

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

### 6 Year Payment

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The sites are within the settlement limit for Wellington, where the provision of additional dwellings is acceptable in principle. The application proposes 4 new affordable dwellings, which the Housing Enabling Lead has confirmed will contribute towards a large existing need. The main issues in the consideration of this application are considered to be the impact on car parking and highway safety, the loss of the children's play facilities, and the impact on visual and residential amenity.

### Parking and Highway Safety

The proposals will result in the loss of two existing parking areas, however, additional parking spaces are proposed to compensate the loss of these areas. During the surveys conducted by the applicant there have never been more than 11 vehicles using the parking areas. On my own visits during the day, there have never been any more than 4 of the parking spaces in use. A recent visit in the evening also showed the limited use of the parking area with 4 spaces being occupied in the parking area to the rear of Penny Close and 0 cars occupying the Howard Road car park. Furthermore, the 4 new dwellings have been provided with their own off road parking areas.

The additional parking areas proposed are located in three areas – at the end of Penny Close, along Howard Road and within a disused play area. The first site is located on a grass area at the end of a cul-de-sac of Penny Close and would not harm the amenity of the area. The second area utilizes an existing wide grass verge

adjoining Penny Close and would allow three vehicles to park in bays parallel to the highway. The third and largest area can provide a further 6 off road parking areas on the former play area – the loss of this facility is considered below. On-street parking in the estate appears to be high, but in spite of this, the car parks are little used. Given the reasonably low level of use that the parking areas appear to have, the replacement parking provision is considered sufficient to prevent any significant increase in on-street parking.

### Loss of play area

One of the replacement parking areas would result in the loss of a children's play area.

The play area was provided when the estate was built but is no longer in use and the play equipment has been removed. A new larger play area has been equipped at Howard Road by Taunton Deane Borough Council which provides a facility for the estate. The new play area is within 400m of the properties at Penny Close. As the former play area is to be lost, the applicants have agreed to provide some funding for some replacement under 5's play equipment to be installed at the TDBC play area on Howard Road. This contribution would be provided within 3 months from date of approval of the application. There is also a further informal play area on the edge of Penny Close. As such, the loss of the disused play area is not considered detrimental to the occupiers of the estate, and would be mitigated by the further enhancement of the superior Howard Road facilities.

### Impact on residential and visual amenity

The majority of the trees along the boundary of both sites will be retained. As such, the proposals are not considered to cause any detrimental harm to the visual amenity of the area beyond the sites. The two parking spaces located near to 'T10' have been removed in response to comments from the Landscape Officer. Furthermore, the trees retained on site will be protected during construction and a landscaping scheme will be proposed.

The proposed dwellings have been designed to follow the line of the existing properties that they adjoin and to reflect the design of the existing dwellings. Though these properties are further set back, they still follow the overall pattern of development. The properties within Penny Close and Howard Road have been constructed in brick or half-brick/half-render, and whilst the proposed dwellings are brick or render, this is not considered to be detrimental to the overall appearance of the estate.

The proposed dwellings at each site are only bound by existing residential properties on one side. Plot 3 to the rear of Penny Close, is set away from the boundary of 35 Penny Close by 5.5m. Though the proposed dwelling will project to the rear of the neighbouring property by 4.1m, given the distance between the properties and that the dwelling is sited NE of the neighbour, there is not considered to be any detrimental harm to the neighbouring property. The one first floor window within the side elevation of Plot 3 will serve a bathroom and has obscure glazing. Pedestrian access has been retained between Plot 3 and 35 Penny Close. Plot 4 is bound by fields on two sides and the front elevation is 29m away from the rear of other

properties in Penny Close.

Plots 1 and 2 are sited at the end of Howard Road. Plot 1 is sited 4m away from the side boundary of 72 Howard Road to the North. Whilst the proposed dwelling projects to the rear of 72 Howard Road, the distance between the properties and the orientation of the building, there is not considered to be any detrimental loss of light or amenity to the property. A first floor window within the side elevation will have obscured glazing. There is a track to the rear of Plots 1 and 2 that serves the rear of properties in Quantock Road.

The dwellings have been designed as not to cause any undue overlooking or loss of privacy to the adjoining dwelling. As such, there is not considered to be any detrimental harm to the residential amenity of the area.

### Conclusions

The proposal will provide affordable dwellings for the area without compromising car parking within the estate. Contributions to provide additional play equipment at Howard Road will enhance the play facilities for users in the area and provide superior facilities to those that would have existed on the former play area at Penny Close. The proposal is therefore considered to be acceptable and it is recommended that planning permission is granted.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

**OUTLINE APPLICATION FOR THE ERECTION OF A BUNGALOW IN THE GARDEN OF 8 HEATHFIELD CLOSE, CREECH ST MICHAEL (AMENDED)**

Grid Reference: 327857.127129

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal, for a single dwelling, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR5 (Development in Rural Centres and Villages) and 49 (Transport Requirements of New Development), Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of **three** years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

- (A3) DrNo VPH-Trott-001 Elevations/Floor Plans
- (A3) DrNo VPH-Trott-002 dated 16/11/12 site plan
- (A4) Block Plan
- (A4) Location Plan with revised red line including Crown Lane

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

3. The parking and turning area shown on the submitted plan, shall be hard surfaced before it is brought into use. It 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 new dwelling. This area shall be retained for parking and turning in association with the dwelling hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of Taunton Deane Local Plan.

4. 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 boundary with Crown Lane and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

6. The dwelling shall be not occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

7. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to

possible consequential damage to its health which would be contrary to retained Policy EN6 of the Taunton Deane Local Plan.

8. The development shall provide for covered and secure storage facilities for cycles, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of the new dwelling and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. 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 is occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

10. Further to the reference to landscaping in condition 1 above, for the avoidance of doubt:
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

11. 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 extensions, garage(s), loft conversions, rooflights, windows on the northern elevation other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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.

#### 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. In respect of connections, you are asked to contact Wessex Water, 01225 526222 for water supply and 01225 526333 for waste water; further information can be obtained from the website [www.wessexwater.co.uk](http://www.wessexwater.co.uk). Separate systems of drainage will be required to serve the proposal; no surface water connections will be permitted to the foul sewer system.
3. If you intend the surface water to discharge to a soakaway, this should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.
5. You are reminded that the granting of planning permission does not override the requirement to obtain consent from the respective owners of Crown Lane for access and use of that Lane.
6. 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 path 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, then authorisation for these works must be sought from SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.

- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

## **PROPOSAL**

The proposal in outline, and is to erect a detached bungalow in the current rear garden of no 8 Heathfield Close. The access would be onto Crown Lane as shown on the submitted plans. It is an outline application with illustrative plans showing the position of the bungalow sited close to the boundary of the site southwest of no 7 Heathfield Close. The building would be 7m by 10.5m, be sited approx 7.3 from the boundary with Crown Lane. The plans show a gap of 3.5m in the existing hedge which forms the current boundary to the lane, this accesses a parking area which is the whole of the front of the site. A garden area of 6.9m by approx 15m lies to the west of the proposed dwelling, this would leave a rear garden to no 8 of approx 6.5m by 15m.

The application is accompanied by a hedge survey, which has concluded that the hedge is regularly trimmed, resulting in a dense hedge with no gaps; the average height being 1.5m. The hedge is about 2m as the ground drops to the track to the east and the average width is 1.6m. Whilst it is dense with good cover, no bird nests were found.

## **SITE DESCRIPTION AND HISTORY**

The site is in the rear garden of no 8 Heathfield Close, which is a semi-detached dwelling fronting the Close. Currently there is no independent access to the site, there is a private road to the rear of the site, which serves properties in Crown Lane and is also a public footpath. The site is largely clear of trees; a small apple tree will be removed and replanted elsewhere in the garden, and there is a thick hedge (approx 1.6m thick) forming the 'L' shaped boundary with Crown Lane.

### **History**

On opposite side of Crown Lane to current application site, planning permission was granted and two properties built in 2003. These dwellings are known as Tivoli and Lilyhayes.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The village of Creech Heathfield does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such

fostering of growth in the need to travel would be contrary to government advice given in National Planning Policy Framework and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy DM2 of the Taunton Deane Borough Council Local Plan and would normally receive a recommendation of refusal from the Highway Authority as a result.

Notwithstanding the aforementioned comments, it is noted that the site is located within the development limits of Creech Heathfield and as a consequence, there may be a presumption in favour of small-scale development in this location. Therefore, it must be a matter for the Local Planning Authority to decide whether the principle of development on this site outweighs the transport policies that seek to reduce reliance on the private car.

The development is located within the residential cul-de-sac known as Heathfield Close, an unclassified unnumbered section of highway to which a 30mph speed limit applies. It was noted from my site visit that vehicle movements and speeds in this location were reduced, due to Heathfield Close being a residential cul-de-sac (no through road) and numerous vehicles parked on the publicly maintained highway.

In detail, the outline application seeks to erect a bungalow to the rear of No. 8 Heathfield Close. I have the following comments on the highway and transportation aspects of the proposal.

The development would gain access off of Crown Lane, an unadopted private carriageway, to which a 40mph speed limit applies. From my site visit it was observed that although Crown Lane, is allocated as a 40mph speed limit Traffic Regulation Order, vehicle speeds are significantly lower than the allocated limit, due to the limited width of carriageway, especially in proximity to the proposal. At the point where the access is proposed a 30mph speed limit is in place, again as mentioned before vehicle speeds are likely to be significantly less than this. I would estimate that vehicles are travelling at approximately 10mph or less.

Firstly, it should be noted that from the submitted block plan drawing that the applicants' redline drawing does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway. Clarification will be needed with regards to the ownership of this section of land and whether the applicant has a right of access over this land (Crown Lane). The appropriate notice will need to be served on the respective land owner(s).

Based on TRICS database a dwelling has the potential to generate 6-8 vehicle movements per day. It is noted that there will be increase in vehicle movements along Crown Lane, however, the Highway Authority consider that at the point where vehicles will meet the publicly maintained highway Creech Heathfield Road and Charlton Road are suitable to accommodate the traffic levels that are likely to be generated by the development.

Commenting further on the scheme, Creech Heathfield has been identified as a 'Zone B' for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states the following requirement for Zone B parking provision:-

The standards for residential development (ZONE B)

Zone	1 bedroom	2 bedroom	3 bedroom	4 bedroom
B - Amber	1.5 car space	2 spaces	2.5 spaces	3 spaces

The submitted information, states that the dwelling will be provided with two bedrooms, as a result, two vehicle parking spaces should be provided for the proposed property. It is noted from the submitted block plan drawing that the provision of parking is therefore inline with the Somerset County Council – Parking Strategy, albeit restricted.

In terms of parking dimensions, a standard vehicle parking spaces is 2.4m x 4.8m, however in this instance where a parking bay abuts a wall the Highway Authority would expect a length of at least 5.5 metres. This is because drivers are reluctant to park with their vehicle touching the wall and tend to stop short of the wall when parking. A parking bay abutting a wall less than this length is likely to be situated partly on the Highway, which would mean that a vehicle will be overhanging the public highway, therefore, cause an obstruction to pedestrians and to all other users of the highway. However, as Crown Lane, is a private track it would be difficult for the Highway Authority to enforce any sort of recommendation as a result.

I have concerns over the proposed parking layout for the site. Whilst it is acknowledged that Crown Lane is private access track and therefore the Highway Authority could not enforce any vehicle turning objections, I have concerns that vehicles will be forced to reverse approximately 90 metres (North) or 100 metres (South) before being able to manoeuvre into a forward driving position.

Furthermore it would be interesting to see an appropriately scaled drawing showing how vehicles will be able to manoeuvre into the site from Crown Lane, as I have reservations that vehicles will not be able to manoeuvre into given the restricted nature of Crown Lane. I do not believe the 3.5 metre wide access to be large enough to accommodate a vehicle turning manoeuvre. Which would lead me to consider that vehicles as a result of the ineffective parking area, would park on either the publicly highway or cause an obstruction to other motor vehicle users along Crown Lane (private).

Therefore, I recommend that the hedgerow site frontage is removed allowing for an open site frontage to allow two vehicle to access vehicle parking area safely.

I would estimate that typical vehicle speeds are approximately 10mph. Therefore, in this case visibility splays of 2.4m x 11.0m to the nearside carriageway edge, with no obstruction to visibility greater than 900mm, to either side of the accesses should be provided as stated in the Manual for Streets. This will permit vehicles emerging from the access a clear line of site in both directions. The proposed accesses shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m. These visibility splays should be maintained at all times.

