

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 26 June 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 5 June 2013 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 34/13/0018 - Construction of Parking area, erection of extension to equipment store and erection of 2 no. managers/substitutes dug outs adjacent to football pitch at Staplegrove Sports Club, Manor Road, Staplegrove.
- 6 42/13/0020 - Erection of front boundary wall, railings and gates, roof extension with installation of dormers and extended drive at cedars, Wild Oak Lane, Trull (amended scheme to 42/13/0002)
- 7 43/13/0030 - Demolition of industrial shed and erection of two semi-detached houses at 11 Burgage, Wellington (as amended).
- 8 E/0033/38/13 - Unauthorised illuminated variable sign installed at Okoko, 2 Bridge Street, Taunton.
- 9 E/0039/48/13 - Unauthorised erection of new building at Quantock Farm, West Monkton.
- 10 Planning Appeals - The latest appeals received (attached).
- 11 Miscellaneous Report

17 July 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 J Gaden  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Coles, A Wedderkopp 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

STAPLEGROVE SPORTS CLUB PROPERTY TRUSTEES

**CONSTRUCTION OF PARKING AREA, ERECTION OF EXTENSION TO EQUIPMENT STORE AND ERECTION OF 2 NO. MANAGERS/SUBSTITUTES DUG OUTS ADJACENT TO FOOTBALL PITCH AT STAPLEGROVE SPORTS CLUB, MANOR ROAD, STAPLEGROVE**

Grid Reference: 321524.126712

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development would not cause a significant increase in likely disturbance to neighbouring residents above and beyond the existing situation and would not cause harm to the visual amenities of the area nor highway safety. It, therefore, accords with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

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

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

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

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

(A4) Floor Plans & Elevations Equipment Store Extension  
(A4) Floor Plan Existing Equipment Store  
(A4) 3D View and Elevations Manager's and Substitute's Shelter  
(A4) Proposed Car Park Layout  
(A4) Location Plan  
(A4) Property Boundary  
(A4) Proposed Car Park with Manager's and Sub Shelters

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

3. (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

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.

- 4. Before the parking area hereby permitted is first brought into use, full details of the treatment of the western and southern boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details either prior to the car park being brought into use in the case of a solid boundary or in accordance with condition 3 in the case of a planted boundary.

Reason: To protect the amenities of the neighbouring residents, in accordance with Policy DM1 of the Taunton Deane Local Plan.

- 5. The block walls to the equipment store and dug outs hereby permitted shall be painted before they are brought into use and shall thereafter be maintained as such.

Reason: In the interests of the visual amenities of the area, in accordance with Policy DM1 of the Taunton Deane Local Plan.

- 6. The car parking area hereby permitted shall not extend further north than a line drawn east from a point adjacent to the boundary between numbers 6 and 8 Lawn Road at the point where it meets the site boundary.

Reason: For the avoidance of doubt.

- 7. The car park and access drive hereby permitted shall be permeable or provision shall be made to dispose of surface water within the site prior to the car park being brought into use in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent any increase in off site flooding in accordance with Policy CP8 of the Taunton Deane Core Strategy.

## **PROPOSAL**

This application seeks full planning permission for the construction of a parking area, erection of extension to equipment store and erection of two pitch-side dug outs. The application has arisen following the club's first team's acceptance into the County League and the need for a longer playing pitch to comply with the League's rules. As a consequence, the club has decided to re-orientate the football pitch through 90 degrees, which in itself is not considered to require planning permission. However, this encroaches onto the existing car park, which it is proposed to be relocated along the western site boundary. A new access drive would be constructed along the southern boundary, necessitating the removal of a number of trees (which has already occurred) and the car park laid along the western side of the club's grounds up to a point level with the boundary between numbers 6 and 8 Lawn Road.

The two dug outs would be simple block built buildings, with partially open front and sides and a clear corrugated PVC roof. The proposed store extension would also be constructed in painted block and would extend off the rear side of the existing building on the ground's northeast side.

## **SITE DESCRIPTION AND HISTORY**

The site is the grounds of Staplegrove Sports Club, a privately run club hosting a cricket and football pitch club house, equipment store building and car park. The club house and car park are located along the southern side of the grounds, with the football pitch laid out in the west part of the site and cricket pitch to the east. Existing residential properties border the site on the southwestern and western sides, with a further dwelling off the southeastern corner.

There is no relevant planning history for this site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – The proposal would not appear likely to result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

*STAPLEGROVE PARISH COUNCIL* – OBJECTS for the following reasons:

We have had consultations with the club and local residents. We made a proposal for an alternative scheme which would involve creating a car park on the opposite side of the field but this was decided inappropriate and unworkable.



We are pleased at the success of the club and do not wish to stand in the way of progress, but we are inclined to support the objections raised by the local residents who will be adversely affected by the new car park. For these reasons we would prefer this planning application to be heard by the Planning Committee.

Should planning permission be given, it would be beneficial to restrict the number of vehicles.

## **Representations**

*Cllr. Weymouth:* "I wish to register my support for the above application to be put before the Planning Committee and not decided by delegated powers. Neighbour Mr Chris Garcia has registered his objections to the present plans and is, I believe, supported by Staplegrove Parish Council and his neighbours in Lawn Road Staplegrove. Mr Bale has been also sent a letter by Mr Garcia's Planning Consultants C2C of Exeter which sets out his objections, however, Mr Garcia has stated he is supportive of the Club and hopes a satisfactory negotiation regarding the size of the parking area, the maximum number of days additional parking is allowed and boundary fence/hedge can be reached. I am told 6 objections have now registered so I presume this covers the requirements set down by Taunton Deane".

1 letter of SUPPORT raising the following points:

- This will provide better facilities for a community sporting activity and the proposed wall at the boundary of the neighbouring property will help avoid further flooding to the dwelling. Cannot see that the plan would have a negative impact on the village or neighbouring property.

