

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 25 May 2016 at 17:00.

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### Agenda

- 1 (i) Appointment of Chairman  
(ii) Appointment of Vice-Chairman
- 2 Apologies.
- 3 Minutes of the meeting of the Planning Committee held on 27 April 2016 (attached).
- 4 Public Question Time.
- 5 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 6 34/16/0010 Outline application with all matters reserved for the erection of 2 No. two storey detached dwellings with double garages at Millgrove House, Staplegrove
- 7 43/15/0139 Erection of 1 No two bedroomed bungalow and 1 No two bedroomed house on land to the rear of 7 Martins Close, Wellington (amended scheme to 43/15/0029)
- 8 E/0101/35/16 Alleged untidy and unsafe site at the Globe Inn, Appley, Stawley
- 9 E/0004/21/16 Alleged unauthorised development / untidy site on land off Milverton Road, Langford Budville
- 10 38/16/0151 Erection of a single storey extension to the side of 9 Westleigh Road, Taunton
- 11 49/16/0011 Demolition of outbuildings and erection of two storey extension and amenity buildings to be used as ancillary accommodation at Ashbeers Farm, Wiveliscombe Road, Wiveliscombe
- 12 E/0044/36/16 Unauthorised siting of a mobile home at Curryload Farm, Curload Road, Curload, Stoke St Gregory

- 13 42/16/0009 Erection of outbuilding in the garden of Amberd House West, Amberd Lane, West Trull
- 14 The latest Appeals and Decisions recieved

Bruce Lang  
Assistant Chief Executive

23 June 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.

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



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

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
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 – 27 April 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors M Adkins, Brown, Mrs Floyd, C Hill, Martin-Scott, Morrell,  
Mrs Reed, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Tim Burton (Assistant Director  
- Planning and Environment), Gareth Clifford (Principal Planning  
Officer), Roy Pinney (Legal Services Manager) and Tracey Meadows  
(Democratic Services Officer)

Also present: Councillor Nicholls with regard to application No. 05/16/0003 (he had indicated prior to the meeting that he would 'step down' from the Committee for this item to enable him to address the meeting as a Ward Councillor from an adjoining Parish) and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

### **41. Apologies**

Councillors Gage and Nicholls.

### **42. Minutes**

The minutes of the meetings of the Planning Committee held on the 16 March and 6 April 2016 were taken read and were signed.

### **43. Declarations of Interest**

Councillors M Adkins, Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Brown declared that he was the Ward Member for application No. E/0234/43/15. He declared that he had not 'fettered his discretion'.

### **44. 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:-

(2)

**38/16/0024**

**Change of use to mixed use, Class D1/B1 for clinic services and administration at 3 Mendip House, High Street, Taunton**

### **Conditions**

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

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

- (A4) Location Plan;
- (A4) Site Plan;
- (A3) Existing Floor Plans;
- (A3) Proposed Floor Plans;

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

#### **45. Erection of residential development of 75 dwellings, public open space and associated infrastructure including drainage works and attenuation pond on land south of Kingslake, Bishop's Hull, Taunton (05/16/0003)**

Reported this application.

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

1. 25% of the dwellings as affordable housing;
2. The provision of five extra pieces of play equipment on Kingslake Phase One (three in the NEAP, two in the LEAP);
3. An agreed Travel Plan; and
4. Maintenance of the public open space and surface water attenuation features;

the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman /Vice-Chairman and if planning permission was granted, the following conditions be imposed:-