I do not consider that adequate visibility can be achieved from this scheme. However, as Crown Lane is a private track and it would be difficult for the Highway Authority to recommend refusal of the development on these grounds as it will not affect the adopted public highway. The only suggestion, is that the site frontage is opened up to accommodate the minimum of pedestrian visibility splays of 2.0m x 2.0m, to safeguard pedestrians walking along Crown Lane.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation.

As a result, in the first instance I would request that an amended plan be submitted to show clarification on the red line and permitted right of access to the publicly adopted highway, the removal of hedgerow across the entire site frontage (11000mm) and the inclusion of cycle facilities within the site to accommodate sustainable modes of transport, once additional information has been received the Highway Authority will comment further on the scheme.

*CREECH ST MICHAEL PARISH COUNCIL* - the PC wishes to record its unanimous objection to this application. The application would create a precedent at this location which the PC does not want in the village. In addition the PC noted it has no garage and that subsequent application would be likely for these. re amended plan, - objection as this would create a precedent at this location which the PC does not want in the village.

*DRAINAGE ENGINEER* - I note the surface water is to be discharged to soakaways. These should be constructed in accordance with BDR (Building Research Digest) 365 (September 1991 and made a condition of any approval. No details have been provided as to how Foul Sewage is to be disposed of, therefore till such details have been forwarded, no planning permission should be given.

*Additional information* - There is a foul sewer to the rear of 8/9 Heathfield Close.  
*Additional comment;* As long as Wessex Water is happy to accept foul flows, acceptable.

*WESSEX WATER* - new connections required. Notes for applicant.

*LANDSCAPE* - subject to retention of existing hedgerow where possible the proposals are acceptable. There may be scope to soften the impact of the proposals.

*BIODIVERSITY* - The surveyor found no bird nests or signs of mammals using the hedge; no objection subject to conditions.

*SCC - RIGHTS OF WAY* - No response

## **Representations**

11 letters/emails of OBJECTION.

One letter signed by 5 households, 2 of which have also written individual letters,

OBJECTS on basis that Crown Lane is not a public highway but a private road; the right of way does not include the properties in Heathfield Close and therefore there is no access to the site.

### Traffic

- Additional traffic using a private lane which is not for the benefit of the general public;
- There is already additional traffic from the 4 new large family dwellings;
- No inconvenience to the applicant as she does not use this lane;
- It should be up to the owners of the private highway, whom should be granted access, not the responsibility of the Local Planning Authority;
- Access should be from Heathfield Close;
- There will be additional cost to all local residents with no benefit;
- There is already a dispute over the amount of traffic using this lane;
- The access will be from an unmade driveway;
- Children currently use the lane for playing, cycling and roller skating;
- Visibility splays are inadequate for the proposed dwelling;
- The Lane is being used as a through route;
- The restrictive nature of Crown Lane does not provide enough space for vehicles to turn and out safely;
- Insufficient parking space;
- Access on a blind corner is not safe;
- Crown Lane is single track, with limited passing places;
- Delivery lorries have difficulty accessing this area and have to reverse out;
- Crown Lane is in a bad state of repair close to the application site;
- The only public right of way is that of a public footpath, the residents only have a right of access if Crown Lane is maintained;
- Residents of Crown Lane would be within rights to legally and physically prevent access to the site;
- It cannot be established that there will be an access in perpetuity and there is no secure suitable means of access;

### Amenity/siting

- The first dwelling to be built in a garden in Heathfield Close;
- Precedent;
- Overdevelopment;
- Increase in density;

### Drainage

- There is a ditch close to the site, which currently drains the surface water off Crown Lane, and the unmade driveway, development of the site will add to run-off;
- The recently built properties have probably contributed to the flooding, by the grubbing out of a hedge, filling of a drainage ditch and 'metalling' part of the drove road;

### Procedures

- The incorrect certificate has been served;
- The application remains invalid as the certificate D is dated 20/12/12, the application is dated 11/11/12, and since the original submission objections have been raised relating to land ownership, therefore the certificate could have been served on known occupiers/owners.

1 letter of no objection

### **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
M4 - TDBCLP - Residential Parking Provision,  
EN6 - TDBCLP -Protection of Trees, HISTORIC,  
ROW - Rights of Way,

### **LOCAL FINANCE CONSIDERATIONS**

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

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£270

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

### **DETERMINING ISSUES AND CONSIDERATIONS**

The proposal is in outline and is to erect a single storey dwelling with two bedrooms on land rear of no 8 Heathfield Road. The access is shown to be from Crown Lane, which is a private road and not adopted public highway. The site is generally flat, although it appears slightly higher than Crown Lane itself. There are hedges on two sides of the site fronting Crown Lane. The proposal is in outline, but shows a single storey dwelling to the southwest of No 7, the neighbouring property. This juxtaposition is acceptable given the arrangement of habitable/non-habitable rooms in the dwelling. There would be parking to the east facing Crown Lane and garden adjacent to the garden of the existing property. It is considered that there is a reasonable amount of space around both the original property and the new dwelling.

Most concern has been expressed to the use by potential occupiers of the private road. If the owners and those persons whom have rights of access/rights of way over this road wish to prevent use of that road, then that is entirely possible. The granting of planning permission does not override the need to obtain permission under other statutes/regulations. If the applicant/developer cannot obtain the right of access, then the site is not accessible from Crown Lane, and an application with an alternative road access will have to be submitted, and however there appears to be little opportunity to achieve such access. Nonetheless, the Local Planning Authority has to consider the application as submitted.

#### Traffic

The County Highway Authority has given its advice – above, and subject to amendments has no objection in principle. The red line issue has now been addressed and the agent has been asked to amend the parking/visibility aspects. Amended plans are expected. Traffic generation is not considered to be an issue by Highways. The state of the road is an issue for the adjacent occupiers and owners of the site. The fact that children use a particular area/road for play/cycling is not reason to refuse permission. The lane does have restricted turning space, no passing places and the surface does deteriorate further south; the County Highway Authority has requested a widened access to help overcome the first two points, the last point is the responsibility of the owners. The removal of the hedge could take place without planning permission and the whole of the eastern section would have to be removed to achieve access for construction. Some replacement planting would help minimise the visual impact, but initially the site will look stark. The fact that the lane is also a public footpath has not prevented 4 new dwellings in the last 10 years.

