



Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 2 September 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 12 August 2014 (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 04/15/0006 Change of use of 2 No. outbuildings to holiday lets with replacement of third outbuilding with recreational area at Mistletoe Cottage, Forest Drove South, Bickenhall.
- 6 34/15/0020 Application for outline planning permission with all matters reserved for the erection of industrial units on land off Frobisher Way, Bindon Road, Taunton
- 7 35/15/0006 Erection of a single storey extension with garage to the front and relocation of access at Heywood Cottage, Church Lane, Stawley
- 8 Latest Appeals and Decisions received

Bruce Lang
Assistant Chief Executive

15 October 2015

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



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

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Planning Committee Members:-

Councillor R Bowrah, BEM (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor M Adkins
Councillor W Brown
Councillor M Floyd
Councillor J Gage
Councillor C Hill
Councillor S Martin-Scott
Councillor I Morrell
Councillor S Nicholls
Councillor J Reed
Councillor N Townsend
Councillor P Watson
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 12 August 2015

Present: - Councillor Bowrah (Chairman)
Councillor Coles (Vice-Chairman)
Councillors M Adkins, Brown, Gage, Hill, Horsley, Martin-Scott, Morrell,
Ryan, Townsend, Watson, Wedderkopp and Wren

Officers: - Bryn Kitching (Area Planning Manager), Gareth Clifford (Principal
Planning Officer), Maria Casey (Planning and Litigation Solicitor) and
Tracey Meadows (Democratic Services Officer)

Also present: Councillor Warmington in connection with application No. 45/15/0006
and Mrs A Elder, Chairman of the Standards Committee.

(The meeting commenced at 5.00 pm)

77. Apologies/Substitutions

Apologies: Councillors Mrs Floyd, Nicholls and Mrs Reed

Substitutions : Councillor Horsley for Councillor Nicholls;
Councillor Ryan for Councillor Mrs Reed

78. Minutes

The minutes of the meetings of the Planning Committee held on 24 June and
15 July 2015 were taken and read and were signed.

79. Declarations of Interest

Councillors M Adkins, Coles and Wedderkopp declared personal interests as
Members of Somerset County Council. Councillor Coles declared that he
knew the agent for application No 43/15/0059. Councillor Townsend declared
personal interests as he was Vice-Chairman to Kingston St Mary Parish
Council and Chairman to the Kingston St Mary Village Hall Association.
Councillor Martin-Scott declared personal interests as he was trustee to the
Home Service Furniture Trust and a trustee to Trull Memorial Hall. Councillor
Bowrah declared that he was Ward Councillor for Wellington Rockwell Green
and West, he felt that he had not “fettered his discretion” for application No.
43/15/0059. Councillor Watson declared that he was Ward Councillor for
Bishops Lydeard he felt that he had not ‘fettered his discretion’ regarding
application No. 45/15/0006. All Councillors declared that they had received
correspondence for application No. 05/15/0014.

80. Applications for Planning Permission

The Committee received the report of the Area Planning 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 development:-

05/15/0014

Erection of a Car Port to front of Cobwebs, 18 Great Mead, Bishop's Hull (retention of works already undertaken)

Conditions

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

- (A4) DrNo RJ-02 Proposed Elevations;
- (A4) DrNo RJ-01 Existing Elevations;
- (A4) DrNo Site Plan;
- (A4) Location Plan;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with and had imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised that this relates only to "planning". It may be necessary for you to obtain approval under other legislation or requirements such as a covenant that may be in place.)

38/15/0193

Conversion of dwelling into two and the erection of three dwellings with gardens and access at 19 South Street, Taunton

- (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:-

- (A4) DrwgNo.634/01 Location Plan;
- (A3) DrwgNo.634/02 Existing Site Plan;
- (A3) DrwgNo.634/04 Existing House Floor Plans & Elevations;
- (A3) DrwgNo.634/05A proposed Block Plan;
- (A3) DrwgNo.634/06A Proposed Site Plan;
- (A3) DrwgNo.634/07 New House Floor Plan;
- (A3) DrwgNo.634/08A New House Elevations;
- (A3) DrwgNo.634/09A Conversion of Existing Floor Plans & Elevations;

• (A3) DrwgNo.634/10 Site Section;

- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to their installation, details and samples of the materials to be used for the surfaces of the courtyard 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;
- (e) The first floor window on the south east elevation of plot 3 shall be fixed and obscure glazed in a manner to be agreed and shall thereafter be so retained and there shall be no other windows inserted in this elevation without the prior written consent of the Local Planning Authority;
- (f) Entrance gates shall be provided in accordance with details to be submitted and approved by the Local Planning Authority and shall be erected prior to the occupation of the units and shall thereafter be so maintained;
- (g) Bin and cycle storage shall be provided on site prior to occupation of any dwelling hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to commencement of the development detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be fully implemented prior to the dwellings being occupied;
- (i) Details of the boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority including a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

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

25/15/0018

Erection of two storey extension to side of Pen Elm House, Norton Fitzwarren

- (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) Location Plan;
 - (A4) Block Plan;
 - (A1) DrNo 9556 B Proposed Elevations;
 - (A2) DrNo 9556 GF Plan A Existing and Proposed Ground Floor Plans;
 - (A2) DrNo 9556 FF Plan A Existing and Proposed First Floor Plans;
- (c) The materials to be used in the construction of the roof and brick surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that whilst it would appear from the application that the proposed development was 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.)