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

- (A1) DrNo 99 Rev P1 Site Location Plan;
- (A1) DrNo 120 Rev P1 Site Layout Plan;
- (A1) DrNo 300 Rev P3 Street Elevations - Roads 1/2 and 5;
- (A1) DrNo sk1200 Rev P6 External Levels Plan Overall;
- (A0) DrNo sk1201 Rev P5 External Levels Plan Sheet 1;
- (A0) DrNo sk1202 Rev P5 External Levels Plan Sheet 2;
- (A1) DrNo sk1300 Drainage Strategy Plan Overall;
- (A0) DrNo sk3000 Rev P2 Longitudinal Sections Sheet 1;
- (A1) DrNo sk3001 Rev P2 Longitudinal Sections Sheet 2;
- (A0) DrNo sk3200 Site Sections Sheet 1;
- (A3) DrNo 501-1 Rev P3 Alnwick Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 501-2 Rev P3 Alnwick Housetype Design Sheet 2 Elevations and Floor Plans;
- (A3) DrNo 503-1 Rev P2 Hanbury Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 503-2 Rev P2 Hanbury Housetype Design Sheet 2 Elevations and Floor Plans;
- (A3) DrNo 503-3 Rev P2 Hanbury Housetype Design Sheet 3 Elevations and Floor Plans;
- (A3) DrNo 503-4 Rev P2 Hanbury Housetype Design Sheet 4 Elevations and Floor Plans (Affordable Housing Units);
- (A3) DrNo 503-5 Rev P2 Hanbury Housetype Design Sheet 5 Elevations and Floor Plans (Affordable Housing Units);
- (A3) DrNo 503-6 Rev P2 Hanbury Housetype Design Sheet 6 Elevations and Floor Plans (Affordable Housing Units);
- (A3) DrNo 504-1 Rev P2 Rufford Housetype Design Sheet 1 Elevations and Floor Plan;
- (A3) DrNo 506-1 Rev P2 Souter Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 506-2 Rev P2 Souter Housetype Design Sheet 2 Elevations and Floor Plans (Affordable Housing Units);
- (A3) DrNo 506-3 Rev P2 Souter Housetype Design Sheet 3 elevations and Floor Plans (Affordable Housing Units);
- (A3) DrNo 506-4 Rev P2 Souter Housetype Design Sheet 4 Elevations and Floor Plans (Affordable Housing Units);
- (A3) DrNo 507-1 Rev P2 Hatfield Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 507-2 Rev P2 Hatfield Housetype Design Sheet 2 Elevations and Floor Plans;
- (A3) DrNo 510-1 Rev P3 Roseberry Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 516-1 Rev P2 Chedworth Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 516-2 Rev P2 Chedworth Housetype Design Sheet 2 Elevations and Floor Plans;

- (A3) DrNo 516-3 Rev P2 Chedworth Housetype Design Sheet 3 Elevations and Floor Plans;
- (A3) DrNo 517-1 Rev P2 Winster Housetype Design Sheet 1 Elevations and Floor Plans;
- (A3) DrNo 517-2 Rev P2 Winster Housetype Design Sheet 2 Elevations and Floor Plans;
- (A3) DrNo 517-3 Rev P2 Winster Housetype Design Sheet 3 Elevations and Floor Plans;
- (A3) DrNo 525-1 Rev P1 1 Bed Apartment Design Sheet Elevations and Floor Plans;
- (A3) DrNo 530-1 Rev P1 Standard Garage Design Sheet Elevations and Floor Plans;
- (A1) DrNo sk1200 Rev P6 External Levels plan Overall;
- (A0) DrNo sk1201 Rev P5 External Levels Plan Sheet 1;
- (A0) DrNo sk1202 Rev P5 External Levels plan Sheet 2;
- (A1) DrNo sk1300 Drainage Strategy Plan Overall;
- (A0) DrNo sk3000 rev P2 Longitudinal Sections Sheet 1;
- (A1) DrNo sk3001 rev P2 Longitudinal Sections Sheet 2;
- (A0) DrNo sk3200 Site Sections Sheet 1;

(b) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence (or similar) in accordance with a scheme of works that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. Unless otherwise approved as part of the scheme, the fence should be 1.5m high, placed at a minimum distance of 2m from the edge of the hedge. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered;

(c) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EAD Ecological consultant's Ecological Impact Assessment Report dated February 2015 and up to date surveys and include:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for the species;
4. Arrangements to secure the presence of an ecological clerk of works on site;
5. A Landscape and Ecological Management Plan;

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places



and agreed accesses for bats, birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented;

- (d) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved by, the Local Planning Authority. The drainage strategy shall ensure that surface water run-off post development is attenuated on site and discharged at a rate no greater than greenfield run-off rates. Such works shall be carried out in accordance with the approved details:-

These details shall include:-

-Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases;

-Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

-Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

-Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 year event, flooding during storm events in excess of this including the 1 in 100 year (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;

-A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development;

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- (e) Prior to the commencement of the development hereby permitted, a foul water drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing and a timetable for implementation of the works. The approved drainage

scheme shall be completed in accordance with the approved details and timetable and shall thereafter be maintained as such;

- (f) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site is discontinued;
- (g) Prior to their installation, details 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. For the avoidance of doubt the details submitted with the application are not approved;
- (h) Prior to their construction, a panel of the proposed stone/brickwork measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (i) Prior to their construction, full details of the proposed estate road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be submitted to and approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority; The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in accordance with the approved details in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway; The approved details shall be fully implemented in accordance with the approved details prior to the occupation of the 70th dwelling and shall thereafter be maintained as such;
- (j) Prior to its construction, full details of the pedestrian/cycle/emergency access link to Bishop's Hull Road shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the

precise width, alignment and surface treatment of the access. The link shall be fully provided prior to the occupation of the 16th dwelling and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;