#### Amenity/siting

It is not considered that this will be a precedent as the other gardens are of a different shape and the majority would be too small to support an additional dwelling. This being the first dwelling in a rear garden in this area, fronting a different highway, does not mean that such proposals cannot be submitted or considered. This application is not considered to result in a detrimental increase in density or overdevelopment of the site. The Parish Council is concerned about any garage to the site. The site is limited in size and with the need for turning it would be unlikely that there would be scope for a separate garage. The proposed internal layout of the dwelling could be altered to include a garage; this would result in there being sufficient space for turning, but loss of a bedroom is considered unlikely.

#### Drainage

The Drainage Officer does not consider there are any adverse issues in this area.

#### Procedures

The application was originally submitted with Certificate A, but it was brought to the Local Planning Authority's attention that this was incorrect as the access road (Crown Lane) was privately owned. The owner stated that she did not know any of the owners and therefore had served Certificate D, which included a notice in the Gazette. The Legal section has looked at the application and the certificates and has advised that the application is valid and can be considered as now submitted.

The Local Planning Authority has to consider whether the application is acceptable in the light of the relevant policies and Central Government guidance. The site is within settlement boundaries of Creech Heathfield, and is within an area where new dwellings have been approved in the last 10 years.

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

Although the application is in outline, the layout submitted shows that the site is capable of accommodating a dwelling without detriment to the adjacent dwellings and the overall character of the area. It will alter the immediate area and with the loss of hedge there will be a loss of visual interest and amenity, but this could be carried out without planning permission at any time. The introduction of an additional dwelling in the area will not significantly alter the character of the area. None of the



objections raised are such as would warrant refusal. The Local Planning Authority can grant planning permission for a development, it is then for the developer to gain any other permissions/consents to enable the application to proceed. In conclusion, 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 K Marlow Tel: 01823 356460**

13/12/0009

MR & MRS T WAYMOUTH

**ERECTION OF TWO STOREY REAR EXTENSION AT FENNINGTON OAKS,  
KINGSTON ST MARY**

Grid Reference: 319413.129902

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed extension by reason of its scale and design details and position fails to respect the character of the existing linear dwelling and would adversely affect the visual amenity and character of the dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

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

Notes to Applicant

1. 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.

**PROPOSAL**

Permission is sought for the erection of a two storey extension with a projection of 9m to the rear.

**SITE DESCRIPTION AND HISTORY**

This is the site of a detached barn conversion of stone and slate construction with brown windows. There is plenty of off road parking and turning as it is set well back from road and has a boundary of low brick and stone wall. There is a garage block to the side and front and plenty of domestic planting.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations to make.

*BISHOP LYDEARD & COTHELSTONE PARISH COUNCIL* - Supports the application with no further comments.

*LANDSCAPE* - No significant landscape impacts.

## **Representations**

Two letters raising NO OBJECTION/NO COMMENT

Six letters of SUPPORT with no reasons given

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration in the assessment of the application is the impact of the proposed two storey extension to the rear on this barn conversion.

The proposed two storey rear extension is of a design that does not enhance the existing dwelling nor does it reflect its existing character, which is clearly one of a former agricultural building.

The size of the proposed two storey rear extension is of a size that appears to dominate the rear elevation of the dwelling.

The primary concern to the development relates to the scale and design of the proposed two storey extension which would appear to be detrimental to the linear appearance and character of the main dwelling.

The projection of the proposed two storey extension beyond the centre of the rear wall is of a size that overwhelms this converted barn and removes from the barn conversion its main feature of the large opposing window which identify this as originally a threshing barn thus diminishing its character.

Comments were received from four representations who approve or support the application giving no planning reasons and from one representation who stated that it would not be detrimental to the area and from another who had no planning comments to make.

It is, therefore, contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

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

**CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371**

**E/0168/35/12**

**CONVERSION OF STORE / GARAGE TO RESIDENTIAL ACCOMMODATION AT THE GLOBE INN, KITTISFORD ROAD, STAWLEY, WELLINGTON**

**OCCUPIER:**

**OWNER:** MR J R N LAMBLEY  
THE BUNKER, THE GLOBE INN, APPLEY  
WELLINGTON  
TA21 0HJ

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the residential use of the former bottle store (now known as 'the bunker') to cease.

**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 has not been complied with.

The Enforcement Notice shall require -

- the cessation of the residential occupation of the former bottle store now known as 'The Bunker'

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

**SITE DESCRIPTION**

The property is located within the small village of Appley which is within the parish of Stawley. The building is within the overall site of the Globe Inn. It was formerly used as the bottle store in connection with the public house. The Globe Inn is a Grade II listed building but it has been accepted by the Council's Conservation Officer that the bottle store is of a much later date and therefore does not form part of the listing. The building is located adjacent to the highway and site access and within the car park of the Public House. It has a pitched roof of corrugated sheeting with a gable wall fronting the highway. The walls are cement/sand render with a rough cast finish. The building is of the size of a double garage.

**BACKGROUND**

The matter was first brought to the Council's attention in October 2012. It was alleged that the building works being undertaken on the building were in connection with a possible change of use to a dwelling. A visit was made to the property and the owner seen. The information given at the time was that the building was being refurbished to be used as a small office and store. Works to alleviate flooding were also being carried out. The owner also owns The Globe Inn but had recently leased the property to others. The occupant has stated that some of the office work to be carried out from the property will involve the administration of the lease in connection with the Globe Inn. Further concerns were received indicating that the works being carried out were more than just refurbishment. Information that the owner was residing in the

properly was received with evidence that his car was at the site all night and facilities within the village were being used by the owner, ie waste disposal. A Planning Contravention Notice (PCN) was served on 4th January 2013 and was returned on 7th January 2013. The information received from the PCN showed that the property has been used for residential purposes since 15th December 2012.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

From the information received it would appear that the building is now being used for residential purposes although at the present time no WC has been provided. This is due to the fact that there is no sewage treatment plant installed so a chemical toilet is being used. A small kitchen has been provided but again no waste pipes are connected. The owner has no alternative accommodation and spends his time going from this property to others owned by his daughters either in the locality or abroad.

The use of the property as a residential unit is a change of use from its former use requiring planning permission. As stated the use of the building has no connection with the public house whose curtilage the property is sited within, therefore one cannot argue that the use is ancillary to the use of the Public House.

The owner wishes to use the building for residential purposes for approximately 4 months of the year and intends to submit a Planning application for use as an occasional holiday let.