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

Reason

The site is located next to the Quantock Hills Area of Outstanding Natural Beauty and striking backdrop of the prominent wooded and farmed escarpment which so characteristically defines much of the AONB's south facing hills. By reason of its height and design, the proposed mast would constitute a visual intrusion which would be detrimental to the character and appearance of the AONB and contrary to the provisions of paragraph 115 of the NPPF and Policy CP8 of the Taunton Deane Core Strategy. Members considered that the benefits in improving rural communication connectivity did not outweigh the harms identified above.

(Notes to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council worked in a positive and pro-active way with the applicants and looked 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.)

81. Demolition of Public House, Public Toilets and 10 No. prefab concrete (PRC) council houses and erection of 26 No. dwellings (12 No. 1 bed, 9 No. 2 bed, 4 No. 3 bed and 1 No. 4 bed) with associated parking and landscaping on land at the Weavers Arms and Oaken Ground, Rockwell Green, Wellington

Reported this application

Resolved that subject to an appropriate legal agreement to secure a contribution of £12,264 towards children's play facilities the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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

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

- (A1) DrNo 3456/PL16 Rev A Proposed Possible Photovoltaic Positions in Elevation;
- (A1) DrNo 3456/PL15 Rev D Proposed Possible Photovoltaic Roof Plan;
- (A1) DrNo 3456/PL14 Rev G Proposed Boundary Treatment;
- (A1) DrNo 3456/PL13 Rev E Proposed Site Levels;
- (A1) DrNo 3456/PL12 Topographical Survey;
- (A1) DrNo 3456/PL11 Rev B Proposed Street Scenes;
- (A1) DrNo 3456/PL10 Rev A Proposed Bungalows (Plots 24, 25 & 26);
- (A1) DrNo 3456/PL09 Proposed Plots 22 & 23;
- (A1) DrNo 3456/PL08 Proposed Plots 20 & 21;
- (A1) DrNo 3456/PL07 Proposed Plots 18 & 19;
- (A1) DrNo 3456/PL06 Proposed Plots 16 & 17;
- (A1) DrNo 3456/PL05 Proposed Plots 14 & 15;
- (A1) DrNo 3456/PL04 Proposed Plots 9-13 (4 Bed House & Flats);
- (A1) DrNo 3456/PL03 Proposed Plots 1-8 (Flats);
- (A1) DrNo 3456/PL02 Rev G Proposed Site Plan;
- (A1) DrNo 3456/PL01 Rev C Location & Block Plan;

(c) (i) Prior to the commencement of the construction of any dwellings, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, and details of any trees to be retained, 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) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) Prior to its implementation, full details of the proposed western boundary treatment to plots 18-23 and plot 26 shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the plots to which they relate and shall thereafter be maintained as such;
- (f) The developer shall undertake all the recommendations made in The Bat Consultancy's Bat Survey report dated June 2015 and provide mitigation for bats as recommended; The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority; The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented; Thereafter the resting places and agreed accesses shall be permanently maintained;
- (g) The surface water and foul drainage strategy shown on Hydrock drawing C151169-C001 rev B contained in the Drainage Strategy Statement shall be fully implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to the occupation of the dwellings to which they relate, the parking spaces shown on the plans hereby permitted shall be laid out, surfaced and made available for use by the property to which it relates and shall thereafter be maintained as such;
- (i) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over both the entire eastern and northern site boundaries frontages. Such visibility splays shall be fully provided before any dwelling hereby permitted is first occupied and shall thereafter be maintained at all times;

- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences, gates walls or other means of enclosure shall be erected forward of the front elevation or side flank wall of exposed corner plots of the dwellings hereby permitted other than that expressly authorised by this permission without the further grant of planning permission;
- (k) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of a line drawn 2.4m back from the nearside carriageway edge on the centre line of the proposed access located adjacent to the junction of Oaken Ground with The Well and extending to a point on the nearside carriageway edge 25m on both sides of the proposed access. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation was 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; most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); (3) Applicant was advised that the Western boundary to plots 18-26 contains a number of established trees and shrubs which provide a high level of amenity to the neighbouring residents. It would be beneficial to retain as much of this vegetation as possible and details should be included in the landscaping scheme.)

82. Appeals

Reported that one new appeals and one decision had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 6.50 p.m.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

04/15/0006

MR P & MISS K JEFFERIES & JORDAN

CHANGE OF USE OF 2 No OUTBUILDINGS TO HOLIDAY LETS WITH REPLACEMENT OF THIRD OUTBUILDING WITH RECREATIONAL AREA AT MISTLETOE COTTAGE, FOREST DROVE SOUTH, BICKENHALL

Location: MISTLETOE COTTAGE, FOREST DROVE, BICKENHALL,
TAUNTON, TA3 6UE

Grid Reference: 329217.117954

Full Planning Permission

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:

v(A1) DrNo 15020.P.02 Rev C Drovers Cottage/The Stables As Proposed
(A1) DrNo 15020.P.03 Rev B The Annex - As Existing & As Proposed
(A1) DrNo 15020.P.04 Location Plan, Block Plan, Sketches

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

3. The two buildings, identified as The Stables and Drovers Cottage on drawing 15020.P.04 shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual holiday units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

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), no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures 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.

5. The annex building hereby permitted shall not be occupied/used at any time other than for purposes ancillary to the residential use of the dwelling known as Mistletoe Cottage and for recreation/relaxation in association with the two holiday units hereby permitted, shown on drawing 15020.P.04. The building shall not at any time be used for any business or commercial use.

Reason: The building lies in a location where uses that would foster growth in the need to travel would not be encouraged.

6. The parking areas as shown on drawing 15020.P.04 shall be made available prior to the respective holiday unit hereby permitted being brought into use. The parking areas in their entirety shall thereafter be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

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.
2. As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.
3. Note at request of Council’s Drainage Officer:
 - Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Wessex Water:
 - Application forms and guidance information for new water supply are available from www.wessexwater.co.uk/developerservices
 - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply.