- (k) Prior to the construction of the pedestrian/cycle/emergency access link to Bishop's Hull Road, full details of the proposed northern boundary treatment to the northern and southern side of the access link shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be fully implemented prior to the access/link being brought into use;
- (l) The detailed landscaping scheme hereby approved shall be implemented as follows:-
  - (i) Any landscaping/planting approved pursuant to condition (l) shall be implemented in accordance with the timing in that condition. The eastern and southern boundary hedges (including the proposed hedge banks) shall be implemented within the first planting season following the commencement of the development. All other landscaping shall be completely carried out no later than the first available planting season from the date of occupation of the 50th dwelling, or as otherwise extended with the agreement in writing of the Local Planning Authority; (ii) 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;
- (m) The public open space hereby permitted shall be laid out in accordance with the details hereby permitted and those agreed pursuant to condition (m) and shall be capable of use by the general public prior to the occupation of the 50th dwelling hereby permitted. Once provided, the space shall thereafter be maintained as such;
- (n) Prior to implementation of the landscaping scheme relating to the eastern boundary of the site, a 1.8m high close boarded fence shall be provided to the east and south boundaries of the site forming common boundaries with the neighbouring residential properties on Bishop's Hull Road and Stonegallows and in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Once installed, the fences shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;

**46. E/0234/43/15 - Alleged unauthorised portacabin erected on site at Tonedale Mill, Wellington**

Reported that a complaint had been received regarding a portacabin which had been stationed on the site of Tonedale, Wellington.

It had been alleged that the portacabin had been on site for some time and was now unsightly, unsafe and unsecured.

Enquiries had established that the portacabin would be used as a site office in connection with the intended repair and redevelopment work on the site. In addition, an inspection had found that the portacabin was generally in good repair.

The portacabin was not considered to be detrimental to the visual amenity of the area nor did it have any adverse impact upon residential amenity or highway safety.

**Resolved** that:-

- (1) No further action to be taken; and
- (2) The matter be reviewed in six months.

#### **47. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 7.00pm.)

## **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

34/16/0010

MRS MELANIE ALFORD

**Outline application with all matters reserved for the erection of 2 No. two storey detached dwellings with double garages at Millgrove House, Staplegrove**

Location: MILLGROVE HOUSE, MILL LANE, STAPLEGROVE, TAUNTON TA2  
6PX

Grid Reference: 320526.126564

Outline Planning Permission

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## **Recommendation**

**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 development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 01 Location Plan  
(A3) DrNo 02 Existing Block Plan  
(A3) DrNo 03 Proposed Block Plan

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwellings are occupied and thereafter maintained as such, 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. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To prevent surface water discharging onto neighbouring properties, in the interests of their residential amenities.

7. None of the dwellings shall be occupied until the sewage disposal [drainage] works have been completed in accordance with the details submitted and agreed in writing by the Local Planning Authority.

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

8. The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted and agreed in writing. 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 exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The development shall provide for covered and secure facilities for the storage of bicycles, details of which shall be indicated on the plans to be submitted and agreed in writing. 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 DM1 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 and has imposed planning conditions to enable the grant of planning permission.
2. 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 the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

## Proposal

The proposal is an Outline application with all Matters Reserved for the erection of 2 no. two storey dwellings with double garages, on land at Millgrove House, Mill Lane, Staplegrove. This Outline proposal seeks determination on the principle of developing the existing paddock site which is located outside of the defined development limits of Staplegrove. Details of access, appearance, landscaping, layout and scale will be considered at the Reserved Matters stage.



## Site Description

The proposed development site is accessed off Mill Lane which currently serves a number of properties, including Lodge Farm, Millgrove House (currently used as a holiday let) and Staplegrove Lodge. To the west of an existing parking area, there is a small agricultural paddock area. This paddock is bounded by Millgrove House to the north, Lodge Farm to the east and the walled rear garden area associated with Lodge Cottage and Staplegrove Lodge. Staplegrove Lodge is Grade II listed.

To the west of the site there is an existing stream adjacent to the western boundary of the site and this also adjoins the land associated with Cross Keys Public House and Cross Keys garage.

