

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 20 January 2016 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 6 January 2016 (to follow)
- 3 Public Question Time.
- 4 Declarations of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/15/0390 Erection of dwelling with associated works in the garden to the rear of Euston Lodge, 2 Middleway, Taunton
- 6 25/15/0034 Erection of a two storey extension to the south elevation and a conservatory to the north elevation of house of St Martins, Langford Lane, Norton Fitzwarren.
- 7 17/15/0014 Change of finish of window frames from white painted to natural at Holcombe Farm, Tylers Lane, Fitzhead
- 8 05/15/0042 Erection of single storey rear extension and first floor extension over existing lounge at 5 Orchard Drive Bishop's Hull
- 9 Latest Appeals and Decisions Received

Bruce Lang  
Assistant Chief Executive

12 February 2016

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](http://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](mailto: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](mailto: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	

## **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

38/15/0390

MR & MRS D FLETCHER

**ERECTION OF DWELLING WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF EUSTON LODGE, 2 MIDDLEWAY, TAUNTON**

Location: 2 MIDDLEWAY, TAUNTON, TA1 3QH

Grid Reference: 322297.12388

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

**Subject to the receipt of comments from the County Archaeologist, permission be granted**

### **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) Location Plan  
(A3) DrNo 5.1 Survey Plan  
(A3) DrNo 3 Site Plan  
(A3) DrNo 1 Ground and First Floor Plan  
(A3) DrNo 2 Elevations

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

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

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. The area allocated for the proposed drive and parking on the submitted plan, drawing number 3, shall be surfaced and made available before the dwelling is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

5. The applicant shall undertake all the recommendations made in jh Ecology's report dated October 2015, and provide mitigation for bats and birds as recommended.

The works shall be implemented in accordance with the approved details and timings of the works. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

6. 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 first floor window/dormer windows shall be installed in the development 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 and has imposed planning conditions to enable the grant of planning permission.
2. New water and waste connections to Wessex Water are required. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

3. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
4. 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.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

## **Proposal**

The proposal comprises the erection of a dwelling within the rear garden of 2 Middleway and includes the demolition of an existing garage. The size of the site is approx 24m x 19m and would be served by an existing access and track. Within the site there would be space for the parking of two vehicles and a drive that will be utilised as a turning area.

The proposed dwelling comprises three elements; main two storey element with a pitched roof, sloping to the rear; lower ridge two storey projection with dormer window and a conservatory, and will incorporate three bedrooms at first floor.

Materials proposed for the dwelling are brick and a slate roof.

## **Site Description**

The site currently forms part of the garden to 2 Middleway and includes a greenhouse and a large garage, The garage is accessed by an existing track off Broadlands Road that also serves properties in Middleway and Mount Nebo. 2 Middleway is a two storey property with parking to the front and its rear garden is contained by high boundary walls; the dwelling is sited at a lower level than the rear of the garden.

## **Relevant Planning History**

None.

## **Consultation Responses**

*SCC - TRANSPORT DEVELOPMENT GROUP -*

The proposal relates to the demolition of the existing garage to be replaced by a new dwelling.

I have taken the opportunity to visit the site and have the following observations to make. In terms of traffic impact the average dwelling generates 6-8 movements per day, which would see an increase in the use of the existing access. This is considered to be sub-standard in terms of visibility as this can only be achieved to the extremities of the access whilst the access road does not provide sufficient width for two-way traffic flow.

Based on the above the Highway Authority would normally raise objections. However it should be noted that the application site's existing use is a garage, which can be used on a daily basis and would therefore generate a level of vehicle movements, all be it that it would be less than the average dwelling. However it would mean that the net impact on the access would be lower.

As such to conclude the proposal would result in an increase in vehicle movements however when taking into account the existing use of the site it is felt that the net increase is not considered to be significant enough to be considered severe as per section 4 of the National Planning Policy Framework (NPPF). Therefore the Highway Authority feels that on balance this application can be dealt with under the Standing Advice document.

*DRAINAGE ENGINEER* - None received.

*WESSEX WATER* - Comments as follows:

*Water Supply and Waste Connections*

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

*S105a Public Sewers*

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important



to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

*BIODIVERSITY* - Applicant to undertake recommendations and mitigation made in jh Ecology's report.