5. Notes at request of County Rights of Way Group:
- The proposed works must not encroach onto the width of the bridleway.
 - The health and safety of walkers/rides must be taken into account during works to carry out the proposed development.
 - Somerset County Council has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians.
 - Somerset County Council will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicle 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 bridleway unless the driver has lawful authority (private rights) to do so.
 - If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided. This can be arranged through Sarah Hooper on 01823 483069.

PROPOSAL

Mistletoe Cottage is a part render/part stone and tile detached cottage near Bickenhall. It lies in a remote rural location, accessed from Forest Drove South, which is also a public bridleway. The property lies within a large plot, with garden area surrounding the property. To the north-west is a stone and tile traditional garage/storage building (understood to have formerly been stables) and a render and tile garage building.

This application seeks planning permission to convert these two outbuildings into two one bedroom holiday units. The proposal would utilise existing openings on both buildings, with the addition of two rooflights to the garage building. No extension is proposed to the stable building, although a lean-to extension is proposed to the rear of the garage building.

It is also proposed to replace a large pre-fabricated style building, in a poor state of repair, with a building to provide a recreation room, office and massage room to be used partly in conjunction with the holiday lets and partly as ancillary to the main dwelling. This would be constructed of timber boarding with a tile roof, incorporating three rooflights with three sets of doors to the front. Each holiday unit would have one car parking space and an area of amenity space.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NEROCHE PARISH COUNCIL (BICKENHALL) - Following a meeting, which was attended by 10 members of the public, to discuss this application, the Parish Council wishes to make the following observations:

- The location of the property is unusual in so far as it is situated along a drove which only has bridleway status. Vehicular access to the four properties on the drove is by private rights. The arrangements for repair and maintenance of the drove are unclear as SCC only has a statutory right to maintain the drove to bridleway standards.
- The concern of local residents is that the increased traffic caused by this proposal would result in deterioration of the drove and adversely affect neighbouring properties. The drove is used extensively as a bridleway by local horseriders.
- The owners of neighbouring properties also raised concerns that the development of the site as holiday lets would lead to increased noise and disturbance, out of keeping with the surrounding area and would impact on the landscape. An increase in waste was raised as an issue, particularly as waste is only collected from the end of the drove and does look unsightly prior to collection.
- The Parish Council notes that there is no mention of a restrictive occupancy clause in the application, and if the application is approved, would wish this to be a condition of approval so that the units are not occupied on a long term basis.

DRAINAGE ENGINEER - I note surface water will be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

SCC - TRANSPORT DEVELOPMENT GROUP - It appears that access to the site is via a bridleway and not direct onto the public highway and applicants have not shown ownership or right of access along this route.

No visibility splays are provided as part of the application. Visibility exiting the site is limited. The applicant will be required to illustrate visibility splay information for the site accesses. The access road is a narrow lane as such speeds are restricted. Visibility splay requirements would therefore be reduced, with no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points to the edge of carriageway less than 60m either side of the access. These visibility splays will need to be kept and maintained at all times. Visibility at the junction where Forest Drove meets the highway appears reasonable to the north, but is partially obstructed to the south.

The proposed development will be accessed by 2 gated accesses. The proposals indicate that the gates will open outwards. The access to the northern let (Drovers Cottage) is acceptable as the gate opens within the red line area. Whereas, the south let (The Stables), the gate opens outwards, outside of the red line plan area, which could obstruct the path of other vehicles or those using the bridleway.

Cottage is accessed along a ROW bridleway which has large ruts and potholes. Owners may look to address this issue.

Driveway apron is also in poor condition with a mixture of concrete, bitmac and loose stone, consideration for making good this area.

The proposed development provides one parking space per holiday let. This is in line with SCC Parking Strategy, although the proposals do not make allowances for the provision of secure cycle parking.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - Measurements taken from file. If in lawful use, no CIL liability. If not in lawful use, CIL would be £10,750.

ECONOMIC DEVELOPMENT - The change of use would enable the creation of a commercial opportunity in this rural part of the Borough. It would generate a sustainable income stream for the owner as well as an increase in commercial activity locally in the Blackdown Hills AONB and amongst the various providers of services in the rural economy. The development would also bring a currently under used property into a productive use. I am therefore supportive of the proposal.

BIODIVERSITY - Comments awaited

DIVERSIONS OFFICER - Forest Drove South is used for vehicular access to dwellings, but also carried bridleway T2/12. Health and safety measures should be put in place to raise walker/equestrians awareness of the works.

COUNTY RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the proposed works at the present time (bridleway T 2/12). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the bridleway.

We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath 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 bridleway, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the bridleway 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 bridleway unless the driver has lawful authority (private rights) to do so.

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

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

If the work involved in carrying out this proposed development would

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

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

(01823) 483069.