The existing topography of the land falls from east to west from Mill Lane. Boundaries at the site comprise of existing 2m high painted render entrance walls and wooden double gates with raised banks either side fronting Mill Lane. To the north of the site is the side garden boundary of Millgrove House and gravelled circular parking and turning area with the entrance into the house itself. Beyond this is an existing large conservatory structure covering a swimming pool which is screened by a 2m high woven panel fence with mature shrub and some tree planting, plus 2m high close boarded fencing behind post and rail fencing between the garden of the house and the paddock. The western boundary falls significantly from the rest of the site towards back stream and where there is post and rail fencing to a height of approximately 1m with some mature tree planting adjacent but alongside the fence on the stream side. The southern boundary of the site is a raised (1m high) grass bank with 2m high close boarded fencing between the parking area and Lodge Farm. This fencing runs further southwards along to the rear of Lodge Cottage and the existing 3.5-4m high listed brick garden walling of Staplegrove Lodge and further 1m high post and rail fencing to the existing remainder of the paddock.

Existing views into the site are from the rear of properties along the A358 including Meadowsweet and Sunnymede (residential properties) and the Cross Keys Garage and the Public House. There are currently longer open view available towards the site from the Silk Mills roundabout and adjoining bus stop. The properties immediately adjacent to the site are constructed in a mix of materials from brick and render, clad with slate and tiled roofs. Further to the north along Mill Lane is Staplegrove Mills and Stillmans abattoir.

## Relevant Planning History

A previous application was submitted for Millgrove House (ref 34/07/0034) for the Erection of a detached triple bay garage, which was conditionally approved on 22/08/07. Officers are currently considering two planning applications which comprise proposals for an Urban Extension at Staplegrove on land surrounding this site. These two applications are referenced as 34/16/0007 and 34/16/0014. They are at an early stage of officer consideration and will be presented to Members later this year.

## Consultation Responses

### *STAPLEGROVE PARISH COUNCIL -*

The two new dwellings would be outside the current 'building containment line' and also be out of keeping with the large existing properties, particularly the Grade II listed Staplegrove Lodge.

Surface water run-off from Rag Hill to the east could be a problem.

### *LANDSCAPE -*

The landscape impact of this development is likely to be low.

### *SCC - FLOOD RISK MANAGER -*

This application falls below the requirements for LLFA Statutory consultation. SCC does not provide support for drainage engineering queries on applications that fall below statutory consultee requirements.

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

Observations awaited.

I refer to the above planning application, received in my Department on 22 December 15, a site visit was undertaken on the 29<sup>th</sup> of April 2016 to which I have the following observations on the highway and transportation aspects of this proposal.

The proposed development site is located to the west of Mill Lane, which is unclassified highway up to the access point of the proposed development site. The road is subject to the national speed limit, however given the narrow in nature of Mill Lane it is unlikely that speeds over 30mph are achieved. There is no footway or Street Lighting present along the existing site frontage. Road Records held by Somerset County Council indicate that PIA's (Personal Injury Accidents) that have occurred within the vicinity of the site over the past five years have occurred on the A358, specifically at the Cross Keys and Silk Mills roundabouts. The proposal of two dwellings is not considered to increase the level of PIA's in this location.

### Proposed development -

The proposed development consists of:

- 2, Two storey dwellings with double garages – with all matters reserved

As this is an outline application with all matters reserved the applicant has not provided detailed information regarding a number of matters that the Highway Authority would need to be considered at an reserved matters stage, therefore general

comments have been made below.

### Access

The Highway Authority cannot provide detailed comments on a proposal without any drawings indicating the point of access in detail, at present only a redline plan has been provided.

I would require a drawing indicating the points of access in detail, providing the following; its formation/construction, site layout, turning and internal site arrangements, parking, and bin storage, provision of drainage; vehicular visibility. Until such information is provided I can only indicate what the Highway Authority would consider acceptable:

It is presumed from the Proposed Block Plan Provided (Indicative) Drawing No.03 that access is to be gained via the existing driveway for Millgrove House.

With regards to vehicular visibility, the Highway Authority require a suitably scaled drawing indicating the available level of visibility (y distance) from the site access to the nearside carriageway edge (x distance of 2.4m is appropriate). Suitable drainage provision should be provided to prevent any surface water from discharging onto the adopted highway.

Visibility would typically expected to adhere to MfS, which is unlikely to be achieved in this location due the width and characteristics of Mill Lane, however, given the proposal to increase the number of dwellings utilising the existing access it is requested visibility to the access is improved to ensure safety is not compromised.

The site visit identified that at present a wheelie bin appears to be located within the existing visibility splay. Sufficient bin storage should be provided internally to ensure the visibility at the access point is not blocked or obscured at any time.

### Parking

Vehicle and cycle parking should be provided in line with the County Council's adopted Parking Strategy, dated September 2013

<http://www.somerset.gov.uk/policies-and-plans/strategies/transport-strategy/>

NOTE A: The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision. Proposals for provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation and must be provided.