Works implemented in accordance with approved details; development not occupied until scheme for maintenance and provision of new bat and bird boxes implemented; resting places and agreed accesses shall be permanently maintained.

Informative notes to be added to permission.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - None received.

## Representations Received

42 letters of **objection** raising the following points:

- No/poor visibility.
- Access onto Broadlands Road - 30mph speed limit and busy with traffic and parked vehicles.
- Difficulty manoeuvring out of lane.
- Lane not wide enough for emergency vehicles.
- No passing spaces.
- Existing users of lane use access for additional places to park, not main or only access to properties.
- Dangerous access; highway safety for pedestrians (including school children and the elderly), cyclists and vehicles.
- Intensification of traffic.
- Previous accidents on Broadlands Road.
- Broadlands Road used as a cut through.
- Concern over construction traffic.
- Construction vehicles should pay damages to any walls/boundaries during construction.
- Disagreement with Access Statement submitted with application regarding traffic movements; use of garage; visibility; definition of town centre.
- New access should be created from 2 Middleway.
- No turning circle.
- Garage not used by previous owners.
- No lighting in lane and if installed would harm amenity of rear gardens.
- Site too small and squeezed in.
- Too high with ridgeline higher than 2 Middleway.
- Out of character with Victorian dwellings.
- Undesirable backland development.
- Beauty of Euston Lodge (2 Middleway) will be spoilt.
- Built in historic walled garden relating to Mount Nebo Estate.
- Back gardens provide passage for mammals and habitat for birds,

- Overlooking and loss of privacy.
- Overshadowing of gardens.
- Precedent.
- Not sustainable.
- Does not accord with Policy DM1 (density and character) or the NPPF.

A Report from Road Safety Audit Ltd has been submitted to counter the claims made by the applicants Highway Consultant. The report has been commissioned by one of the objectors.

**Ward Councillor, objects** for the following reasons:

- Backland development.
- Safety concerns regarding access arrangements and width of access for emergency vehicles.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 M4 - TDBCLP - Residential Parking Provision,  
 M5 - TDBCLP - Cycling,  
 EN23 - TDBCLP - Areas of High Archaeological Potential,

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £16,000.00 (index linked).

### **New Homes Bonus**

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

### *1 Year Payment*

Taunton Deane Borough/West Somerset Council	£1,079
Somerset County Council	£270

### *6 Year Payment*

Taunton Deane Borough/West Somerset Council	£6,474
Somerset County Council	£1,619

## **Determining issues and considerations**

### **Principle**

The proposed dwelling is located close to the town centre, close to facilities, shops and public transport. As such, this is a suitable location for a new dwelling. The proposal will provide storage areas for bin and cycles and an amenity space. The proposal is therefore considered to provide the necessary amenities and facilities required for the proposal in a sustainable location.

### **Character**

In this case, the use of the garden to erect a dwelling is considered to be acceptable; the site can be directly accessed from the rear track and does not require the creation of a new access. Furthermore, the plot size is considered to be sufficient for the new dwelling and the remaining garden area is considered acceptable for 2 Middleway; properties within close proximity have varying plot sizes and house size/types.

The existing garden of 2 Middleway is surrounded by a high wall; a possible walled garden to either the property or a larger historic house, and whilst 2 Middleway has some architectural merit as an undesignated heritage asset, this itself is not considered to award sufficient weight as to warrant refusing the proposal for any impact it may have on its setting.

The design of the dwelling is also considered to be acceptable. As previously mentioned there are a variety of house types within close proximity of the site with nearby terrace, semi-detached and detached dwellings. Whilst the dwelling has been designed to fit into the plot provided, this does not make the design unacceptable. As well as a variety of building types, the area itself does not have any special designation.

### **Amenity**

The proposed dwelling would be surrounded by existing high boundary walls that exceed 3m in height and a new boundary wall between the proposed dwelling and 2 Middleway. Given the height of these walls, none of the ground floor windows would cause any overlooking.