6 letters of CONCERN/OBJECTION raising the following points:

- The proposed new car park increases spaces in excess of 60%. A small village club does not need such a large facility.
- The car park surface will cause noise and disturbance to neighbouring properties. The size of the car park gives a good indication of the amount of traffic likely to be attracted.
- Noise disruption goes beyond cars entering and leaving the car park. During matches – especially in colder weather, spectators often sit in their cars with radios playing and engines running.
- Concern about increase in traffic.
- In the cricket season, use of the club house can continue for many hours causing comings and goings to continue until quite late, immediately adjacent to Lawn Road houses if the new car park is sited as proposed.
- There are discrepancies in the plans as to the length of the proposed car park.
- The club has mentioned that on busy days overspill parking will be permitted onto the grassed area beyond the proposed formal car park – it is not clear whether this will be a formal change of use.

- 6 Lawn Road has ground and first floor windows overlooking the proposed car park and is the closest to it. It's rear garden is somewhat shorter and the rear facade is some 10m away from the proposed car park.
- Spectators, and associated noise will be brought closer to neighbouring properties by the pitch re-orientation.
- Cars leaving late at night will shine lights directly into the rear windows of 6 Lawn Road. If fence panels are hit and broken by cars, the exhaust fumes will permeate the garden.
- The parking area will be much more visible from the site entrance and will be much more of an urban intrusion than its location along the southern boundary, particularly as advertising hoardings may be located along the proposed railings.
- The blockwork managers and substitute shelters are not becoming to the existing village/rural pitch character.
- The creation of the driveway will require the loss of trees within the site, leading to a loss of rural amenity. There is no commitment to their replacement, nor any indication of the relocation of the ball catch net to the southern boundary.
- The increased car park will lead to an increase in traffic. No alterations are proposed to the access and no passing places are proposed along the length of drive to the car park. There is also minimal width for pedestrians to walk.
- It is queried whether there sufficient distance has been left on the southern touch line to allow for players to come to a controlled stop safely without encountering the rail or vehicles on the drive.
- It is unclear whether the drains have capacity to take the additional water runoff in this location. If not, this will increase the risk of flooding to the adjoining residential properties.
- Adequate drainage must be installed during the construction of the car park in order for flood risk to be minimised.
- The County League rules reference arrangements in respect of turnstiles and floodlighting along with provision to a special fund to allow improvements to grounds and facilities. There is a concern that these initial changes would incrementally increase over time.

Other letters have been received from neighbouring properties drawing attention to inaccuracies in a rebuttal statement made by the club.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the determination of this application are the impact on neighbouring property and visual amenity. Whilst the existing car park is bigger than that existing, it is considered unlikely to result in a significant increase in vehicles attracted to the site – people do not normally choose whether or not visit a sports club such as this due to the capacity of its car park. It is, therefore, considered that the impact on the highway network would be negligible, in accordance with the Highway Authority's consultation response.

### Neighbouring property

The relocation of the car park will bring the parking area closer to adjoining residential properties 4-8 Lawn Road, off the western site boundary. It is not considered that physical presence of the car park itself would have a detrimental impact on the amenities of these neighbours, but concerns have been raised from two of these adjoining properties about the potential for increased disturbance arising from its use.

It is considered that noise will be created from vehicles manoeuvring on the proposed gravel surface and it cannot be denied that some disturbance is likely. However, movement within the car park is likely to be concentrated to relatively short periods of time, mainly before and after matches or training sessions and it would be unlikely to create significant ongoing disturbance. Therefore, it is not considered that the noise from vehicles on the gravel surface would be sufficient to warrant refusal of the application.

It has also been suggested that there may be disturbance from people watching matches from within their cars, possibly leaving the engines running and listening to the radio. Whilst such behaviour is denied by the club, it is feasible that it may occur. It may also occur in relation to cricket matches and the club's representative for the current application is responsible only for football. That said, on cold days when engines would most likely be run for heat, neighbouring residents are less likely to be in their gardens for prolonged periods of time, so disturbance sufficient to warrant a refusal of permission is again unlikely. Noise from radios and indeed engines would also mainly be present at times when matches were in play and it seems likely that there would be a general increase in noise at these times in any case, as there would be at the present time. Most people would be shouting towards the pitch and away from the neighbouring properties, whereas in the current situation, they may well shout towards the dwellings, albeit that the disturbance from car engines and radios would be further away in the current situation. Concern has also been raised about late night leavers causing disturbance close to the boundaries with these properties and car head lights shining into bedroom windows. Again, this is considered to be relatively infrequent and not a continuous disturbance. New boundary fencing is proposed and this will limit disturbance to ground floor windows and reduce light from headlights falling onto first floor windows. It has been suggested by the club that one of the neighbouring residents may prefer a hedge, so a condition is recommended to agree the final boundary treatment and secure its implementation.

It should also be noted, that if permission were denied for the new car park, the club could still re-orientate the pitch and allow parking on the grass in this location without planning permission – such being an ancillary activity to the overall use of the sports club. Interestingly, the occupiers of 6 Lawn Road have commented in a subsequent

representation that their objections would be significantly reduced if the overall size of car parking area were reduced to the current size and simply relocated. However, for the reasons noted above, the additional size of car park proposed is not considered likely to result in significant additional traffic in itself.

The re-planning of the site will bring new activities closer to the boundaries with the neighbouring properties, yet will take other activities further away. With regard to the considerations expressed above, it is not considered that the change in the location of the activities – all of which go on in parts of the site at the present time – would give rise to such an increase in disturbance to the neighbouring properties as to warrant refusal of permission. If persistent noise disturbance does become a problem, then the appropriate recourse would be through environmental health legislation.