Representations

10 letters received raising concerns on the following grounds:

- Adverse impact upon bridleway, detrimental to riders, dangerous for children playing on Drove.
- Somerset County Council maintain surface only to bridleway standards.
- Drove in poor state of repair, surface rutted/potholed and not suitable for increased traffic load. Increased traffic would make condition worse and hazardous to horses/riders.
- Drove unsuitable for heavy traffic, narrow with no passing spaces.
- Emergency vehicle access hardly possible.
- Visibility onto classified road is poor.
- No offer to maintain drove.
- Parking for horseboxes and trailers is limited. Concerns regarding equestrian requirements and welfare of bringing a horse on holiday.
- Change of use/commercial unsuitable in this quiet and rural location due to extra waste, emissions, noise and light pollution.
- Noise and disturbance to local residents.
- Approval would set a precedent.
- Adversely affect the pastoral, unspoilt and tranquil nature of the area, which is a haven for wildlife.
- Disturbance of wildlife.
- Concerns that holiday lets could be used for permanent dwellings. Suggest maximum stay.
- Request waste, foul waste/water disposal, signage, height of buildings, personal permission, lighting and times of use of recreation building to be considered, should be no further development and buildings returned to residential if business plan not met.
- No mention made of other accommodation available in area.
- Site is half a mile from nearest public road and distant from adequate services and facilities with no public transport, resulting in reliance on car and increased number of journeys.
- Concerns that growth of holiday lets exceed demand, many local holiday lets are empty even in height of summer.
- Application conflicts with Point 3.1 of Policy DM2.
- Query whether amenities can be provided without major rebuilding, alteration or extension.
- If massage room available to outside clients, this would increase traffic further.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP8 - CP 8 ENVIRONMENT,

LOCAL FINANCE CONSIDERATIONS

The application is for holiday accommodation outside of Taunton and Wellington

where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, if the buildings are not in lawful use, the CIL receipt for this development is approximately £10,500.

DETERMINING ISSUES AND CONSIDERATIONS

Policy DM2 of the Taunton Deane Core Strategy concerns developments outside of defined settlement limits and Part 7 introduces a sequential approach for the conversion of existing buildings, requiring it to be demonstrated that the building would not be suitable for community uses, Class B business uses or other employment generating use before utilising it for holiday and tourism purposes. The supplementary information has demonstrated that a community use would not be appropriate due to the isolated location, along with there being no identified further local needs. In addition, Class B business uses and other employment generating uses would not be suitable due to the distance from main roads and conurbations, along with the narrow access roads and drove, close proximity to Mistletoe Cottage, and poor internet connections. It is also considered that there are a great deal of purpose built units available at competitive rates in more appropriate locations. As such, the use of the building for holiday and tourism is considered an acceptable alternative use, in line with policy DM2. It is noted that the holiday units would lie in a countryside location and consequently away from services and facilities, however it is important to note that a countryside location is often the destination sought by holiday-makers.

The holiday accommodation would be provided within two existing buildings. Regarding 'The Stables', the proposed conversion utilises existing openings, partly infilling the side door with timber to create a door and window within this space. In terms of the garage building, again existing openings are used, with the addition of two rooflights, which are not considered to cause any adverse impact. It is also proposed to provide a lean-to extension, which is deemed to be of a suitable scale and design, which does not result in harm to the appearance of the building or surrounding area. The buildings would not therefore appear significantly different to the existing situation.

From the structural survey and site inspection, it is evident that the buildings are in a reasonable state of repair. They are therefore considered capable of conversion without significant alteration, extension or major rebuilding. The proposed conversion works are not deemed to significantly alter the appearance of the buildings to the detriment of the rural character of the surrounding landscape.

The proposal incorporates a patio area to each holiday unit, ensuring that an adequate amount of amenity space is provided. The amenity area would not encroach out into the countryside and is not deemed to cause any increased domestication of the rural area beyond that of the current situation.

Section 3 of the NPPF supports sustainable rural tourism developments that benefit businesses in rural areas. It is considered that the guests visiting the holiday units are likely to spend in the local area, therefore supporting local businesses and contributing to the rural economy, helping to sustain the vitality and viability of the rural area. The Business Plan submitted indicates that the proposed holiday lets have been evaluated and appear to be a viable business activity, albeit with only a small profit in the first few years, whilst they establish. It is also demonstrated that

thought has been given to the target customers, competition, marketing, prices, risks and costs of conversion. There are other properties within the locality already let as holiday accommodation and it is considered that there is a demand for this type of accommodation in close proximity to the Blackdown Hills and Illminster.

The scheme also includes a recreation/office building. This would be of timber cladding with a tiled roof, which is considered an appropriate use of materials. The design with a gabled roof reflects the character of adjacent buildings. Although large, it is important to note that this is a replacement building for an existing pre-fabricated structure in a poor state of repair. As such, the replacement with a well designed building of materials sympathetic to the area is a welcome improvement. The building would provide a recreation area to be used in association with the holiday units and partly as ancillary to the main residential use of the dwelling. A condition is recommended restricting the use of the building to this effect and preventing independent business use.

The scheme includes one car parking space per holiday unit, which is considered appropriate for holiday units of this size and it is not considered that the use of the site for two small scale holiday units would generate a significant increase in traffic movements. A concern is raised that the gates open outwards. The agent confirms that these in fact swing both ways, which has historically been the case and they do open onto the driveway apron, rather than the Drove itself, therefore it does not seem reasonable to insist that this is changed. In terms of visibility, the site lies on a bend, where there is reasonable visibility in both directions along the Drove. It is important to note that the Drove, along which access is sought is narrow, rutted and pot-holed and as such, speeds would be significantly reduced, as evidenced from the site visit. On this basis, whilst the suggested visibility splays are not provided, the available visibility is considered sufficient and the scheme is not deemed to result in detriment to highway safety.

A wildlife survey has been undertaken and comments are awaited from the Biodiversity Officer. This matter will be updated on the committee update sheet.

There are no direct neighbours to be affected by the scheme and therefore no concerns regarding a loss of privacy. A concern has been raised regarding potential increased noise and disturbance from the use of the buildings as holiday accommodation and a request is made to restrict the times of use of the recreation building and barbecue area. In view of the remote location and distance from neighbouring properties, it is not considered essential to attach a condition to this effect.