On the west elevation there are a number of rooflights within the roof slope, there

are no first floor windows within this elevation due to the slope of the roof. The rooflights serve an en-suite, bathroom, bedroom and stairwell. The lowest part of the rooflights would be 1.7m above the first floor level, as such, there is unlikely to be any detrimental overlooking or loss of privacy from these windows. Furthermore, the rooflights face towards an adjoining garage block and the nearest garden would be sited directly to the rear would be 17m away (25m dwelling to dwelling); the rear garden of 29 Mount Nebo, would be closer (approx 15/16m), but at an angle and the nearest serving window on the rear roof slope serves an en-suite.

The East elevation facing towards 2 Middleway has no first floor windows.

The North elevation has one first floor window that serves a bedroom. This window would look onto the garden of 36 Wilton Street/23 Mount Nebo, though the lower panes of the window, that are 1.7m below first floor level, would have obscure glazing and would be fixed shut. As such, there would be no overlooking from this window.

The South elevation has two windows serving bedrooms; one window looks directly onto the drive and access; the second dormer window is set back further and is sited 16m to the boundary of the neighbouring property, at this point the dormer would be looking onto a garage. Given the distance from the dormer window to the neighbouring garden and obscure angle to the neighbouring property, any overlooking is not considered to be detrimental to warrant refusal of the application.

As the dwelling is sited to the rear of existing properties the size of the dwelling is not considered to be overbearing on these properties and would not cause and detrimental loss of light or shadowing. The dwelling will be sited in an elevated position to 2 Middleway, though given the two elements of the dwelling (not including conservatory) would be sited 21m and 26m away from the rear of 2 Middleway, there is no overbearing relationship between the two properties.

## **Highways**

The proposed dwelling provides two parking spaces and a drive/turning area for these vehicles.

There is an existing access and track that is utilised by a number of properties (approx 6 properties in Middleway; garage block serving a property in Mount Nebo; access to garage for 31 Mount Nebo), and is also used to access the garage sited at the rear of 2 Middleway. The garage serving two Middleway is currently rented, though has been used by residents of 2 Middleway in the past, the occupiers of 2 Middleway now have parking at the front of the site.

There has been much concern raised over the use of the access track to serve the proposed dwelling and of the limited visibility splay provided when exiting from the access. The Highway Authority have acknowledged that the access is sub-standard with regards to visibility and that normally the Highway Authority would raise an objection. Though given the use of the existing garage, that could be used by 2 Middleway, the net increase in traffic movements for a new dwelling would be less and as such the net impact on the access would be lower.

The Highway Authority concluded that the *proposal would result in an increase in vehicle movements however when taking into account the existing use of the site it is felt that the net increase is not considered to be significant enough to be considered severe as per section 4 of the National Planning Policy Framework (NPPF).*

The applicants and objectors have both appointed Highway Consultants to submit comments on their behalf. Notwithstanding these comments, I am minded to consider the response from the Highway, and given the existing use of the access by other properties in Mount Nebo, Middleway and the existing garage for 2 Middleway, and comments raised by the Highway Authority, the use of the track and access to serve the proposed dwelling is considered acceptable in this case.

## **Wildlife**

A wildlife survey has been submitted with this application and its findings found no sign of badgers; no evidence of bat activity and the garage was deemed as having low roosting potential though no bats were seen to emerge during the dusk survey; no trees within the site were considered suitable for bats; no evidence of reptiles; potential habitat for nesting birds within trees and shrubs.

As such, no objection is raised with regard to wildlife and the mitigation measures proposed within the report, including bird/bat boxes and no removal of vegetation outside of the bird nesting season, will be made a condition of any approval.

## **Drainage**

The site does not lie within a flood zone and surface water will be disposed to a soakaway; the proposed drive and parking spaces are proposed to be constructed with permeable block paviers. There is therefore not considered to be any risk of localised flooding.