### Visual amenity

The car park would be a ground level development on land which is generally higher than the public highway at the site entrance – which offers the only public views into the site. The increase in parking area in the west would also be compensated by a return to grass in the southern part of the site. It is not, considered, therefore, that it would detract from the visual amenities of the area.

The loss of trees along the southern boundary is regrettable, but they were not afforded protection by Tree Preservation Orders and the like. The club has confirmed a willingness to carry out some replacement planting and it is considered that a landscaping condition should be incorporated on any grant of planning permission.

In the context of a small sports club, the external painted blockwork finish to the dug outs and equipment store (which would be sited away from public view) is acceptable and would not cause harm to the visual amenities of the area.

### Other matters

Some concerns have been raised regarding a potential increase in flood risk. However, the club intends to carry out repairs to an existing drainage ditch on the northern side of the site, which would drain to a soakaway, whilst the proposed car park surfacing would be permeable. It is not considered, therefore, that there would be a significant increase in flood risk arising from the proposed development.

Concerns have been raised about the accuracy of the plans and a conflict between the block plan and Ordnance Survey location plan. The club has subsequently confirmed that the car park area would terminate at a northern point level with the boundary between no's 6 and 8 Lawn Road and this intention is considered to be clearly shown on the location plan. A condition is recommended to ensure that this is the case.

Neighbouring residents have recommended imposing a limit on the number of parking places. However, this would be undesirable for two reasons – firstly, that the capacity of the existing car park is not clearly defined and it would be difficult to decide on a suitable number; secondly, that as in the existing situation, overspill

parking could occur off the formal surface and onto the surrounding grass. Such a condition is, therefore, rather pointless. As mentioned at the head of these determining issues and considerations, it is not considered that the provision of a larger car park is likely to result in an increase in traffic attracted to the site, it would simply better manage that which would be attracted anyway.

The proposed access drive at around 4m wide may not be ideal for two way traffic. However, it is considered that the access is wide enough at the site entrance to prevent vehicles backing up onto the highway whilst other vehicles exit. In any case, it seems likely that the majority of traffic would be flowing in the same direction at any given time – into the site before matches/training sessions, and out at the end. The Highway Authority have not raised any objection and, therefore, this is more an issue for the club to manage internally within their site.

### Conclusions

It is not considered that the proposals would lead to additional disturbance to neighbouring property to such a degree that would warrant the refusal of planning permission. The proposals would not harm the visual amenities of the area and would not give rise to additional highway safety problems. It is, therefore, considered that the proposals are 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 M Bale Tel: 01823 356454**

42/13/0020

MR SULLY

**ERECTION OF FRONT BOUNDARY WALL, RAILINGS AND GATES, ROOF EXTENSION WITH INSTALLATION OF DORMERS AND EXTENDED DRIVE AT CEDARS, WILD OAK LANE, TRULL (AMENDED SCHEME TO 42/13/0002)**

Grid Reference: 321642.122687

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 12/123/101E Proposed Floor Plan  
(A3) DrNo 12/123/100D Proposed Elevations  
(A3) DrNo 12/123/200A Proposed Site Plan  
(A3) DrNo 12/123/500 Existing Site Plan  
(A3) DrNo 12/123/106B Proposed Boundary Wall  
(A3) DrNo 12/123/101A Existing Floor Plan  
(A3) DrNo 12/123/100 Existing Elevations  
(A4) DrNo 12.123.1000 Location Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the west elevation of the proposed extension shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1 (E) of the Taunton Deane Core Strategy.

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the **first floor west** elevation of the extension hereby permitted without the further grant of planning permission (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and are fitted with obscure glazing). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) 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 a first floor extension above part of an existing bungalow. The extension will increase the number of bedrooms from 3 to 4 and allow the reconfiguration of the ground floor of the dwelling.

The extension would increase the height of the eaves of the dwelling by 2.3m and the ridge height by 2.5m, giving an overall ridge height of 8.2m. The first floor extension has a footprint measuring 11.6m x 8.1m.

The proposal also includes altering the existing access, widening the entrance, and building a higher front boundary wall with fence panels above.

## SITE DESCRIPTION AND HISTORY

The Cedars is located off Wild Oak Lane, within the village of Trull, with the lane leading to the centre of the village. The bungalow is set back from the road, slightly elevated. There is an existing vehicular access with a turning area within the site and a detached garage. There are residential properties to the rear of the property, further elevated than Cedars. Opposite the site is a single property and open countryside.

An application for an alternative design to the first floor was submitted and withdrawn on the 19th February 2013.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* - Initial comments: -

In detail the proposal represents no increase in vehicle movements and the occupancy of the site will remain the same. The development seeks the erection of a front boundary wall, including railing and a gate as well as alterations to the existing drive and extensions to the property.

It is noted that the planning application seek to make amendments to the existing boundary wall which is to include railings. The Highway Authority considers that these proposed alterations are detrimental to highway safety in a location with limited visibility.

The existing access arrangement provided limited visibility to vehicle existing onto Wild Oak Lane. However, the proposed alterations to the access are considered to obstruct visibility further. The proposed alterations will see the existing boundary wall raised to 1.2 metres with railings (physical structure) increasing the height to that of 1.8 metres.

When applying visibility splays to accesses the Highway Authority consider that there shall be no obstruction to visibility greater than 900millimetres above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. This is site specific based on the location of the development and the its proposed nature.

In this instance I would not wish to see any obstruction greater that 900mm to the access based on 'X' coordinates of visibility at 2.4m back from the adopted highway (carriageway edge).

Furthermore, Drawing No. 12/123/200a details the proposed location of the gates. The Highway Authority note that the access gate is set back the minimum requirement of 5.0m from the highway, meaning that vehicles will be able to operate the gates without becoming an obstruction highway users along Wild Oak Lane.