## **RELEVANT PLANNING HISTORY**

35/02/0002

35/02/0003LB      Demolition of toilets and erection of single storey extension.  
approved 14/05/2002

35/07/0021

Internal alterations to The Globe Inn  
approved 14/02/2008

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Delivering a wide choice of high quality homes - Para 55  
Enforcement - Para 207

### Taunton Deane Core Strategy

SD1 - Presumption in Favour of Sustainable Development

CP1 - Climate Change

CP2 - Economy

CP4 - Housing

CP6 - Transport and Accessibility

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Open Countryside

### Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

## **DETERMINING ISSUES AND CONSIDERATIONS**

The occupant and owner of the building in question has stated that he is residing at the site whilst also undertaking work associated with Examex Limited; the exact undertaking of this business is unknown. The owner and occupant has also stated that he resides at the site in order to oversee the lease of the public house. He spends his time shared between the site and his daughters who live in Cornwall and Ibiza.

Core Strategy Policy SP1 (Sustainable Development Locations) sets out the Council's locational approach to the delivery of development. It states that development must be focused on the most sustainable locations and provides a hierarchy of preferred locations ranging from Taunton and Wellington, through to major and minor rural centres and villages. Within villages some small scale infill development is likely to be acceptable in principle, but outside of settlements proposals should be considered as being within open countryside. Policy CP4 states that housing should be delivered in line with the hierarchy established within Policy SP1. Such an approach is consistent with guidance contained within the National Planning Policy Framework (NPPF)

In planning policy terms, Appley is not defined as a settlement within the Core Strategy and therefore the site is in open countryside where the formation of new residential units is not supported unless there are exceptional circumstances; the occupation of The Bunker for residential purposes is in conflict with Policies SP1 and CP4 of the Core Strategy.

Core Strategy Policy DM2 sets out the Council's approach to the conversion of buildings within the open countryside. The site in question is not considered to comply with this Policy as clearly no attempt has been made to find alternative preferred uses. No information has been provided which justifies the need to reside on site and the ongoing business activities do not give sufficient weight to allow the residential occupation to remain ongoing. Notwithstanding the conflict with policy, in practical terms the building is limited in scale and not capable of providing an appropriate degree of residential accommodation without significant extension and alteration. There is currently no waste treatment system or washing facilities and it is unclear exactly how such could be provided. The building is of no intrinsic historic character or heritage value and therefore finding an alternative use to allow for its retention is not considered to be of importance to the locality.

In transport terms, Appley has little to no public transport service and is so remote from larger settlements that any occupant will be heavily reliant upon the private motor vehicle. Such fostering in the need to travel is contrary to the aims of Policies SP1, CP6 and CP8 and Policies STR1 and STR of the Structure Plan. The applicant may spend some time visiting family however no specific information has been provided and it can only be concluded that The Bunker is the main and sole residence of the occupant/owner, as within the Planning Contravention Notice it is stated that he has no other residence.

The occupation of 'The Bunker' for residential purposes is considered to be contrary to planning policy which seeks to ensure that such use is directed towards the most sustainable locations. There is no fall back position with regard to the residential use of the building. I am not convinced that the occupant needs to reside at the site in order to 'administer the fifteen year lease' on The Globe Inn, as such is run

independently by the leasee. In addition, there seems little need to reside on site in order to operate the business of Examex Ltd, as such could and arguably should be undertaken from a more sustainable location.

Having regard to the above considerations, it is considered expedient to take action in order to cease the residential use of The Bunker.

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

**PLANNING OFFICER: Mr R Williams**  
**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

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



**E/0206/10/12**

**UNAUTHORISED OCCUPATION OF MOBILE HOME AT IVYLEN, STAPLEY ROAD, BISCOMBE, CHURCHSTANTON**

**OCCUPIER:**

**OWNER:** MR and MRS P BRYAN  
IVYLEN, STAPLEY ROAD, BISCOMBE  
CHURCHSTANTON  
TA3 7PZ

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice to secure the cessation of residential occupation of the mobile home.

**RECOMMENDATION**

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

The Enforcement Notice shall require :-

- the cessation of the residential occupation of the mobile home.

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

**SITE DESCRIPTION**

Ivylen is a two bedroom bungalow in a remote rural location at Biscombe, to the west of Stapley. It lies amongst a scattering of dwellings within the Blackdown Hills Area of Outstanding Natural Beauty. To the east of the property there is a large agricultural building and a further small building sited within the paddock. The mobile home is sited adjacent to this building.

**BACKGROUND**

The matter was brought to the Council's attention in December 2012. The concern is that the mobile home, which has been on site for many years is currently being used as a separate unit of accommodation. The site was visited on 4 January 2013 and the owners interviewed. They stated that the mobile home had been used in the past by their children as overflow accommodation as the main house was rather small. In September 2012 a family friend found himself in unfortunate circumstances and had nowhere to live. Mr and Mrs Bryan agreed to let him have the use of the mobile home until such time as he was able to find alternative accommodation.

The owners operate a business trading as Animals At Home (Wessex) Ltd. The business essentially provides pet care in your own home plus additional facilities such as pet transport and feeding pets during the day. The occupier of the mobile home does help out in aspects of the business. The occupier also takes some meals in the main dwelling.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The mobile home has been on the site for many years but is clearly located outside of the recognised domestic curtilage of the dwelling. The unit would be immune from action in respect of its removal from the land due to the length of time it has been on the land. The use in the past has only been by family members and not used as a separate unit of accommodation with no connection to the main house. The mobile home is currently not used as before in that it is occupied by a friend and is effectively a separate unit although as stated above some meals are taken in the house and there is a connection with the business.

If the mobile home was relocated some 10m to the west to within the curtilage of Ivylen no permission would be required if used as ancillary accommodation and not as a separate unit of residential accommodation

## **RELEVANT PLANNING HISTORY**

10/01/0020 - erection of replacement cattle shed approved 03/09/2001

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Enforcement (paragraph 207)

### Taunton Deane Core Strategy

SP1 - Sustainable Development Locations

CP1 - Climate Change

CP4 - Housing

CP6 - Transport

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Countryside

### Somerset and Exmoor Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues here are the visual impact of the siting of a mobile home within the Area of Outstanding Natural Beauty and the need to live on site in such a rural and unsustainable location.

The mobile home is currently sited on agricultural land outside of the garden curtilage of the existing property. As such it would require planning permission to be located in this rural position. It is not visible from the public road but would be visible across the valley and consequently is considered to detract from the rural character and amenity of the area to the detriment of the character of the AONB. However, if the residential use ceased and the building was used for agricultural purposes, it would not constitute a breach of planning control.