## **Conclusion**

The site is located in a suitable and sustainable location for a new dwelling, that would not harm the amenity of the area or neighbouring properties. The design and siting of the dwelling is acceptable within an area providing varying plot sizes and dwelling designs. The limited number of traffic movements is considered to be acceptable for the existing track. The proposed dwelling 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**

25/15/0034

LANGLEY HOUSE TRUST

**ERECTION OF A TWO STOREY EXTENSION TO THE SOUTH ELEVATION AND A CONSERVATORY TO THE NORTH ELEVATION OF HOUSE OF ST MARTINS, LANGFORD LANE, NORTON FITZWARREN.**

Location: HOUSE OF ST MARTINS, LANGFORD LANE, NORTON  
FITZWARREN, TAUNTON, TA2 6NU

Grid Reference: 319824.126839 Full Planning Permission

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## **Recommendation**

**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:

(A1) DrNo 1444-01A Existing Plans  
(A1) DrNo 1444-02A Existing Elevations  
(A3) DrNo 1444-03A Location Plan  
(A1) DrNo 1444-07A Proposed Plans  
(A1) DrNo 1444-08A Proposed Elevations  
(A2) DrNo 1444-09 Site Plan

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

3. Prior to their installation, 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.

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 development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

Reason for precommencement: To safeguard the existing trees during the entire development process.

5. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the extension to the Care Home hereby permitted is first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

6. No part of the extension, hereby permitted, shall be occupied until space has been laid out within the site for the parking of vehicles as shown on Drawing No. 1444 - 03 Revision A. Thereafter, these vehicle parking spaces shall be made available for the parking of vehicles at all times.

Reason: In the interests of highway safety.

7. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to the first occupation of the extensions, hereby permitted, and thereafter permanently retained for this purpose.

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

#### 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 full planning application proposes the erection of a 2-storey extension to the south side of the existing Care Home, and the erection of a conservatory to the north elevation. The extension will provide the following additional accommodation:

Ground floor: 7 bedrooms each with en-suite shower facilities;

First floor: 6 bedrooms, again, each with en-suite shower facilities, plus a daytime lounge.

In addition, internal alterations to existing bedrooms 7, 9, 10 and 11 are proposed to make these rooms larger.

Outside, a new walkway around the southern and eastern sides of the extension is proposed, which will be screened by a retaining wall. A bicycle store is also proposed to be erected on the east side of the new extension.

## Site Description

The site comprises a detached residential 2 ½ storey, Care Home of red brick construction, under a tiled roof, that has previously been extended via the addition of extensions on 2-stories to the side and rear on its north and east sides. It provides 18 bedrooms for residents with ground floor living rooms, offices, kitchen and quiet room. It stands in spacious grounds with formal gardens on the approach to the Care Home along the access from Langford Lane. A nursery/orchard and grassed areas on its northern side. The sites grounds are spacious with buildings and structures set away from the sites boundaries, particularly to the north and west. To the rear (west) of the site and separate from the Care Home lie a number of outbuildings, workshops and sheds used for storage of equipment and for training purposes. A stand of mature trees and mature roadside hedging mark the southern site boundary with the adjoining A358 Taunton – Minehead road. The surroundings are semi-rural with the site lying close to residential properties to the west and east, and farmland to the north. The House of St Martin lies outside any settlement development limits, and in the open countryside.



## Relevant Planning History

25/03/0013 – Erection of first floor extension, dormer window and external alterations – approved 8/5/03.

25/06/0019 – Replacement of windows to main building – approved – 7/11/06.

25/06/0022 – Retention of 2 pre-fabricated units for educational purposes – Temporary approval 4/1/07 – The buildings and works hereby permitted shall be removed and the land restored to its former condition on or before 4th January, 2017.

25/08/0037- Construction of dormer window in main roof to form shower room and WC – approved – 17/2/09.

25/12/001 – Installation of metal, storage container – approved – 7/2/12.

25/15/0010/ENQ - Erection of two storey side extension and single storey conservatory to the north – advice given 11/5/15.

## Consultation Responses

*NORTON FITZWARREN PARISH COUNCIL* - No comments received at the Report Drafting stage.

*SCC - RIGHTS OF WAY* - No comments received at the Report Drafting stage.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The change of use from a Hostel to a Residential Care Home could potentially alter the amount of traffic generated by the site and is therefore likely to have an impact on the substandard junction between Langford Lane and the A358. Whilst there has been no assessment of this change submitted it is the opinion of the Highway Authority that in order to properly consider the likely impact of the proposal on the junction such an assessment will need to be carried out.