As a result the Highway Authority would require amendments to the proposed boundary wall, as the proposed scheme is considered detrimental to highway safety compared to the existing access arrangement. Once additional information has been received the Highway Authority will comment further.

Further comments: -

In light of our telephone conversation earlier and my observations dated 24th May 2013 it has come to my attention that the Highway Authority did not comment on planning application 42/13/0002 and therefore, whilst ideally the changes mentioned in my earlier letter should still take place, I feel that it would be unreasonable to raise an objection to the current application.



*TRULL PARISH COUNCIL* - Objects: -

- Imposing building which is far too big for the site.
- Adverse impact on the neighbours; will overlook on two sides, South and West.

## **Representations**

Five individual letters OBJECTION from three properties (including annex): -

- Out of scale with surrounding area.
- Concerns over height; dominates skyline.
- Overlooking; loss of privacy for existing neighbours and for Cedars due to elevated position of neighbouring properties.
- Loss of trees, hedgerows and shrubs replaced with 6ft wooden fence.

Five letters received from Channon House: -

- No planning related observations/comments.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations are impact on visual and residential amenity and highway safety.

### Residential amenity

The Cedars is adjoined by properties on three sides of the site. To the North, Channon House (part of Queens College); to the South is Rose Arbour (with annexe), separated by an access road; and to the West is Kafue Lodge.

Channon House is sited 28m away from the proposed extension and is not considered to be harmed by this proposal. Furthermore, no objection has been received from this property.

The proposed extension, though only 3m from the boundary of Kafue Lodge is 25m away when measured from dwelling to dwelling. There are two new windows proposed within the elevation facing onto Kafue Lodge, both windows serve bathrooms and have obscure glazing. A condition will ensure the windows are retained with obscure glazing. Given the distance between properties and the obscure glazing, the proposal is not considered to be detrimental to the residential amenity of this property.

Rose Arbour is sited to the south west of the Cedars, with the garden of this property directly south of the Cedars, with an access road separating the properties. At the closest point (corner to corner) the two properties are 15.5m apart, and the side of the proposed extension (at its closest) is 16.2m from the garden of Rose Arbour, this point is 18m from the rear of Rose Arbour.

The Cedars is at a lower level than the adjoining properties of Kafue Lodge and Rose Arbour, where currently only a small part of the roof/ridge of the Cedars is visible from the neighbours. As such, the new windows, when viewed from Rose Arbour would be limited.

### Visual amenity/Character

#### Extension

Wild Oak Lane contains a variety of properties; older historic properties and modern dwellings. These dwellings also have varying roof designs, some hipped and some pitched. Therefore the pitched roof design of the extension is considered to be in keeping with the area. The gable end of the first floor extension faces onto the road, with a single storey storey element (existing part of the dwelling) projecting to the side. The overall design is considered acceptable and the proposal does not dominate the street scene.

Whilst a first floor extension may not be subservient in terms of size, overall the dwelling is in keeping with the character of the area, and the extension is in keeping with the design of the bungalow.

Furthermore, the dwelling is sited within a large plot measuring approximately 36m x 25m that can comfortably accommodate the dwelling and the proposed extension.

#### Boundary wall

The proposal includes raising the height of the boundary wall from 1m (highest point) to 1.4m and placing fence panels on top of the wall giving an overall height of 2m. Whilst the fence panels are not ideal, the proposal would be similar to an adjoining property that has a boundary wall and larger fence panels than proposed. As such, the boundary is not considered detrimental to the visual amenity of the area beyond that of existing boundaries and the fence panels are not considered to be of such detriment to warrant refusal.

### Highways

The Highway Authority originally objected to the application based on poor visibility from the proposed boundary wall and that the proposed scheme is considered detrimental to highway safety compared to the existing access arrangement. These comments, and objection, were later removed as the Highway Authority felt it was unreasonable to raise an objection to the current application when no comments were made for the previous application (42/13/0002).

Notwithstanding the above, the front boundary wall can be built to 1m as Permitted Development, above the required 900mm the Highway Authority would have wanted. Furthermore, the applicant has submitted photographs of the existing access (before works began) which showed hedgerows as high as the proposed boundary present, that also over hanged beyond the boundary.

As such, given the wall can be built to 1m and that the Highway Authority have removed any objection, the proposal is not considered to be detrimental to highway safety beyond the existing access and beyond what can be built within the need for

planning permission.

### Conclusion

Given the distance between the properties, the difference in levels and the use of obscure glazing and conditions, the proposal is not considered detrimental to the residential amenity of the adjoining neighbouring properties. The extension and boundary is in keeping with the area and is not considered to harm the visual amenity of the area.

The proposal is therefore considered acceptable and recommended for approval.

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

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

**DEMOLITION OF INDUSTRIAL SHED AND ERECTION OF TWO SEMI-DETACHED HOUSES AT 11 BURGAGE, WELLINGTON AS AMENDED**

Grid Reference: 313788.120721

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. There would be no significant adverse impact upon highway safety visual or residential amenity and therefore the proposals are considered to comply with Policies DM1 (General Requirements), SP1 (Sustainable Development Locations), CP4 (Housing), and CP8 (Environment) of the Taunton Deane Core Strategy and guidance contained within 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 12027-05 Block Plan  
(A3) DrNo 12027-06 Site Plan As Existing  
(A2) DrNo 12027-02C Proposals

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

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

Reason: To 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.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension or addition (including dormer windows) to the dwelling houses hereby permitted without the further grant of planning permission.

Reason: To ensure an appropriate level of amenity space is retained for the enjoyment of future occupants in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed within any elevation or part of the dwelling houses hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the bathroom windows to be installed in the South West elevation of the dwelling houses hereby permitted shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained in perpetuity.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

7. The access and parking area shall be hard surfaced before the dwelling houses hereby permitted are first occupied. The hard surface 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 dwelling houses. Thereafter the parking spaces shall be kept clear from obstruction and not used other than for the parking of domestic vehicles in association with the dwelling houses hereby permitted..