It would appear the mobile home is currently being occupied for residential purposes for a non-family member. There is no indication that a separate residential use is required here given the owner's business, and as there already a dwelling on the site it is not considered there is justification for an additional dwelling on site.

The site is detached from any settlement and is considered to be in an unsustainable location, lacking in the provision of adequate services generally required for day to day living such as education, health, retail and leisure. Virtue of the lack of services within the area, the occupants of the mobile home are highly likely to be heavily reliant upon the use of the private motor vehicle to access such services, especially given the very limited public transport service that serves the village. The fostering of growth in the need to travel by private motor vehicles is contrary to Policies STR1 and STR6 of the Structure Plan CP6 of the Core Strategy, which states that development should contribute to the reduction in the need to travel. The occupation of the mobile home and its residential use generates additional vehicle movements, which is considered to be detrimental to the environment. The result of retaining the mobile home and its use would be to permit the creation of a dwelling outside of a settlement in a location that is considered to be unsustainable in transport terms. In this regard, occupation of the mobile home is not considered to represent a sustainable form of development, contrary to Policies SP1, CP4 and CP6 of the Taunton Deane Core Strategy.

It is therefore considered appropriate to seek cessation of the residential use. A period of 6 months is considered appropriate to allow for the occupant to find an alternative place to live.

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

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

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

## **Planning Committee – 20 March 2013**

**APPLICATION NUMBER:** 38/12/0265

**DEVELOPER:** GADD PROPERTIES LTD

**DEVELOPMENT PROPOSAL:** ERECTION OF 7 NO DETACHED DWELLINGS ON LAND TO THE REAR OF 14 – 28 STOKE ROAD TAUNTON AS AMENDED

**SITE:** LAND TO THE REAR OF 14 – 28 STOKE ROAD TAUNTON

### **Full Planning Permission**

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#### **RECOMMENDATION**

To substitute a S106 Agreement to secure leisure and recreation financial contributions as well as allotment and community hall financial contributions with an Agreement in the form of the attached draft Agreement between Taunton Deane Borough Council and Gadd Properties Ltd to secure similar financial contributions.

#### **BACKGROUND**

At a meeting of the Planning Committee on 9 January 2013, conditional approval for the Development Proposal was granted subject to a S106 Agreement to secure leisure and recreation contributions as well as allotment and community hall contributions.

The Developer does not currently own the Site and has contacted the Council to advise that there are logistical complications in arranging for all 7 landowners to sign the S106 Agreement. In addition, some landowners will require the consent of their mortgagees to the S106 Agreement. The requirement to enter into a Section 106 Agreement will therefore set this development proposal back by many weeks.

To overcome these delays, the Developer proposes to pay the financial contributions prior to the issue of the Planning Permission. It is expected that the transfer of the Site from the landowners to the Developer should be completed within a matter of days of the Planning Permission being issued and development may then commence.

It is considered that the Council is not disadvantaged by this course of action. The purpose of the original resolution on 9 January 2013 was to ensure that financial contributions were made for appropriate purposes alongside the grant of Planning Permission.

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

## **AGREEMENT**

**(1) GADD PROPERTIES (SOUTH WEST) LIMITED**

**And**

**(2) TAUNTON DEANE BOROUGH COUNCIL**

**Land at the rear of 14-28 Stoke Road, Taunton, Somerset**

**This Agreement is made the**

**day of**

**2013**

**Between**

(1) **GADD PROPERTIES (SOUTH WEST) LIMITED** incorporated and registered in England and Wales with Company Number 7937964 whose registered office is at Ash House, Cook Way, Taunton, Somerset TA2 6BJ ("the Applicant")

**and**

(2) **TAUNTON DEANE BOROUGH COUNCIL** of The Deane House, Belvedere Road, Taunton, Somerset TA1 1HE ("the Council")

## **WHEREAS**

1. This is an agreement to secure financial contributions towards the provision of various leisure and recreation activities.
2. The Council is the local planning authority for the area in which the Land described below is situated and by whom the obligations in this Agreement are enforceable.
3. The Applicant is interested in the land at the rear of 14-28 Stoke Road, Taunton, Somerset as shown edged red on the Plan ("the Land") as a developer with options or agreements to purchase the Land.
4. The Applicant has applied to the Council for the Planning Permission.
5. At a meeting of the Council's Planning Committee on 9 January 2013, the members of the Planning Committee resolved to grant the Planning Permission subject to the prior completion of an agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) ("the S106 Agreement") to secure planning obligations by way of the Contributions listed in the Schedule without which Planning Permission would not be granted.
6. The Applicant requests that the Planning Permission be issued without completion of the S106 Agreement in order to avoid potential delay in completing the S106 Agreement resulting from the involvement of several parties having to be party to the S106 Agreement.
7. As an alternative to the completion of the S106 Agreement the Applicant has agreed to pay to the Council the Contributions such payment to be made prior to the time the Planning Permission is issued.
8. The issue of the Planning Permission is an acknowledgement by the Council that the Contributions will be used for the purposes set out in the Schedule

## DEFINITIONS

- “the Application”** means the full planning application for the Development at the Land and allocated reference number 38/12/0265
- “the Contributions”** means the financial contributions payable to the Council as listed in the Schedule
- “the Development”** means the erection of 7 No dwellings on the Land
- “the Land”** means land at the rear of 14-28 Stoke Road, Taunton, Somerset as shown edged red on the Plan
- “the Original Resolution”** means the decision made by the members of the Council’s Planning Committee on 9 January 2013 to grant the Planning Permission subject to the prior completion of an agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) (“the S106 Agreement”) to secure planning obligations by way of the Contributions listed in the Schedule without which Planning Permission would not be granted.
- “the Plan”** means the plan attached to this Agreement
- “the Planning Permission”** means the permission granted pursuant to the Application
- “Schedule”** means the schedule attached to this Agreement

## NOW THIS AGREEMENT WITNESSETH as follows:

1. The Applicant hereby agrees to pay the Contributions to the Council prior to the date the Planning Permission is granted.
2. In the event that the Contributions are not paid by 29 March 2013 the Planning Permission shall not be granted under the terms of this Agreement and the Original Resolution shall apply immediately thereafter
3. In consideration of the payment of the Contributions by the Applicant the Council agrees and acknowledges that it will use the Contributions for the purposes specified in the Schedule provided that if:
  - (a) the Planning Permission expires before the Development has been commenced; or