Therefore until such an assessment has been carried out I would recommend that this application be refused on highway grounds for the following reason(s):-

*The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since inadequate information has been submitted to satisfy the Local Planning Authority that the developments impact on the nearby substandard junction between Langford Lane and the A358 will not lead to a detrimental impact on highway safety.*

## Representations Received

10 Letters of Representation have been received from occupants of nearby residential properties. All raise objection to the proposed development. Concerns raised are summarised as:

- Objection to principle of use of Care Home for the care and rehabilitation of

offenders.

- There is a lack of clarity as to who the occupants of the Care Home would be
- Potential overlooking of adjoining dwelling
- Loss of 2 No. Silver Birch trees
- Highway safety implications have not been addressed – access out onto the A358 from Langford Lane is substandard
- Increased traffic and pedestrian movements to and from the site with consequent concerns for their safety
- Disproportionate amount of accommodation for care of offenders given the close proximity of the site to similar facility at Trenchard House
- Proposal would result in increased anti-social behaviour

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

In the Adopted Core Strategy (2011)  
CP1 – Climate Change  
DM1 – General Requirements  
DM 2 – Development in the Countryside  
DM4 - Design

The National Planning Policy Framework (2012) is a material consideration. This outlines Central Government guidance on planning. In the NPPF, advice contained in Sections:

3. Supporting a prosperous economy; and,
7. Requiring good design, is of relevance.

## **Local finance considerations**

None applicable to this development.

## **Determining issues and considerations**

The following issues are considered to be of relevance in the determination of this application:

- Principle of development
- Design and visual impact
- Impact on amenities of adjoining residential occupiers
- Highway safety, traffic generation, turning and parking
- Any other material planning considerations

### **Principle of development**

From the Council's records relating to the previous planning history on this site and the documents submitted with the application and at the pre-application advice stage, this residential hostel has been in existence for some time and the proposed extensions will also allow a further extension to the existing use at the site. The application form advises that the proposal involves the change of use of the premises to a Care Home. The Council considers this use to be within the same Use Class – Class C2 (Residential Institutions) - and the requirement for any formal Change of Use does not arise as Use Class C2 covers "Hospitals, nursing homes, residential education and training centres". Therefore, planning permission for the use of the Care Home for the care and rehabilitation of offenders is not required as it already exists as outlined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Although located outside of the development limits of Norton Fitzwarren the extension to an existing property with an established use is acceptable in principle provided the proposals accord with adopted Core Policies (SD1) and Development Management Policies (DM1, DM 2 and DM4). The comments received from neighbours regarding the use of the premises have been taken into consideration in this regard.

### **Design and visual impact**

The design, scale, height and bulk of the two storey side extension to the south western elevation to include an additional 13 bedrooms, bathrooms, store and wet room and first floor daytime lounge, reflects that of the existing Care Home. The ground floor (bedroom 1) has a bay window which is proposed to be the same dimension of the bay window of the adjoining existing Office 1 and Reception window, which are an important features at the front elevation. It is noted that new windows and opening where possible, match that of the existing windows. The extensions mainly have an impact on views of the site from the south-west – this is from the direction of the A358 Taunton – Minehead road. Given the mature hedge screening and mature trees within the site which provide a soft appearance when viewed from the public realm.

In respect of the design, the eaves height at 2-storey level ties in with that of the existing Care Home, whilst all roofs are hipped and pitched with no sections of flat roof, and are to tie in with the existing roof structure on the south and west sides of the building. Proposed materials are facing brick for the walls, red cedar cladding to the walls of the two south side bathroom projections; and, slate to the roofs. Samples of the brick and slate should be conditioned to ensure a good match with the materials of the existing structure. Fenestration details are acceptable.

Whilst the application proposes a large addition to the existing Care Home, its size, scale, siting and design details are considered to be acceptable, and given the space around the structures on site, and attendant boundary screening and on-site tree cover, the design and visual impact of the proposed development is compatible with the site and surroundings and accords with the provisions of Development Management Policies DM1, DM 2 and DM4 in the adopted Taunton Deane Core Strategy (2012); and, the advice contained in Section 7 'Requiring good design' of the NPPF.