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The development hereby permitted shall not commence (including demolition)

until the applicant has undertaken a bat emergence survey of the site carried out an appropriate time of year (mid April - end August). The results of the survey should inform the wildlife strategy required by Condition 09 of this permission.

Reason: To maintain the status of bats and their habitats. Bats, their roosts and habitats are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8.

9. The development hereby permitted shall not be commenced until details of a wildlife strategy to protect and enhance the development for bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's preliminary bat appraisal dated April 2013 and an up to date emergence survey and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and nesting boxes resting places and related accesses have been fully implemented

Reason: To protect and accommodate bats and nesting birds and their habitats from damage bearing in mind these species are protected by law.

10. Prior to implementation, details of the means of storing bicycles on the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved the facilities shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes in perpetuity.

Reason: To ensure that adequate facilities exist for the future residents of the site and 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. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving,

walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
4. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.
5. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
6. 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 Governments 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, as amended. seeks planning permission for the demolition of an industrial shed and erection of a pair of semi detached two bedroom dwellings at Burgage, Wellington.

Combined, the two dwellings will have a footprint of 9.5m x 7.5m with height to eaves and ridge of 5.0m and 7.1m respectively. The dwelling houses will be finished externally in painted render, concrete roof tiles, timber doors and uPVC or timber windows; both units will have a small porch canopy to the Northeast doorway. Both plots are to be served by rear court yard gardens measuring approximately 4.7m x 2.1m; the southeast plot will be served by two end on vehicle parking bays whilst the northwest plot will be car free. Bicycle storage sheds are provided to the rear courtyards.

## **SITE DESCRIPTION AND HISTORY**

The application site is located along Burgage within the centre of Wellington; it currently comprises a dated industrial building that is of concrete block walls with brick piers and corrugated roof sheets. At present the building is subdivided into garages that are let by the owner to members of the public for various uses, inclusive of storage and parking. To the South, East and West of the building are residential properties, to the North is a range of smaller garage units. The lane known as Burgage is an "urban footpath"; the lane is not a classified highway.

There has been a varied planning history to the site, which has been the subject of three previous planning applications, which are outlined below:

**43/89/0101** - erection of a bungalow with access thereto - refused planning permission

**43/90/0049** - erection of bungalow with access thereto - refused planning permission and appeal dismissed.

Both of the above applications had concerns with overdevelopment and amenity although highway safety was not a reason for dismissing the latter appeal.

**43/97/0006** - erection of bungalow with access thereto - planning permission granted subject to conditions.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP -*



It should be noted that from the submitted block plan drawing that the applicants red line 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.

The primary access onto North Street is considered substandard. The Highway Authority would not wish to see an intensification of this substandard access. The access does not provide suitable width to accommodate two-way vehicle flows neither does the access provide pedestrian visibility.

From on site observation and inspecting the submitted drawings, the site is shown as garages. The Design and Access Statement states that this area is currently used for vehicle parking, however, it is unclear whom it is provided for. Therefore, it is assumed that proposal for two dwellings will mean that off street parking provision would be unavailable to those whom park in this location. Again it is unknown to who the parking area is provided for at present, but I can comment that two new dwellings will generate 12-16 vehicle movements per day, according to TRICS database. Clarification is needed on the use of this parking area (who).

It is noted from the submitted Drawing No. 12027/02B that each plot is provided with two bedrooms. The proposal is not inline with the optimum standards indicated within the Somerset County Council – Parking Strategy as two parking spaces are required for each dwelling.

Within the Design and Access Statement, the proposal outlines that two spaces will only be allocated for one of the properties and that the other is to be provided within none (car free). Why make provision for one dwelling and not the other? The Highway Authority consider that provision for one dwelling with associated parking or two properties both designated as car free would be acceptable in this location.

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.

Recommends that planning permission be refused for the following reasons:

The increased use of the existing substandard access which does not incorporate the necessary visibility splays, such as would result from the proposed development, would be prejudicial to road safety. As a consequence, the proposed development would be contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy.

The site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy.

The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal

is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy.

*WELLINGTON TOWN COUNCIL* - Councillors discussed concerns over vehicle movement in the area but with a similar development taking place nearby this seemed not to be an issue. Recommended that permission be granted.

*WELLINGTON COMMUNITY OFFICE* - N/A

*DRAINAGE ENGINEER* - No comment.

*WESSEX WATER* - Standard guidance notes provided.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* -

*HERITAGE* - No observations.

*BIODIVERSITY* - No objection. Conditions recommended for emergence survey and bat mitigation measures.

## **Representations**

5 letters of objection received from local residents making the following planning related comments:

- This is overdevelopment of Burgage; problems already existing with parking and two further properties would only worsen matters;
- Access will be unsuitable for anything other than a transit van;
- Construction traffic and access is a concern and problematic; would impact upon car users and pedestrians;
- The building is attached to adjoining garage structures and walls;
- The lane is only suitable for one vehicle at a time;
- The proposed bin store will obstruct visibility when emerging from garage and of other road users, including children, also;
- Bats use the building for feeding and roosting and destroying this site will endanger their diminishing habitat;
- The privacy of Rainbow Cottage will be adversely affected by the close proximity to it of first floor windows;
- All windows of Rainbow Cottage are within 11 metres of the front elevation; front first floor windows should be rooflights as with recent adjacent development;
- The proposed second bedroom window will overlook Rosslyn as will the bathroom windows if they can be opened; request a covenant is a condition of any permission requiring obscure non opening windows;
- The rear wall is a part wall and the development will affect this;
- Asbestos will need to be dealt with appropriately during demolition to avoid health and safety impact upon neighbours;
- The previous permission for a one bedroom bungalow would be more suitable and less cramped than the two proposed.