### Trip Generation

The TRICS data base has been used to obtain appropriate trips rates for the proposed development. The proposed development is expected to generate in the region of 16 movements a day. The developments generation is not considered to cause a severe impact to the safe and efficient operation of the existing Highway network.

### Flood Risk Assessment

The Flood Risk Assessment has been reviewed by the Development and Engineering Team who have made the following comments. 'As access to the new dwellings is via an existing access off Mill Lane leading to a private gravel drive, there are no implications to the drainage of the existing public highway. I therefore have no comments on the contents of the submitted Flood Risk Assessment'.

### Construction Management Plan

Given the nature of Mill lane it is requested that a Construction Management Plan and Condition survey are provided to ensure the construction traffic does not impact adversely on Mill Lane.

### Summary

In summary the Highway Authority have no objection to the above application subject to the following conditions:

Prior to commencement of development the proposed access including visibility splays shall be constructed in accordance with details shown on a submitted plan, and shall be available for use before works commence on the development. Once constructed the access shall be maintained thereafter in that condition at all times.

The Development hereby permitted shall not be occupied until parking spaces in accordance with Somerset County Council parking standards have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

The Development hereby permitted shall not be commenced until a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

A bin storage area shall be in place prior to first occupation of the development. Such areas shall be kept clear of obstruction at all times and shall not be used other than for bin storage in connection with the development hereby permitted.

The proposed internal layout, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme

for the site showing details of gullies, connections, soak ways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan.

**Notes: SECTION 171 LICENCE**

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 Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

*WESSEX WATER -*

The site lies within a non sewered area of Wessex Water.

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. Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

I trust that you will find the above comments of use, however, please do not hesitate to contact me if you require further information or clarification.

*DRAINAGE ENGINEER -*

SCC does not provide support for drainage engineering queries on applications that fall below statutory consultee requirements.

## *HERITAGE -*

No objections

## *FOOTPATH DIVERSIONS OFFICER -*

The access route to the proposed site also provides access to the south west end of the Public Footpath T24/7.

If planning consents are granted for the development adequate Health and Safety measures should be put in place raising public awareness of additional/increased vehicular use during the construction process.

## **Representations Received**

24 letters of representation have been received, although 11 of these are additional comments from people who had already written in. So there are comments from 13 different members of the public. Four of these specifically state that they have no planning related comments to make. Of the letters received, 11 support the proposal.

Six letters of objection have been received raising issues relating to additional traffic and highway safety on Mill Lane, additional noise, overlooking, the green wedge, existing building line, dwellings out of character, not in councils core strategy or an allocated development site, flooding & drainage, wildlife and the nearby public footpath. These issues will be discussed within the report.

One letter of comment has been received making the case that representations have been received from existing tenants of Millgrove House and two properties at Staplegrove Mills, both of which are properties associated with the owner of the proposal site.

## **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,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

## Local finance considerations

### Community Infrastructure Levy

This is an outline application so no definite floor areas are known.

Proposed Block Plan state each house to be 200m<sup>2</sup> totalling 400m<sup>2</sup>.

The application is for residential development outside the settlement limits of Taunton and Wellington where Community Infrastructure (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £50,000.00. With index linking this increases to approximately £59,00.00.

### 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	£2,158
Somerset County Council	£ 540

#### *6 Year Payment*

Taunton Deane Borough	£12,948
Somerset County Council	£ 3,238

## Determining issues and considerations

The main issues and considerations of this Outline proposal are:

- Principle of development
- Impact on the character and appearance of the area
- Impacts on residential amenity in the area
- Highway Safety
- Public Rights of Way
- Flooding/Drainage

### Principle of development

The relevant policies for consideration of this proposal are DM1, DM2, CP6, CP8 and SP1 from the Core Strategy and the provisions of the National Planning Policy Framework (NPPF).

The site is located outside of the defined settlement limits of Taunton and would be subject to Taunton Deane Borough Council's (TDBC) policy DM2 from the adopted

Core Strategy, which is related to developments in open countryside locations. This policy is not generally supportive of new residential units in such locations. Technically, this application is a departure from this policy and a sequential test under policy DM2 would preclude residential development in areas of open countryside. However it should be noted that the proposals site is surrounded on three sides by land allocated to the Staplegrove urban extension in emerging policy TAU2 of the Site Allocation and Development Management Plan (SADMP). This is a material consideration. Planning policy officers have no objections on the principle of the site being developed albeit the land is classified as a rural location outside of defined settlement limits. The pragmatic view is that once built-out the site will be on the outer edge of the urban extension taking place to the south and south-east of Mill Lane on higher ground. Therefore, it is not considered that a policy objection to the principle of this proposal should be raised in this instance, despite the location.