### **Impact on amenities of adjoining residential occupiers**

The rear of the existing building is sited well away from any adjoining neighbours. The siting, height and scale of the extensions, which are to be on the south-west and west (rear) sides, will not result in any adjoining residential properties being overlooked giving rise to a loss of privacy, nor would they be close enough to block light to or adversely affect the outlook from any neighbouring dwellings and, therefore, there would not be any significant impacts on residential amenity or on the character and appearance of the existing area.

The erection of a single storey conservatory to the northern side elevation of the main house to be accessed from the existing dining room is acceptable in terms of size and location and will not have any overbearing impacts in terms of existing residential amenity in the area or on the character and appearance of the area.

The proposal in respect of impact on residential amenity accords with the provisions of Development Management Policies DM1, DM 2 and DM4 in the adopted Taunton Deane Core Strategy (2012); and, the advice contained in Section 7 'Requiring good design' of the NPPF.

### **Highway safety, traffic generation, turning and parking**

The comments received from Somerset County Council – Highways are noted. The Local Highway Authority objects to the proposed development on the grounds that a change of use is involved and that the change from a Hostel to a Care Home could potentially alter the amount of traffic generated by the site and is, therefore, likely to have an impact on the sub-standard junction between Langford Lane and the A358. It recommends refusal of the application on highway safety grounds.

This Council has determined that the existing lawful use of the site as a Hostel falls within the same Use Class as a Care Home, and as such any change between the two uses constitutes permitted development as outlined in Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and a material change of use will not occur.

Somerset County Council – Highways has been advised of this consideration and asked to review its comments any further comments received will be reported.

Officers consider that the proposed increase in the number of bedrooms proposed by these extensions from 14 to 27 is acceptable and should not result in increased

traffic movements to and from the site to an unacceptable degree. The occupants of the Care Home are unlikely to drive and will be resident on the premises. The application forms indicate that there will be an increase in the number of employees working on site as follows:

From: 10 full-time, and 4 part-time. Total = 14

To: 12 full-time, and 6 part-time. Total = 18

The proposed number of car parking spaces will increase from 5 to 8, and the cycle parking provision will be formalised via the installation of the proposed cycle parking facility at the rear of the building providing a cycle shelter with space for 4 cycles.

It is noted that the premises are just off the bus-route between Taunton, Williton and Minehead which runs along the A358/A39. A bus stop is located on the A358 to the west of the site resulting in a very short walk to the site.

Whilst it is acknowledged that the road junction of Langford Lane with the A358 is sub-standard, the way in which the Care Home operates, with residents unlikely to drive or own vehicles, the relatively small increase in employee numbers, the provision of additional car parking and cycle parking on site; and, the proximity of the site to public transport facilities (Bus stop), it is considered unlikely that the proposal will generate an excessive amount of additional traffic that would result in an unacceptable level of danger to road users and pedestrians arising from traffic movements to and from the site, and at the Landford Lane/A358 road junction.

### **Any other material planning considerations**

The proposed removal of the 2 No. Silver Birch trees is acceptable. The trees are semi-mature specimens, but not of good quality and are not the subject of any Tree Preservation Order. Officers consider that the existing boundary screening on the south, east and west sides of the site and retention of other mature and semi-mature trees within the site will provide sufficient in the way of soft landscaping to help assimilate the development into its surroundings.

### **Conclusion**

With regard to the above considerations it is considered that the proposals are acceptable. It is, therefore, recommended that planning permission is granted.

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

**Contact Officer: Hamish Laird**

17/15/0014/LB

MR MARTIN IRISH

**CHANGE OF FINISH OF WINDOW FRAMES FROM WHITE PAINTED TO NATURAL AT HOLCOMBE FARM, TYLERS LANE, FITZHEAD**

Location: HOLCOMBE FARM, TYLERS LANE, FITZHEAD, TAUNTON, TA4  
3JN

Grid Reference: 312734.128954

Listed Building Consent: Works

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## **Recommendation**

**Recommended decision: Refusal**

### **Recommended Condition(s) (if applicable)**

1. In the opinion of the Local Planning Authority having a natural finish on the approved double glazed casement windows would adversely affect the character and appearance of the listed building as the windows are not of a design that is commensurate with the age of the building when windows would not have been painted. The proposal therefore does not accord with policy CP8 of the adopted Taunton Deane Core Strategy or the advice contained in the National Planning Policy Framework, particularly Section 12.