## **PLANNING POLICIES**

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2158
Somerset County Council (Upper Tier Authority)	£540

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12949
Somerset County Council (Upper Tier Authority)	£3237

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application site is located within the defined settlement limit of Wellington, within easy walking distance of services and employment opportunities that will generally be required on a day to day basis by prospective occupiers of the two dwelling houses. In such locations, the principle of new residential development, particularly on previously developed land such as this, is considered to be acceptable and for this reason the proposals accord with the broad aims of Core Strategy Policies SP1, CP1 and CP4.

Notwithstanding the above, the pertinent issues to consider in addition to planning policy are the impact of the proposals upon visual and residential amenity and highway safety.

### Visual amenity

The proposals will result in the removal of a block built unit that relates poorly to the appearance of the street scene along Burgage, which is characterised by narrow and cramped residential plots, generally of a traditional appearance finished in render and facing brick. The proposed dwellings are simple in their design and are considered to represent a significant improvement to the visual amenity along Burgage compared to the negative impact that currently results from the industrial unit.

It has been suggested that the proposals represent an overdevelopment of the site; whilst one unit would sit more comfortably here two units can be accommodated as the plans demonstrate. Whilst more amenity space would be desirable, such is a matter for prospective purchasers/occupants to consider. The grain of the area is relatively tight and the proposals are considered to reflect the form scale and layout of the area in general.

## Residential amenity

Objection has been received from neighbouring residents concerned with the potential loss of privacy and overlooking of existing dwelling houses by occupants of the proposed development. There are no perceived issues regarding outlook or light. The original scheme was amended to remove bedroom windows from the rear elevation which original provided views directly into a bathroom velux roof light and garden of the property known as Rosslyn; the two first floor windows remaining to the rear serve bathrooms and will be fixed and obscured glazed to prevent any overlooking; such will be severed in perpetuity through a planning condition. The two first floor bedroom windows have been moved to the Northwest and Southeast elevations; here it is considered that the bedrooms will not result in any significant loss of privacy to neighbouring properties.

The primary impact of the development will be upon the dwelling house to the Northeast, which is known as Rainbow Cottage. The Northeast elevation of the development contains two first floor bedroom windows that will look out toward those windows within the Southwest elevation of Rainbow Cottage; the separation between the windows will be approximately 11.5 metres. Such a distance is below the normally accepted minimum separation between properties. The front windows to Rainbow Cottage appear to serve a landing and bedroom(s) although such cannot be confirmed at this stage.

The proposed bedrooms are unlikely to be used on a continual basis through the day and such are not commonly where one would spend most leisure time within a dwelling house. Whilst bedrooms will be used such is likely to be more infrequent than say a living room. Any prospective occupant would also need to actively attempt to look into the windows of the adjacent property and for privacy reasons of their own such is likely to be unlikely. Whilst there is the potential for conflict and overlooking here, such is not considered to be so significant an issue as to warrant the refusal of planning permission on its own.

## Highway safety

Objections have been received from residents and the Highway Authority virtue of the nature of Burgage, its access onto North Street and the parking and turning provision, or lack thereof at the site. It has been suggested that the residential development of the site will result in a detrimental impact upon highway and pedestrian safety.

It should be noted that the existing building currently generates a number of vehicle movements through its private use for garaging and storage. One of the two dwellings will be served by parking spaces whilst the second will be a car free property. Car free development has been permitted previously along Burgage (43/09/0004) and has more recently been granted planning permission nearby on land off Mantle Street (43/12/0068). It is accepted that turning at the property will be awkward but such the case for most properties along Burgage. The lane does not support a significant number of properties and is relatively lightly trafficked when compared to most residential streets.

Permission has been granted historically for one dwelling with parking. Car free development in this location is considered to be acceptable and having regard to the existing use of the building, the vehicle movements associated with one dwelling are

not considered to result in such a significant increase in vehicle movements along Burgage and onto North Street to have a significant adverse impact upon highway safety.

### Other Matters

Concerns relating to party walls are not material considerations to this planning application and do not themselves warrant refusal of the proposed scheme. Any inconvenience that may be caused from construction traffic is considered to carry very limited weight.

Bat droppings have been found within the building and therefore further survey work will be requested to ascertain the level of use; this together with mitigation can be agreed by way of condition but at this stage the proposed development is not considered to result in the loss of a habitat used by protected species.

Demolition of the building and the disposal of hazardous waste such as asbestos, if present, will be subject to rigorous health and safety regulations which the developer will need to comply with throughout works.

### Conclusions

Wellington Town Council support the proposals, which represent an appropriate development and re-use for this previously developed site; the proposed dwellings will be located within the settlement and within easy reach of day to day services and employment. The impact of the proposed development, having regard to visual and residential amenity and highway safety, is not considered to be so detrimental as to outweigh the benefits of providing new residential development in this location. The proposals are considered to represent a sustainable form of development and it is therefore recommended that planning permission be granted subject to conditions.

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

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

**E/0033/38/13**

**UNAUTHORISED ILLUMINATED VARIABLE SIGN INSTALLED AT OKOKO, 2 BRIDGE STREET, TAUNTON**

**OCCUPIER:** MR M LOTT

**OWNER:** SCOTSGROVE HOLDINGS LTD  
11 FISHERTON STREET, SALISBURY, SP2 7SU

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**PURPOSE OF REPORT**

To consider whether it is expedient to take Prosecution Action over the intermittent lighting around the sign at the front of OKOKO.

**RECOMMENDATION**

No further action be taken.