The agent has confirmed that the applicants have a right of access along Forest Drove. However, a concern has been raised regarding this access and the maintenance and upkeep of the Drove. As Forest Drove is a private road, the right of way across it are civil/legal matters, to be agreed between the relevant parties. These are not planning matters and are unfortunately not issues that the local planning authority can become involved with or take into account in the processing of this planning application. As such, limited weight can be attributed to this aspect in determining the application. Concern has also been raised regarding the increased traffic and the resulting detriment to horseriders. As stated above, it is not considered that small scale holiday units such as this would result in a significant intensification of the use of the Drove. Furthermore, in view of the poor state of

repair of the access track, vehicles would be travelling at a significantly reduced speed. As such, the scheme is not deemed to result in a level of conflict with horseriders that would warrant refusal of the application.

The issue of a maximum stay restriction has been suggested. Conditions stipulating a maximum stay have not been considered the most appropriate means of restricting a holiday let within Taunton Deane for some time. Instead, the model holiday let condition is recommended, which is the standard condition used for applications of this nature. A suggestion has also been made that there should be no further development at the site. It is not considered reasonable to attach such a condition. The acceptability of any further planning applications on the site would be considered against currently policy at that time, taking into account the normal planning criteria. Other non-planning matters have also been raised but as these fall outside of the planning system, limited weight can be attributed to these issues.

The possible receipt of the Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

TAUNTON DEANE BOROUGH COUNCIL

APPLICATION FOR OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE ERECTION OF INDUSTRIAL UNITS ON LAND OFF FROBISHER WAY, BINDON ROAD, TAUNTON

Location: STREET RECORD, FROBISHER WAY, STAPLEGROVE, TAUNTON

Grid Reference: 320774.125744

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths, parking and turning spaces shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads, parking and turning areas shall be laid out prior to the occupation of any unit or in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for various modes of transport in accordance with Policies DM1 and CP6 of the Taunton Deane Core Strategy.

3. The development shall provide for covered and secure bicycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates 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 Taunton Deane Core Strategy Policies DM1 and CP6.

4. No development shall commence until a method statement for the protection of trees beyond the northern site boundary has been submitted to and approved in writing by the Local Planning Authority. The method statement shall indicate how the trees will be protected and how the development shall be carried out so as not to affect root structures. The approved method statement shall be strictly adhered to during the course of the development.

Reason: To ensure that the trees to the north of the site are not harmed during the course of the development in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

5.
 - (i) Prior to implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks

written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

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.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by

writing to the Traffic and Transport Development Group, County Hall, Taunton, TA1 4DY or by phoning 0300 123 2224. 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.

The fee for a Section 171 Licence is £250. This will entitle the developer to have their plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

PROPOSAL

This application seeks outline planning permission with all matters reserved, for the erection of industrial buildings on a parcel of land off Frobisher Way, Taunton.

An indicative plan has been submitted, which indicated the siting and layout of up to ten units within the site; an alternative layout for up to eight units is provided within the Design and Access Statement. Access into the site would be retained in its current location where a driveway off Frobisher Way currently serves the application site and The Apple Business Centre to the East.

SITE DESCRIPTION AND HISTORY

The site comprises a flat area of land at the edge of the existing industrial estate off Bindon Road and Frobisher Way. It sits between two existing industrial developments to the east and west, with palisade fencing to the southern boundary, which separates the site from the railway. To the north, the site borders the estate road, which curves around to along the eastern site boundary, where there is a vehicular access to the site. The site appears to be currently used for informal car/lorry parking and is traversed by high voltage electricity cables.

Full Planning Permission was granted in 2005 and 2010 for industrial development but has never been implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STAPLEGROVE PARISH COUNCIL - No comments.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to outline permission for the erection of industrial units.

Having reviewed the submitted information it is apparent that the proposal is similar to previous application 34/10/0023. As a consequence the Highway Authority's previous comments would apply and are set out below for your records.

The reason for the delay in the Highway Authorities response to this proposal was due to the applicant not submitting a Transport Statement with the proposal.

This Transport Statement has now been submitted to the Highway Authority and

our comments are as follows. The peak hour estimation seems reasonable when compared with the TRICS data sets. Whilst if it is assumed that there is a reasonable 50/50 split along Bindon Road it was accepted that this would lead to an extra vehicle every 4 minutes which is considered to be acceptable. In terms of the parking requirement the applicant has stated that there are a total of 270 spaces along Frobisher Way. This proposal will generate an additional 30 extra parking spaces which is an 11% increase which is considered to be acceptable. The only issue the applicant has not addressed is the other modes of transport such as cycle parking.

The access road will need to be properly consolidated and surfaced and provide a width of 5m which would allow two standard sized vehicles to pass each other easily. The only concerns I do have relate to the turning head, although it is understood that these units will mostly be served by small to medium sized vehicles. However there are concerns that a HGV would not be able to turn within this site. Would the applicant be able to confirm that the businesses which would utilise this location would not generate this type of traffic?

Taking into account the above information I raise no objection to this proposal and provide conditions should permission be granted.

DRAINAGE ENGINEER - No comment.

WESSEX WATER - No objection. Standard advisory notes provided.

ECONOMIC DEVELOPMENT - I should be grateful if you would record my support for this outline application. Bindon Road Industrial Estate is an established and important employment area within Taunton. The development proposed would bring the site into a productive use, creating employment opportunities for residents. Drawing upon my familiarity with the business community in Taunton Deane and my appreciation of the difficulties they have securing land for investment and development, I would have no doubts that there will be a demand for this property.