Notes to Applicant

## **Proposal**

The proposal is to leave the hardwood frames of the windows approved under listed building consent (17/15/0009/LB) natural rather than paint them white.

## **Site Description**

Holcombe Farmhouse is reached via a single width track and is set in large grounds. The farmhouse is partly rendered over stone but is mainly painted stone with a slate roof. The windows are single glazed modern painted casement windows, some of which have already been removed.

## **Relevant Planning History**

17/15/0009/LB - Various alterations - internal and external. Approved 9 October 2015

This listed building consent includes the replacement wooden double glazed casement windows that are to be painted white. Condition 3 specifies that the windows must be painted white within 3 months of their installation.

## **Consultation Responses**

*FITZHEAD PARISH COUNCIL* - Support the application and agree that the window frames for this listed building should be in natural wood rather than painted white.

## **Representations Received**

None received

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

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

## **Local finance considerations**

### **Community Infrastructure Levy**

Not applicable to this application.

### **New Homes Bonus**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **Determining issues and considerations**

As Holcombe Farmhouse is a Grade II listed building the main issue is the effect of the proposal on the significance, character and appearance of the building. This application must be determined in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant listed building consent.

The proposed finish of the approved casement windows and fixed windows in the approved porch needs to take into account the design of the windows as well as the age of the building. As the proposed windows are modern casement windows and not of a design found in early 17th Century buildings (which Holcombe Farmhouse dates from) as they will not have for example, heavy mullions, it is considered that the windows should be painted to reflect the design of the windows. The previous windows which were of a similar design to those approved are also painted. The NPPF states that where a development proposal would lead to less than substantial harm to the significance of the listed building (as in this case) this harm should be weighed against the public benefits of the proposal including insuring the optimum viable use for the building. It is considered that if the windows are not painted there is no public benefit of the proposal that would outweigh the harm especially as the building is in its optimum use as a dwelling.

The Agent argues that listed building consent has been granted on other Grade II listed buildings including Thong Farm, Helland. These particular windows were of a style that reflects the age of the building and so not painting the windows is accurate. In addition it is stated that white windows at Holcombe Farm in white walls would be very flat and bland as there is no contrast between the window and wall. This could be overcome by painting the window frames a different colour. This would require Condition 3 to be varied. The previous windows were painted blue. The approved windows were to be painted white as this is what the applicant wanted at the time of the previous application and to ensure that was some control over the colour used, condition 3 was imposed.

In conclusion it is considered that the windows should be painted to reflect the style of the windows and that not painting them will ensure that there is some public benefit that outweighs the harm of not painting the windows.

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

**Contact Officer: Mrs Elizabeth Peeks**



05/15/0042

MR & MRS T COLES

**ERECTION OF SINGLE STOREY REAR EXTENSION AND FIRST FLOOR EXTENSION OVER EXISTING LOUNGE AT 5 ORCHARD DRIVE BISHOPS HULL**

Location: 5 ORCHARD DRIVE, BISHOPS HULL, TAUNTON, TA1 5ES

Grid Reference: 320458.123458

Full Planning Permission

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## **Recommendation**

**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:

(A1) DrNo 15/02A Plans and Elevations as Proposed  
(A3) DrNo 15/03 Site Layout and Site Location Plans

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 (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no further window/dormer windows or rooflight shall be installed in the **North East** elevation of the development 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.

## 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

This proposal is for the erection of a single storey extension with a projection of 6.5m to the rear and a first floor extension over the lounge extension to the rear.

## Site Description

This is the site of a two storey dormer bungalow in a group of similar dwellings down a driveway from the main road.

This dwelling is of brick and render with tiles and white windows. There is a single flat roof garage and off road parking and turning. There is a catslide dormer to the front and a flat roof single storey extension to the rear.