**SITE DESCRIPTION**

The site is in Bridge Street which is the main road that leads into the town centre and is north of the river Tone. The building is three storey with the side elevation being on the bank of the River Tone. The front elevation of the building faces onto Bridge Street and it is this elevation that the intermittent lighting is displayed around a rectangle television screen size sign.

**BACKGROUND**

The complaint was brought to the Council's attention in February 2012. It was established that the screen had been in situ for over 10 years but the intermittent lighting had been added after. Consultation with the Police and the Highway Authority has been carried out and their responses are as follows:-

*Highway Authority - Following on from our conversation this morning relating to the advertisement outside of 2 Bridge Street, the Highway Authority does not consider the advertisement a distraction to highway users neither is the advertisement positioned over the publicly adopted highway. As a result, the Highway Authority has no objections to this advertisement.*

Police - A telephone call was received by the Senior Enforcement Officer from the Police stating that no Road Traffic Accident which resulted in injury had been reported to them in this location.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The intermittent lighting around the sign at the front of OKOKO under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires Advert consent.

## **RELEVANT PLANNING HISTORY**

The most recent Planning application for this site is:-

38/13/0129 Change of Use of shop unit to create cafe/bar/bistro. New shop front & cantelivered terrace to the side at 2 Bridge Street, Taunton - Awaiting decision

## **RELEVANT PLANNING POLICES**

National Policy, Guidance or Legislation

NPPF - paragraph 207

Taunton Deane Local Plan 2004

EC26 – Outdoor advertisements and signs

## **DETERMINING ISSUES AND CONSIDERATIONS**

Signs fall to be considered under the Town & Country Planning (Control of Advertisements) Regulations 2007. This requires any assessment to be made in light of public safety and amenity.

The sign concerned has been in position for a number of years and it is illuminated at night. It has LED lights surrounding the sign in a rectangle and the provision of these lights in addition to the existing are not considered to detract from the visual amenity of the area as they are not visible during the day and are considered to be subtle at night and not to detract from the character of the nightclub building or the street scene.

The sign is not considered to harm public safety and the Highway Authority has raised no objection on terms of highway safety and there are no records of accidents related to the development

The sign as displayed is considered not to harm visual amenity or public safety and is therefore considered to be acceptable and if an application were made to retain it, consent would be granted.

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

**PLANNING OFFICER: Mr G Clifford**  
**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

E/0039/48/13

## UNAUTHORISED ERECTION OF NEW BUILDING AT QUANTOCK FARM, WEST MONKTON

**OCCUPIER:**

**OWNER:** MR & MRS G QUICK  
QUANTOCK FARM, QUANTOCK LANE, WEST MONKTON  
TAUNTON  
TA2 8LR

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Members will recall that the following report was deferred at the 1 May committee for further details regarding drainage.

The amount of surface water from the building is no different than before the building was constructed as the area was a concrete yard. Any rain water or surface water will go into a 6" pipe to the stream where the existing water goes and has done for many years. This stream is to the south of the building and flows into a man made pond where the water is filtered before exiting back into the main stream on the other side of the pond.

The Drainage Officer has been consulted and this is a copy of his response.

*'As the area of impermeable surface has not changed i.e. concrete yard being substituted by roofing the flow characteristics have not altered. Therefore I cannot object to this chosen method.'*

### PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of an agricultural building forming a covered area over existing buildings in a farm complex at Quantock Farm, West Monkton.

### RECOMMENDATION

No further action to be taken.

### SITE DESCRIPTION

Quantock Farm, is to the north west of the village of West Monkton, and is accessed along Quantock Lane via rural lanes. The open barn is in a field on the eastern side of an existing complex of agricultural buildings, and to the south east of a recently approved building. The land is open to the south, and it is some distance to nearest dwellings in this direction. A public footpath passes through part of the farm and the main vehicular access to the farm. The site is in Open Countryside, within the Quantocks Landscape Character Area, outside the West Monkton Conservation Area and outside the Quantock Hills Area of Outstanding Natural Beauty. There is a County Archaeological site to the east.

### BACKGROUND



A complaint was brought to the Council's attention on 1st March 2013. A site visit was carried out and the owner was surprised that Planning permission was required as he had obtained a grant from Natural England to provide this building under their new legislation. As the building and other building works that are being carried out on the farm has cost him a considerable amount, including matching the grant he was awarded he is not willing at this stage to submit a retrospective application for consideration of its retention.

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

The barn is an open steel frame building with a corrugated sheet roof and measures 24.384m x 36.576m. It is sited on the south east side of the site and covers an existing concrete area that the animals used and old farm buildings. One of the old buildings has virtually gone and the other is of stone with a double roman clay roof but is falling into disrepair due to been exposed to the elements. Natural England has advised that under cover areas within the farm for animals to be housed or fed during bad winter weather would be advantageous.

## **RELEVANT PLANNING HISTORY**

There have been a series of applications and permissions for agricultural buildings, covered stock yards, works to the Listed Building, and change of use and conversion of barns to holiday units. The most recent are listed below.

48/11/0039 Erection of agricultural cubicle building, at Quantock Farm, West Monkton. Approved 15/12/11, (phase 1 of 2).

48/12/0007 Erection of agricultural cubicle building, at Quantock Farm, West Monkton. Approved 27/03/12, (phase 2 of 2).

## **RELEVANT PLANNING POLICES**

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Core Strategy Policy DM2 (4) Agriculture Related.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The building is sited away from any residential property and thus if used for the housing of animals should not give rise to detrimental impact on amenity. It is in an open area to the southeast of several modern agricultural buildings and whilst close to a public footpath is not on the line of that path. The building which the roof structure has been constructed over, may be historic. This building is stone with a double roman clay roof. The old building appears on maps including the 1947 footpath map and may have been built at the same time as the original farm buildings or some time later. However as there is no specific reference to this building in the listing, it is not covered by Listed Building Legislation. The Conservation Officer wishes to have an accurate record of the building, but this is not possible as no planning application has been made and the building is not Listed. Previous recent proposals have resulted in a large number of objections from local residents. Any new application for an agricultural building would be likely to result in similar objections. The existing building may have protected species nesting/roosting/using it, and they are protected by law. The owners should be reminded of the need to abide by this legislation.