Policy DM1(a), from the TDBC Core Strategy states that proposals should make the most effective use of land, with preference given to the redevelopment of previously developed land sited in sustainable locations. The proposed development site, although within the curtilage of a residential dwelling, (Millgrove House), is currently used as a paddock adjoining and sharing the existing access and parking area. The land has not previously had development upon it, and has historically been in an open countryside location. The NPPF advises against development within back gardens (paragraph 53) and policy DM1(d) of the adopted core strategy advises that proposals which harm the appearance and character of landscapes, buildings and streets will not be supported. However, given the acceptance that the future of this area is likely to undergo significant change due to the allocation under TAU2, and given the lack of an objection from the landscape officer, it is considered that there would not be a justifiable argument for refusal of this proposal. The sustainability of the area in general terms was considered before the Urban Extension was proposed as an allocation; the site is well located to the road network and bus routes; this is not an isolated rural location; and the proposal can be seen as justifiable infilling.

TDBC Core Strategy policy CP8 'Environment' states that the Local Planning Authority (LPA) will act to conserve and enhance natural and historic environments unless there are material factors outweighing any harm that proposals would cause. The proposal to develop two new dwellings on this site would be adjacent to an historic walled garden belonging to Staplegrove Lodge. This will be discussed further in the report, but it is concluded that there would be no adverse impact on the listed building or its setting. The addition of two detached dwellings in this location would have some material change to the setting of the listed building but this should be taken in context with the proposed significantly larger proposed urban extension adjoin Staplegrove Lodge and the proposal site to the south of its curtilage and in the surrounding area. An increase in the density of development would lead to further impacts in terms of traffic, and further pressure for developments of a similar nature in gardens in the area, however, this proposal would continue the existing built development of land between Millgrove House, Lodge Farm, Lodge Cottage and Staplegrove Lodge. Advice received is that there are no landscaping reasons for refusal, and as the land is already used for domestic and urban purposes, there is unlikely to be any wildlife on the site requiring protection. The proposal can therefore be seen as meeting the requirements of policy CP8.

The submission version of the Taunton Deane Borough Council Draft Site Allocations and Development Management Plan (SADMP), guides in policy TAU2,



that the Staplegrove area has been identified within the Core Strategy as a suitable location for development in the period after 2015. Policy TAU2 also advises for protection of the Rag Hill Special Landscape feature by not allowing built development to break the skyline. The application site is on the lower slopes of Mill Lane and Rag Hill therefore the existing skyline will not be broken. This policy also seeks that development should have direct and safe walking routes and access to existing bus services on the A358. An existing Public Right of Way at Rag Hill meets Mill Lane and the nearest bus stop is located to the south west of the site and before the Silk Mills roundabout. It is not considered that this current proposal breaches any of the requirements of emerging policy TAU2.

Further policy SB1 (settlement boundaries) within the SADMP, advise that to maintain the quality of the rural environment and ensuring a sustainable approach to development outside of settlements (open countryside) as identified in the Core Strategy, SP1 will be assessed against core policies CP1, CP8 and DM2 unless the development accords with a specific development plan policy or proposal; or it is necessary to meet the requirement of environmental or other legislation; and in all cases is designed and sited to minimise landscape and other impacts. Again, this policy is not considered to be breached by the current proposal.

Given the above commentary, relevant policies, advice from planning policy and other colleagues, together with the likely future urban extension in the immediate area, it is considered that the principle of developing two detached houses in this area is acceptable in policy terms.

### **Impact on the character and appearance of the area**

The existing site is not located within a designated Conservation Area, but is adjacent to an existing green buffer to the south as per Taunton Deane's SADMP submission document. Rag Hill directly opposite the access to Millgrove House is a Special landscape feature (defined in the saved adopted Taunton Deane Local Plan -policy EN3). The nearest Listed Building is Staplegrove Lodge which is Grade II listed and includes the existing curved walled garden that directly adjoin the curtilage of the site to the south and west.

The setting of a heritage asset is defined by the Framework (NPPF) as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'*. However, setting is not a heritage asset in its own right, nor is it a heritage designation in its own right. Its importance lies in what it contributes to the significance of the heritage asset. The Framework goes on to clarify that *'Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*.

Para 134 of the NPPF guides "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". The Council's heritage officer has no objections to the proposal in respect of impacts of the listed building and particularly the existing 'D' shaped walled garden.