It is important that we are not prescriptive over the type and scale of industrial development proposed. The owner should be given full discretion to develop or dispose of the site in accordance with local market demand.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - The site has been used recently as a lorry park and there are likely to have been other commercial uses of the land before that. Made ground has also been found in the area. Therefore, there is the potential for some contamination to be present. Although the development is for a low-risk, industrial use it would be good to carry out a risk assessment prior to development. I attach a condition that could be used.

Representations

None received.

PLANNING POLICIES

CP2 - TD CORE STRATEGY - ECONOMY,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The application site is located within the defined settlement limit of Taunton and a well established employment area. In such locations, Policies SD1, SP1 and CP2 of the Core Strategy support the principle of new economic development in sustainable locations.

As has been established historically, the redevelopment of the site is considered to be acceptable by the Council in planning terms, with a comprehensive development of ten industrial units of varying sizes having been approved in the past five years. It is unclear as to why the site has not been taken forward to date, however in planning terms, the principle of development, in policy terms, remains relatively unchanged despite the adoption of the Core Strategy during the intervening period.

Whilst all matters are reserved, regard must be had to the potential impact upon highway safety and amenity within the area. The site has an existing use, with a haulage company using the site for parking, storage and maintenance of HGV's. The highway authority does not object to the proposals subject to conditions. Frobisher Way can, at times, be a congested section of estate road, however the existing use of the highway by large HGVs accessing the site is possible and the redevelopment is unlikely to significantly increase vehicle movements over the local highway network.

Amenity within the area is unlikely to be adversely affected through redevelopment. The previously approved schemes indicate thus and the siting of the plot between existing industrial sites and the railway is far from sensitive to new development, be that with regard to visual or residential amenity.

There are a number of mature trees outside of the site but overhanging the Northern boundary. These trees are protected by a Tree Preservation order. The layout of any reserved matters application will need to account for these trees, ensuring that they are not unduly harmed by any building works in order to maintain their health and amenity value. Such was accepted as being possible on previous applications and there does not appear to have been any change in circumstance since 2010 in this regard.

Taking the above matters into consideration, the proposed development would make good use of an under utilised site. The proposals would constitute a sustainable economic development within a well established employment area and is compliant with Core Strategy Policies. It is therefore recommended that outline 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

35/15/0006

MR A FORD

ERECTION OF A SINGLE STOREY EXTENSION WITH GARAGE TO THE FRONT AND RELOCATION OF ACCESS AT HEYWOOD COTTAGE, CHURCH LANE, STAWLEY

Location: HEYWOOD COTTAGE, CHURCH ROAD, STAWLEY,
WELLINGTON, TA21 0HP

Grid Reference: 306105.122669 Full Planning Permission

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 1208/1 Rev B Location/Site Plan
(A3) DrNo 1208/4 Rev A Floor Plans
(A3) DrNo 1208/5 Rev A Elevations
(A3) DrNo 1208/7 Rev A Site Plan

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

3. The garage spaces hereby permitted shall be used solely for the parking of vehicles and for no other purpose whatsoever.

Reason: To ensure that sufficient space for the parking of vehicles remains available within the site to serve the dwelling house, in the interests of highway safety and to ensure that a suitable layout is retained within the site in accordance with Taunton Deane Core Strategy Policy DM1 and retained Local Plan Policy M4.

Notes to Applicant

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

PROPOSAL

The application, as amended, seeks planning permission for the erection of a single storey extension to the front (South elevation) of Heywood Cottage, Stawley.

The extension will provide a double garage with storage space above. It will be finished in materials to match the existing dwelling. The proposals have been amended to remove the hipped roof, with this being replaced by a traditional gable end; a narrow window has also been provided to the Southern elevation of the extension..

SITE DESCRIPTION AND HISTORY

Heywood Cottage is a detached two storey dwelling with accommodation within the roof space. The dwelling has benefited from alterations historically and permission has been previously approved to convert the garage into additional living space. Pre-application advice was sought in relation to the proposed development.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STAWLEY PARISH COUNCIL - The proposed development would damage the residential amenity of neighbouring properties contrary to policy D5 in Taunton Deane Borough Council's draft Site Allocations and Development Management Plan (SADMP):

- The original building on this site was a bungalow similar to its current neighbour, Newlands. In 2006 TDBC granted permission for a large extension and the development of a two-storey property which has created a substantial property out of what was originally a small property (35/2006/014)
- In 2008 the number of bedrooms in the property was effectively increased when TDBC permitted the integral garage to be used for residential accommodation (35/2008/002)
- The development proposes a new integral garage plus additional residential accommodation which, if permitted, could be converted into further residential accommodation at a later stage;
- The proximity of the proposed extension to Newlands, which is currently empty following the recent death of the owner, will damage the residential amenity of this neighbouring property.

Once a small bungalow within the hamlet of Stawley this property will, if development is approved, become a very large house further reducing the stock of more affordable properties within the area. Policy DM2 of TDBC's adopted Core Strategy specifically seeks to prohibit replacement dwellings within open

countryside from being substantially larger than the existing dwelling. As this property is effectively a replacement dwelling from the original, applications for its further extension should be considered to be contrary to policy DM2.

The proposed extension would bring the building line much closer to Church Lane and significantly altering the form and character of the existing building and resulting in an overdevelopment of the site. This is contrary to policy D5 in TDBC's draft SADMP.

The proposed new site entrance on Church Lane is considered inadequate and would make it extremely difficult for larger vehicles to access the site compromising future amenities, turning space and parking at the property. This is also contrary to policy D5 in TDBC's draft SADMP.

Flowing submission of revised plans - Stawley PC maintain their objection to the development for the reasons set out above with the changes doing nothing to address these fundamental objections.