There would be no planning objection to the new agricultural building. The

Conservation Officer's wish to have an accurate recording of the existing building on the site cannot be achieved as no application has been forthcoming.

It is therefore considered that it would not be expedient to take action in this case.

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

**PLANNING OFFICER: Ms K Marlow**

**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 26 JUNE 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/C/13/2198722	OCCUPIED MOBILE HOME AT POND COTTAGE, FITZHEAD ROAD, FITZHEAD	E/0172/17/12

**APPEAL DECISION FOR COMMITTEE AGENDA – 26 JUNE 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/C/12/2 183108	VEHICLES FOR SALE AND OPERATION OF CAR MAINTENANCE AND REPAIRS AT THE GABLES, WELLINGTON ROAD, BRADFORD ON TONE, TAUNTON		E/0310/05/11	<p>The Inspector noted the main issues on ground (a) were the effects of the car business on highway safety along the A38, sustainability interests in terms of reducing the need to travel and on the character and appearance of the area. He was satisfied that the appeal development accords with the highway safety aims of Policy 49 from the Somerset and Exmoor National Park Joint Structure Plan Review (SP) and Policies DM1 and DM2 of the Taunton Deane Core Strategy.</p> <p>With regard to sustainability the inspector found the appeal scheme accords with the sustainable development aims of CS Policy CP8 and the NPPF.</p> <p>Regarding Character and Appearance he concluded this had not been harmed. Therefore the appeal succeeded and permission granted subject to planning</p>

				conditions and correction of the enforcement notice.
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## MISCELLANEOUS REPORT

06/08/0010 -

CONVERSION OF THE MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 18 APARTMENTS AND CONVERSION OF OUTBUILDINGS PART TO 8 APARTMENTS, ERECTION OF 28 NEW DWELLINGS, DEMOLITION OF REMAINING FORMER HOSPITAL BUILDINGS AND THE REINSTATEMENT OF THE SITE OF THE BUILDINGS AND ROADS TO PARKLAND AND INFORMAL GARDENS, PROVISION OF BAT ROOST BUILDINGS, RESTORATION OF PARKLAND, FORMATION OF PARKING AREAS AND FOOTWAYS AND IMPROVEMENTS TO ACCESS ROAD, ACCESS AND FOOTWAYS, SANDHILL PARK, BISHOPS LYDEARD

### BACKGROUND

At the Planning Committee of 22 May 2013, Members resolved to grant planning permission for the above development, subject to two outstanding matters being completed prior to the parties involved entering into a Section 106 Agreement and the Decision Notice being issued. One such requirement was for the following:

- Receipt of revised Travel Plan to be subsequently approved by SCC Travel Plan Coordinator and attachment of approved Travel Plan to the Section 106 Planning Agreement.

With the exception of the Travel Plan, the Council and all other interested parties are now in a position whereby the Section 106 can be entered into and Decision Notices issued for the development. The developer is under contractual obligations and wishes to commence works as soon as possible. At present there is a likely delay before an initial meeting to discuss updating the existing Travel Plan with Somerset County Council's Travel Plan Co-ordinator can take place. This delay is likely to last until July 15 at the earliest with ongoing delays as the Travel Plan is revised and discussed with the Travel Plan Co-ordinator at Somerset County Council.

In order to allow a Decision to be issued, the developer has requested that the Travel Plan be omitted from the Section 106 and be secured instead by way of a planning condition.

### COMMENT

The opinion of the Transport Development Group has been sought as to the appropriateness of allowing the Travel Plan to be secured by way of condition. They have advised that good practice is for the Travel Plan to be secured by way of a Section 106 to ensure that the developer is obligated to undertake all necessary elements of good travel planning. Unless there is very good reason to allow a variance from this stance, they advise that a condition would not be appropriate.

It is fully understandable that in most instances, securing a Travel Plan through the Section 106 Agreement would be good practice; however there are exceptional circumstances here that give added weight to allowing a variance from normal procedure.

Enforcing the need to agree a Travel Plan through the Section 106 Agreement is likely to result in a significant time delay in allowing the Council to issue the Decision Notice, with this delayed unfortunately being caused by the unavailability of the Travel Plan Co-ordinator for a number of weeks. By the time a meeting has taken place and the developer produced an acceptable Travel Plan, this time delay is likely to be significantly extended and posed a significant threat to the scheme.

It is envisaged that the Travel Plan for Sandhill Park will entail a range of practical measures and not include significant financial contributions virtue of the developments viability. Providing practical measures such as cycle storage, improved legibility, footpath and cycle links along the access track can be secured by way of a condition if required. It is considered to be imperative that a decision be issued for the application in such time as to allow the developer to meet their contractual obligations and to allow work to commence on site, which it is hoped will be before the end of this year.

## RECOMMENDATION

There is no legal framework preventing the use of a condition to secure an appropriate Travel Plan and it would be reasonable, when balanced against the significant benefit that this development would have to the future of Sandhill Park House to allow such a variation in this exceptional occasion.

Members are therefore asked to approve the removal of the Travel Plan from the Section 106 Planning Agreement and to impose the following condition to the grant of planning permission:

Prior to the occupation of any dwelling hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved Travel Plan for this development shall be implemented within two months of the first dwelling of the development first being occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision and control of car parking, teleworking, and emergency taxi cover. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in

accordance with Taunton Deane Core Strategy Policies CP1CP6 and the relevant guidance in Section 4 of the National Planning Policy Framework.

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

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