(b) the Contributions or any part of them shall not have been used for the specified purpose within 5 years from the date of payment of the Contributions

the Contributions or the appropriate part of them shall be repaid to the Applicant together with interest at the base lending rate from time to time of Lloyds TSB Bank Plc

**THE COMMON SEAL OF**

**TAUNTON DEANE BOROUGH COUNCIL**

was hereunto affixed in the presence of:

Legal Services Manager

Signed on behalf of  
**GADD PROPERTIES (SOUTH WEST) LIMITED**  
acting by **Andrew Gadd**

a Director

in the presence of



## SCHEDULE

### The Contributions

<b>Purpose</b>	<b>Amount of Contribution</b>	<b>Total</b>
The provision of children's play facilities	£2,668.00 per Dwelling with 2 or more bedrooms.	£18,676.00
The provision of facilities for active outdoor recreation	£1,454.00 per Dwelling	£10,178.00
The provision of allotments	£194.00 per Dwelling	£1,358.00
The provision of local community hall facilities	£1,118.00 per Dwelling	£7,826.00
<b>TOTAL CONTRIBUTIONS PAYABLE</b>		<b>£38,038.00</b>



**SITE PLAN FOR SECTION 106:  
LAND TO THE REAR OF 14-28 STOKE ROAD, TAUNTON**

Date: 10/08/2012      Scale 1: 1000

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Ordnance Survey 100019499 Taunton Deane Borough Council



## Planning Committee – 20 March 2013

### Enforcement Item

1. **File/Complaint Number** E/0181/46/10
2. **Property** Alebar Farm, Bussels Farm Lane, Blackmoor, West Buckland. TA21 9LJ
3. **Owner** Mrs Alison Routley.
4. **Nature of Complaint** Residential occupation of a Mobile Home without any agricultural justification.
5. **Planning History** – members may recall that a report was presented to the Planning Committee on 23<sup>rd</sup> March 2011 requesting authority to serve an Enforcement notice for the unauthorised occupation of a mobile home at the above. The Notice was served on 21<sup>st</sup> December 2011 and came into effect on 1<sup>st</sup> February 2012. The notice had to be complied with within 6 months of the notice coming into effect i.e. 1<sup>st</sup> August 2012. Negotiations continued with the owner after the service of the notice to try and resolve the situation. Promises were made that an application would be submitted with supporting evidence that the mobile home was needed to care for the animals etc. No application was forthcoming. A letter was received dated 22<sup>nd</sup> August 2012 from the owner stating that she had been ill and was having help from friends to run the farm and requested more time to apply for planning permission. Legal Services wrote to Mrs Routley agreeing to one month's extension in order that the application could be prepared however no application was received. A further letter was received dated 14<sup>th</sup> September 2012 stating that she had enlisted the help of her partner to help run the farm and a new application would be submitted which would include her partners contribution to the enterprise. To date no application has been received. A prosecution file was therefore prepared to take action over the non compliance of the enforcement notice. The matter was scheduled to be heard in the Magistrates Court on Friday 22<sup>nd</sup> February 2013 however Mrs Routley wrote to the Court requesting an adjournment due to her partner's daughter having to sit exams. This was granted and the case is due to be heard on 22<sup>nd</sup> March 2013

6. The purpose of this report is to inform Members that we have received information that Mrs Routley is to vacate the land after her partner's daughter (who also resides in the mobile home) completes her 'A' level examinations at Richard Huish College. A list of dates has been obtained from her college and the last exam is 14<sup>th</sup> June 2013. We have confirmation that within two weeks of that date the mobile home and farm will be vacated. Mrs Routley and her partner have purchased a farm in Helston in Cornwall.

**Recommendation.**

Members are requested to agree to defer the prosecution action scheduled for 22<sup>nd</sup> March until July 2013 in order to allow the owner to relocate as confirmed. Should this not occur the prosecution action will continue.

**Contact Officer John A W Hardy      01823 356466**

**APPEAL DECISION FOR COMMITTEE AGENDA – 20 MARCH 2013**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/A/12/2185875	<p>OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE, AND FORMATION OF VEHICULAR ACCESS TO THE REAR OF 24 COMEYTROWE LANE, TAUNTON</p>	<p>The proposed development represents an undesirable form of backland development which, due to its siting and means of access from an un-metalled service road and no frontage to the public realm is at odds with the prevailing development pattern and character of the area.</p> <p>The development is proposed to be accessed by a private track from the public highway that does not have sufficient width to accommodate two-way vehicular movements. There is, therefore, likely to be a conflict of vehicle movements on the track to the inconvenience of all users of that private way,</p>	52/12/0006	<p>The Inspector considered there were two main issues to this appeal: the effect of the proposed development on the character of the area and the implications of the proposed development for users of the track and footpath.</p> <p>He considered the development does not unacceptably harm either the street scene, because it would be inconspicuous, or the settlement. On the first issue, the inspector concluded the proposed development would not unacceptably harm the character of the area and, as such, found no conflict with CS Policies DM1 or DM4, or advice in the NPPF.</p> <p>On the second main issue, the Inspector concluded the proposed development would have no adverse implications for users of the track and footpath. As such he</p>

				<p>found no conflict with criterion b) of CS Policy DM1.</p> <p>Having regard to these and all other matters raised the Inspector ALLOWED the appeal subject to the identified conditions</p>
<p>APP/D3315/C/12/218256 6 &amp; 2182567</p>	<p>STRUCTURE ERECTED TO ACCOMMODATE A LARGE CARNIVAL FLOAT AT CROSSWAYS, CURLAND, TAUNTON</p>	<p>It appears to the Council that the above breach of planning control has occurred within:-</p> <p>(a) the last four years in respect of the erection of the structure; and</p> <p>(b) within the last 10 years in respect of the change of use of the Land for the stationing and construction of a carnival float.</p> <p>a) With regard to the unauthorised structure, it is located directly adjacent to the boundary of the neighbouring property and is considered to be detrimental to the visual amenity of the neighbour.</p> <p>b) With regard to the unauthorised change of use, the</p>	<p>E/0337/33/11</p>	<p>The Inspector did not consider that the appellants' claim that the structure was used for agricultural purposes was acceptable since the items could be stored just as conveniently in a nearby agricultural workshop and storage building and the bales of hay in the large barn for storing hay. It was evident that the main purpose of the structure was to provide cover for the carnival float. Further, the Inspector was satisfied from the evidence that the storage of a carnival float on agricultural land and the pattern of construction work carried out on it amounts to a material change of the use of the land and a breach of planning control.</p> <p>From the evidence the Inspector concluded it was not too late for the Council to take enforcement action to require the appeal</p>