SCC - TRANSPORT DEVELOPMENT GROUP - Having reviewed the road record and the proposed details shown on drawing 1208/7 it appears that part of the proposed garage has encroached onto the adopted highway a copy of which is attached for your information. As a consequence the applicant is urged to amend the plan to reflect the road record. If this doesn't occur then the Highway Authority would be forced to recommend refusal of the application.

The other part of the application relates to the relocation of the existing access. The proposal will still gain access onto the unclassified highway, which can be characterised as single width with high hedges on either side. In terms of actual vehicle movements it is likely to be lightly trafficked although it is noted that the highway does provide access to the church therefore there would be an element of pedestrian/vehicle movements along this lane during the week. The Highway Authority accepts that this proposal will not result in an increase in vehicle movements however it is apparent from that suitable visibility splays haven't been shown on the submitted plan. As a consequence the applicant would need to submit a plan that shows that the appropriate level of visibility can be achieved.

Church Lane is subject to a 60mph speed limit however due to the sinuous nature of the highway vehicle speeds are much lower therefore Manual for Streets is considered to be the most appropriate design guidance for this location. As such the applicant should submit an amended plan that shows that splays of 2.4m x 23m can be achieved in either direction.

Therefore to conclude the applicant would need to submit an amended plan showing that suitable visibility, as set out above, can be achieved in either direction. As well as this the applicant will need to amend their design for the garage as the current proposal encroaches onto the adopted highway. If this amended plan is not received then the Highway Authority would be forced to raise objection to the application.

Representations

Original submission:

1 letter of objection received making the following comments:

- Property used to be very small and discreet; extensions and alterations have had a significant detrimental impact upon the area;
- Footprint of the house is out of proportion with the area and so large that it draws the eye away from St Michaels Church, a Grade 1 Listed Building, which should be the dominant feature in the valley;
- Proposed extension would exacerbate the problem and further harm the aesthetic appeal of the area;
- The extension would dominant the approach to St Michaels Church and views from the South and East. It would also have a significant impact upon the neighbouring property and be over development of the site.

Amended Plans:

2 letters of objection received making the following comments:

- Appears the garage will encroach onto the highway which is surely unacceptable;
- A high pitched roof makes it harder to see effectively when reversing out of property (Newlands);
- Garage will block light to property and obscure views of the church;
- Aesthetics of the site will be compromised by overcrowding Newlands and increasing visual impact in an area that ought to be dominated by the Grade 1 Listed church;
- Raising the ground level would be necessary; would result in the new building detracting from the approach to the church and dominating its immediate neighbour.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the impact of the proposed extension upon visual and residential amenity. Stawley Parish Council consider any extension to this previously approved replacement dwelling, should be considered against Policy DM2 as a replacement dwelling. This is not the case, however, as any application to extend this dwelling house should be considered against retained Local Plan Policy H17 and emerging Development Management Policy D5, which is a near replication of the retained policy.

Visual Amenity

The proposed extension has been amended by replacing the original hipped roof with a traditional gable. The revised design is considered to be more appropriate and in keeping with the main dwelling. Visually the proposed extension will not

significantly alter the appearance of the dwelling when seen from the South, across the valley. When approaching the site along the highway, the extension will be prominent within the street scene due to its siting forward of the dwelling house. That said, it will be seen in conjunction with residential development within the site and the neighbouring property. The extension will not obscure views of the church to the South West, which are currently available from the highway and the site is sufficient distance from the church so not to adversely impact upon its setting.

In terms of Policies H17 and D5 noted above, the extension is subservient in scale and design, and does not harm either the form or overall character of the dwelling. Parking and turning areas are provided and would not be harmed or lost by the proposals.

Residential Amenity

Policies H17 and D5 noted above state that any residential extension should not harm the amenity of neighbouring dwellings. Objection has been raised as to the impact of the proposed extension upon the amenity of the neighbouring property. Despite the neighbouring dwelling being vacant at present, regard to its amenity must be had.

The property known as Newlands is a detached bungalow with garage and driveway along the western boundary, open garden to the South and more enclosed gardens to the North and East. The extension would result in some overshadowing to the front of the neighbouring property during late afternoon and evening, but the vast majority of the property's gardens would be unaffected by this impact. In terms of outlook, the bungalow has windows looking out to the South across the valley; the extension is positioned to the Southwest of these windows and whilst some loss of view would occur, the overall outlook from the front of the property would not be harmed to an unacceptable degree.

Whilst the siting of the extension to the front of the property will have an impact upon the setting of the neighbouring property, it will not result in any significant loss of light, privacy or outlook, nor cause additional nuisance from noise.

Other Matters

The proposed new access does not require planning permission as it is derived off an unclassified highway; requiring improved visibility splay and other details as suggested by the Highway Authority would be unjustified. With regard to development over highway land, the agent has confirmed that the access and land affected by the proposed extension falls entirely within the applicant's ownership.

It is noted that the original dwelling on the site was much smaller than the property now erected. It has been suggested that the proposals constitute over development of the site, however this is a large property with gardens to the North South and West of the dwelling and this additional built form will not result in a cramped, overdeveloped nature to the property.

Concern over possible habitable accommodation within the extension is raised by

the Parish Council. In order to retain appropriate parking and turning layouts within the site the use of the garage can reasonably be restricted to use as garaging only. Any future re-use would therefore need to be considered on its own merits should such a proposal be forthcoming.

The siting of the garage will not impeded visibility splays across the site frontages of Heywood's Cottage or Newlands, as the gable wall will be more than 3.5m back from the edge of the lane; vehicles will be able to wait at the entrance of the driveway and have good visibility when facing forward; vehicles should not be reversing onto the lane.