The submitted indicative proposed block plan (dwg. no. 03) shows the two dwellings being sited between the end of the Millgrove house rear garden and the initial curve of the wall of Staplegrove Lodge. The dwelling (Plot 2) to the south of the pair, is shown as being approximately 10m from the adjoining Staplegrove Lodge boundary. These positions are considered acceptable in terms of the impact on the listed building and it is expected that any reserved matters application will replicate these positions. However it should be noted that this proposal does not contain any significant details with regards to the definite siting, landscaping, materials, layout and scale just an indicative layout seeking approval in principle for developing two detached dwellings on the site. The finer details are to be submitted at a later stage and could be liable to vary. If they did then those details would need to be considered on their own merits.

Comments received from the Councils Landscape Officer conclude that the landscape impact of this development is likely to be low. It is not therefore considered that there can be a landscape impact reason for refusal. Any additional landscaping that might be deemed applicable to help screen the proposal and/or assimilate it into the wider countryside beyond is a consideration for the reserved matters.

In conclusion, it is considered that in terms of impacts on the character and appearance of the existing area, two additional dwellings is justifiable infilling of the land which would not significantly harm the existing quiet nature of the built development. It is therefore considered that the proposed development is acceptable in terms of the character and appearance of the area and accords with policies DM1 and CP8 of the adopted Taunton Deane Borough Councils Core Strategy 2011 -2028 in this regard.

### **Impacts on residential amenity in the area**

Several representations have been received from the general public against this proposal.

The objections cover a wide range of concerns from visual impact to access, drainage, noise, overlooking, highway safety and character and appearance. These issues have been largely addressed within this report, however, the finer details such as scale, siting, landscaping, materials and access are all to be considered at a later stage as part of any reserved matters proposal. Only an indicative proposed site plan has currently been submitted. This is sufficient to demonstrate the principle of the development on the land currently being considered at this stage.

The indicative site plan shows that 2 dwellings can be satisfactorily placed on the site without any undue adverse impact on existing residential amenity. In fact the resulting density would still be quite low compared to usual urban scenarios. Therefore it is not felt that there is a residential amenity argument for refusal.

### **Highway Safety**

The site is accessed by an unclassified 'D' road which runs directly from the main A358 route between Taunton and Minehead. The existing Mill Lane is a single track

narrow lane that serves a handful of other residential properties and agricultural buildings but the current situation represents a very low scale collection of houses and buildings set within substantial plots and built to a low density scale. Within the site itself, from the entrance point there is a modest gravelled drive and circular turning area. The paddock (development site) is adjacent to this and currently divided by a field gate and post and rail fencing which would be removed for the new housing to share the existing access.

Some comments have been received from Somerset County Councils Highways Department with further correspondence.

Additional comments received from the Highways Department stating they have no objection to the application subject to a series of conditions. These conditions recommended by highway are largely matters of detail to be picked up at Reserved Matters stage. It is not considered reasonable to require a Highway Condition Survey or a Construction Environment Management Plan for two dwellings.

### **Public Rights of Way**

Comments have been received from the Councils footpath diversion officer, confirming an existing Public Footpath that is both the access route to the proposed site and also provides access to the south west end of the Public Footpath from Mill Lane. It is also advised that if planning approval is granted that adequate Health & Safety measures should raise awareness during the construction period of the development.

### **Flooding/Drainage**

Land at a lower level adjacent to the site and a part of the site along the eastern boundary with Back Stream is within designated floodzones 2 and 3. The applicant has submitted a Flood Risk Assessment stating that according to The Environment Agency Flood maps, the site is located outside of the extent of extreme flooding (flood zone 3), with only part of the lower boundary of the site located in an area at risk of flooding from rivers or sea without defences (floodzone 2). This is not contested.

The current submitted indicative layout shows the two detached houses being located on higher ground well away from Floodzone 2 (as per proposed Block plan no. 1608/03). Therefore subject to this siting being confirmed at a later stage, the new dwellings would not have an adverse effect on current flood risk at the site and are unlikely to be at risk of flooding themselves.

Consultation comments from members of the public have referred to the Back Stream data as being out of date, with the Environment Agency currently remodelling this data. The submitted Flood Risk Assessment has been based on the existing information. It is also noted that correspondence received mentions that the western edge of the site adjoins an existing Mill Leat that has sluices up and can flood from up stream. Third party comments also state that run off from Rag Hill springs from the steep sides of Mill Lane has historically run down the track and Millgrove House drive. One objector has made the point that soakaways are unlikely

to be acceptable due to the clay subsoil. However, these are all issues that would need to be, and can be, resolved at the reserved matters stage. There is nothing in the submission which indicates that the site has or would create a flood risk or drainage problem that is unsoveable such that the proposal should be refused.