The rear of the site is enclosed by a brick wall and wooden fence.

## Relevant Planning History

No relevant planning history

## Consultation Responses

### *BISHOPS HULL PARISH COUNCIL -*

- Although the roof lights are a preferred option to the dormer. The bulk of the Parish Council's OBJECTION still stands.
- We object to this planning application as it would result in a loss of amenity through overlooking the property at 9, Jarmyns, Bishop's Hull TA1 5HG.
- The proposed extension will be much closer to the rear boundary of no9 and at ground level is more than a metre higher than no9's rear garden.

## Representations Received

Three letters received with **concerns** with regard to

- additional traffic,

- not in keeping with the other dwellings,
- road safety,
- invasion of privacy overlooking,
- loss of sunlight and resultant health issues

Two letters of **objection** received -

- out of character with the area,
- drainage issues (septic tanks) and
- hours of work during the building.
- Windows overlooking due to ground level differences,
- size, too close to the boundary.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

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

## **Local finance considerations**

### **Community Infrastructure Levy**

N/a

### **New Homes Bonus**

N/a

## **Determining issues and considerations**

The main issues in the determination of this application are the impact of the development on the visual and residential amenity of the area.

The Parish Council objects to the application on the grounds of loss of neighbouring amenity and there have been several comments received from the neighbours with objections and concerns over privacy, overlooking and loss of neighbouring amenity.

The proposed extension is to be set off the near neighbour's boundary by approximately 7m, the neighbours will be able to see the proposed extension due to the position and the height as the near neighbouring properties are on a much lower level to the proposal site.

Amended plans have been received with the dormer window now to be replaced by a roof light, this will reduce the potential overlooking and loss of privacy to the near neighbour.

The design and scale of this proposal is considered to be in keeping with the character and materials of the dwelling and to be acceptable for this site.

The issues raised with regard to the septic tanks will be assessed by Building Control as it is not a planning consideration at this time.

As there is sufficient off road parking and turning for this size of dwelling within the site the issues raised with regard to increased parking and traffic are not considered sustainable and the scheme as submitted is considered to comply with policy and to be acceptable.

The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted.

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**

## **Appeal Decisions**

**Site:** HIGHER KNAPP FARM, HILLFARRANCE, TAUNTON

**Proposal:** Erection of office / kitchen / staff accommodation building at Fiveoak Cattery, Higher Knapp Farm, Hillfarrance Road, Hillfarrance

**Application number** 27/15/0017

**Reasons for refusal**

**Non Determination of Planning Application**

**Appeal decision: WITHDRAWN BY APPELLANT**

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**Site:** 19 ARDWYN, WELLINGTON, TA21 8BW

**Proposal:** ERECTION OF A TWO STOREY AND SINGLE STOREY EXTENSION TO THE REAR OF 19 ARDWYN, WELLINGTON

**Application number** 43/15/0090

**Reasons for refusal:** The size of the proposal, by virtue of its excessive width and proximity to the side boundaries would result in an overdevelopment of the site. The size of the proposal is such that it is considered to be overbearing impact on existing neighbouring property, particularly 21 Ardwyn. The proposal would have an unacceptable and adverse effect on the amenity of neighbouring property, particularly 21 Ardwyn by virtue of overshadowing, loss of light and loss of privacy. It is, therefore contrary to retained Policy H17 of the Taunton Deane Local Plan and Policy D5 of the emerging Taunton Deane Site Allocations and Development Management Plan.

**Non Determination of Planning Application**

**Appeal decision: ALLOWED**

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## **APPEALS RECEIVED**

**Site: LAND SOUTH OF KINGLAKE, BISHOPS HULL, TAUNTON, SOMERSET  
Proposal: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 80  
NO. DWELLINGS, PUBLIC OPEN SPACE AND ASSOCIATED  
INFRASTRUCTURE INCLUDING FLOOD IMPROVEMENTS WORKS AND  
ATTENUATION POND ON LAND SOUTH OF KINGLAKE, BISHOPS HULL AS  
AMENDED.**

**Application number 05/15/0011**

**Appeal reference: APP/D3315/W/15/3140220**