Conclusions

The proposed extension is subservient in design and scale to the original dwelling and it is not considered to significantly harm either visual or residential amenity. 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: Mrs P Hogg Tel: 01823 356371

Appeal Decisions

Application number: 42/14/0061

Site: Comeytrowe Manor West

Proposal: Change of use of cottage annexe to separate unit of accommodation.

Reasons for refusal

1. Comeytrowe Manor West has an extremely close relationship with the annex building, which is located only approximately 7.5 metres away. The use of the annex as a self-contained residential unit, by means of the close proximity, window positioning and requirement for amenity space, would result in mutual overlooking to the detriment of the privacy of the occupiers of both properties. Furthermore, the scheme does not include any private amenity space to serve the proposed dwelling. As such, the proposed scheme is considered to result in harm to the residential amenities of the main dwelling and future occupiers of the proposed dwelling. In addition, the requirement to provide a separate definition of curtilage with associated walling or fencing, by virtue of the use of the building as a separate residential unit, would detract from the setting of the main dwelling, which is a listed building. It is therefore contrary to Policies DM1(e) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraphs 17, 129, 131 and 132 of the NPPF.

Appeal decision: DISMISSED

Enforcement Appeal

Site: 82 Russet Close, Wellington

Alleged Breach of planning control: Erection of timber decking

Reference Number: E/0084/43/14

Appeal decision: DISMISSED

Full copies of the decisions are attached.

Appeal Decision

Site visit made on 2 July 2015

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2015

Appeal Ref: APP/D3315/W/15/3005864

Comeytrove Manor West, Higher Comeytrove, Taunton TA4 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Harris against the decision of Taunton Deane Borough Council.
 - The application Ref.42/14/0061, dated 6 November 2014, was refused by notice dated 30 January 2015.
 - The development proposed is change of use of cottage annexe to separate unit of accommodation at Comeytrove Manor West.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are (1) whether use of the cottage as a separate dwelling would provide adequate living conditions for occupiers of the cottage, and the main dwelling; and (2) the effect of separating the cottage from the main dwelling on the special architectural and historic interest of the listed building, and its setting.

Reasons

Living Conditions

3. From the information provided it is clear that the cottage has, historically, been used for purposes ancillary to the Manor House. Indeed, it is said to have been the bake-house for the estate. The Manor House was been divided into two dwellings some time ago but the cottage remained as an annexe to Comeytrove Manor West.
4. The degree of separation between the cottage and the main dwelling, across a courtyard, is very limited. The cottage has windows looking over, and a door opening out on to, the courtyard. The main dwelling has similar. In my view, the space between the cottage and the main dwelling is so limited that if the cottage was used as a separate dwelling, the privacy of occupiers of the cottage, and the main dwelling, would be seriously compromised by the mutual overlooking that would ensue.
5. I did see that the cottage windows facing into the courtyard has been fitted with obscure glazing and accept that a condition could be applied to ensure that this was retained. However, this would do little to relieve the perception of being overlooked for occupiers of the main dwelling. Moreover, notwithstanding

that the rooms are dual aspect, day-lighting main living spaces in the cottage with windows fitted with obscure glazing is a contrivance that would make the internal environment of the cottage unsatisfactory.

6. Taking those points together, I find that the proposal would not provide adequate living conditions for occupiers of the cottage, or the main dwelling. Consequently, the proposal falls contrary to CS¹ Policy DM 1e which seeks to protect the amenity of individual dwellings. Moreover, it fails to accord with one of the core principles of the Framework² which is to always seek to provide a good standard of amenity for all existing and future occupants of buildings.

Listed Building

7. Comeytrove Manor dates from the 18th Century and is a Grade II listed building. By dint of Section 1(5) of the Act³, the cottage must be considered part of the listed building. As set out, there is an historic relationship between the cottage and Comeytrove Manor. The proposal would break that relationship which would cause a degree of harm to the special architectural and historic interest of the listed building.
8. The Council also suggests that there would be pressure to divide the courtyard between the cottage and the main dwelling and that this would harm the setting of the listed building. While no such separation is proposed as part of the application, the relationship between the cottage and the main dwelling is such that if the ancillary relationship was broken, then there would inevitably be a drive from the occupiers to divide the existing curtilage with fences, or such like, and this would lead to harm to the setting of the listed building.
9. Section 66(1) of the Act requires the decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the reasons set out, the proposal would not accord with that, or for that matter, CS Policy CP 8 which seeks to protect, conserve or enhance historic assets.
10. In terms of the Framework, the harm that would be caused to the significance of the designated heritage asset would be less than substantial. Such harm needs to be weighed against any public benefits.

Final Conclusion

11. I can see that allowing the cottage to be separated from the main dwelling would have some advantages for the appellant and for the security of adjoining uses. However, these are not, in my view, sufficient to justify permitting a proposal that would have the harmful impacts identified.
12. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR

¹ Taunton Deane Borough Council Adopted Core Strategy 2011-2028

² The National Planning Policy Framework

³ The Planning (Listed Buildings and Conservation Areas) Act 1990

APPEALS RECEIVED

Site: North Heywood Farm, Stawley

Proposal: Prior approval for change of use from agricultural building to dwelling house (Use Class C3)

Application number: 35/14/0019/CMB

Appeal reference: APP/D3315/3131334

Enforcement appeal

Site: Grove Farm, Tolland

Alleged breach of planning control: Unauthorised use of property as holiday let with breach of agricultural tie

Reference number: E/0074/41/14

Appeal reference: APP/D3315/C/15/3132002