		<p>stationing and construction of a carnival float is a non agricultural function located within a farmyard complex and is not ancillary to the existing agricultural use. Work carried out in connection with the construction of the carnival float has been carried out in the evenings and on occasions has not ceased until 23:00/23:30 hrs. The noise arising from the construction causes a disturbance to nearby residents and to horses stabled in the adjacent neighbouring property.</p> <p>The unauthorised development and unauthorised change of use is considered to be contrary to policies S1(D) &amp; (E) (General Requirements) and S2(A) (Design) of the Taunton Deane Local Plan; and policy DM1 (General Requirements) of the Taunton Deane Core Strategy 2011-2028; and guidance contained in the National Planning Policy Framework.</p>		<p>structure's removal and the injury to amenity could not be remedied by lesser steps than those required by the notice.</p> <p>The enforcement notice is corrected by inserting in allegation b), after the words 'agricultural use to use for' the words "agricultural and". Subject to this correction the appeals are DISMISSED and the enforcement notice is upheld.</p>
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		The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.		
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38/13/0041/T

MR J MEIKLE

**APPLICATION TO FELL ONE PRUNUS TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO.5) TREE PRESERVATION ORDER 1991 AT 4 QUEENS DRIVE, TAUNTON (TD523)**

Grid Reference: 321815.123031

Felling of Tree(s) covered by TPO

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. The proposed work shall be completed before the expiration of two years from the date of this permission.

Reason: To ensure that the works hereby approved are carried out in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) in accordance with British Standard BS4428:(1989):

1 x Prunus cerasifera 'Pissardii' or 'Nigra', planted as a standard tree or larger (minimum trunk girth 8-10cm), and planted in the front garden within 5 metres of the felled tree. If within a period of 5 years from the date of planting the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted (356493).

Reason: To maintain visual amenity in accordance with Taunton Deane Local Plan Policy EN8.

**Notes to Applicant**

1. 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.

## **PROPOSAL**

The application proposes the felling of one Purple-leaved Plum tree in the front garden of 4 Queens Drive.

## **SITE DESCRIPTION**

Queens Drive is characterised by large trees and shrubs facing onto the road. Some of these have been removed and replaced as necessary.

## **REPRESENTATION RESPONSES**

2 representations in SUPPORT of the application.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The Purple-leaved Plum trees are a distinctive feature of Queens Drive and Batts Park. However, they are not particularly long-lived trees, many have declined over recent years and some have been replaced. Although these trees can survive with considerable amounts of decay or canker, the extent and location of the decay in this particular tree has resulted in a large portion of its canopy splitting off in recent bad weather. With the canopy now imbalanced and the wound prone to further decay and weakness, and given the tree's proximity to the road and footpath, it is considered that the proposal to fell the tree is justified and that approval should be granted on condition that a new tree of the same species is planted within 5 metres of the felled tree.

**In preparing this report the Planning Officer has considered fully the**

**implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr D Galley Tel: 01823 356493**

**ERECTION OF SINGLE STOREY EXTENSION AT 1 CAMBRIDGE TERRACE,  
TAUNTON**

Grid Reference: 323385.126803

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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 does 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.

**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 0612-02 Location Plan  
(A4) DrNo 0612-03 Site Plan  
(A1) DrNo 1612-01 REV A Floor Plans and Elevations  
(A1) DrNo 1612-01A Floor Plans and Elevations

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

**Notes to Applicant**

- . 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 relates to the erection of a single storey pitched roof extension at the side of the property measuring 5.8m long and projection 4m. Initially plans showed the extension projecting forward of the front of the property by 2.4m. This was considered to be unacceptable in terms of the impact on the street scene and the Agent has subsequently set the extension back so that the extension will now project into the rear garden. This will relocate the existing car parking space to the front of the extension, the initial scheme showed it behind the extension. Materials will match the existing dwellinghouse.

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

## **SITE DESCRIPTION AND HISTORY**

The property is an end of terrace that is finished in brick under a tiled roof. It is located in a corner plot on the junction of Cambridge Terrace - a cul-de-sac and Rochester Road. It has the benefit of off road parking to the side of the property and a 1m wooden picket fence to the front and partly to the side. The rear garden has a 2m brick wall running alongside the grass verge and footpath.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

### **Representations**

None received

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

None

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that the amended scheme is acceptable in terms of design and will be in keeping with the existing property. There will be no impact on adjoining neighbours and having the extension set back from the front elevation has reduced any impact on the street scene. The existing car parking space will be re-located to the front of the proposed extension ensuring that the property still benefits from off-street parking.

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

**CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462**

08/13/0001

MRS G CRESSWELL

**ERECTION OF CONSERVATORY TO REAR OF 10 STANDFAST PLACE,  
CHEDDON FITZPAINE**

Grid Reference: 323963.12663

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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 does 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.

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

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

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

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

(A3) Existing and Proposed Floor Plans  
(A3) Elevations as Existing  
(A3) Elevations as Proposed  
(A4) Block Plan  
(A4) Location Plan  
(A4) Conservatory Details

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 imposed planning conditions to enable the grant of planning permission.

## **PROPOSAL**

Permission is sought to erect a pitched roof conservatory at the rear of the property with a projection of 3m x 4.4m. The side walls will be built of brick with doors and windows in the elevation facing towards the garden.

## **SITE DESCRIPTION AND HISTORY**

The property is semi-detached and finished in brick under a tiled roof. The rear garden is enclosed by a fence that the first panels on either side of property is 1.5m reducing to 1m around the rear of the garden.

Planning permission is required for the conservatory due to a restrictive condition being imposed on the original planning application that covers Standfast Place. This condition restricts any extensions being added without planning permission.

The application is being presented to Committee as the Applicant is a member of Staff.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*CHEDDON FITZPAINE PARISH COUNCIL* - No objections

### **Representations**

None received

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

None

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that the size and scale of the proposed conservatory is in keeping with the main dwellinghouse. The brick walls at the side of the conservatory will ensure that there will be no overlooking issues and therefore will have no adverse impact on neighbouring amenity. The projection is less than the 3m that would now be permitted development and there is not considered to be any significant adverse impact and the proposal is supported.

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



**CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462**