Wessex Water have advised on the new connections required.

## **Conclusion**

On balance, it is considered that the principle of developing two detached houses on this site is acceptable. There is a technical objection on planning policy grounds as the site is defined as being in open countryside. Whilst this is currently the case, the site is surrounded by the allocated land for the Staplegrove Urban Extension. This proposed allocation is considered to carry substantial weight, so it is reasonable to conclude that the proposal will amount to justifiable infilling at the edge of the urban extension, in accordance with the NPPF and the relevant policies of the Adopted Core Strategy and the emerging SADMP. All other concerns are matters that will be considered in detail at the Reserved Matters stage.

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

**Contact Officer: Sue Keal**

43/15/0139

WELLINGTON (SOMERSET) THEATRE TRUST COMPANY LTD

**ERECTION OF 1 No TWO BEDROOMED BUNGALOW AND 1 No TWO BEDROOMED HOUSE ON LAND TO THE REAR OF 7 MARTINS CLOSE, WELLINGTON (AMENDED SCHEME TO 43/15/0029)**

Location: 7 MARTINS CLOSE, WELLINGTON, TA21 8BU

Grid Reference: 313691.120268

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:

- (A3) DrNo 001 V3 Location Plan
- (A4) Site Plan
- (A3) Boundaries Planting and Access
- (A3) Dr No 003 NE & SE Elevations
- (A3) Dr No 002 SW & NW Elevations
- (A3) Dr No 005 First Floor Plan
- (A3) Dr No 004 Ground Floor Plan
- (A3) Dr No 008 Sections (2)
- (A3) Dr No 007 Sections (1)
- (A3) Dr No 006 Roof Plan

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, 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. The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and/or provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

5. The area allocated for parking on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

6. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of occupation of either of the approved dwellings.

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

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

7. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest. Removal of vegetation off site should be undertaken in a precautionary manner to minimise potential impacts on all wildlife.

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

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

Reason for pre-commencement: To prevent any ground works from being undertaken that may harm any archaeological remains.

9. Notwithstanding the provisions of Article 3 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 first floor to the bungalow and no addition or extension to the dwellings shall be carried out without the further grant of planning permission.

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

10. Notwithstanding the provisions of Article 3 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 outbuildings shall be erected out without the further grant of planning permission.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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.

Most resident birds are protected under the Wildlife and Countryside Act 1981 (as amended).

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

4. **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).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

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.



## Proposal

The proposal comprises the erection of two dwellings; one two storey and one single storey, connected together, but not linked. The single storey building takes a similar form to a semi-circle with a raised middle section, providing light to a void, the roof is angular and help accommodate its shape. The two storey building has been designed with a pitched roof, with solar panels on one side of the roof, and on one side of the section connecting the two dwellings. Both buildings are proposed to be finished with timber cladding and a plastic coated metal profiled sheet roof.

Access to the dwellings will be from two separate points.

## Site Description

The site is an overgrown piece of scrub land to the rear of Wellesley Cinema. The site adjoins onto residential boundaries and a parking/turning area at the rear of the cinema. The main access to the site is currently via Bulls Row, though there is a secondary access to the rear of the site from Martins Close.

## Relevant Planning History

43/15/0029 - Erection of 1 no. 2 bed dwelling and 1 no. 1bed dwelling with live work unit to serve it on land to the rear of 7 Martins Close, Wellington. Application withdrawn 22 June 2015.

## Consultation Responses

*WELLINGTON TOWN COUNCIL -*

**Recommended** that permission be refused for the following reasons:

- The proposal is an overdevelopment of the site.
- The design of the proposal is not in keeping with the surrounding area.
- The development would increase the amount of traffic in the area creating problems with access.

*SCC - TRANSPORT DEVELOPMENT GROUP - See Standing Advice.*

Section 6 Parking and Turning Requirements:-

- Parking provision, and parking space and garage dimensions in accordance with SCC Parking Strategy.
- SCC Parking Strategy seeks 2 parking spaces for a 2 bed dwelling.
- Parking spaces should measure 4.8m x 2.4m and garages 6m x 3m.

*DRAINAGE ENGINEER -*

I note that surface water is to be discharged to soakaway. These should be designed and constructed in accordance with Building Research Digest 365 and made a condition of approval.

### **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).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

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

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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 -**

Recommend condition regarding no removal of vegetation that may be used by nesting birds nor works to or demolition of buildings or structures that may be used by nesting birds between 1st March and 31st August.

*LANDSCAPE* - Comments as per previous application 43/15/0029.

Interesting design but I consider that the size of the building is too large for such a restricted site.

Site visit revealed that the majority of trees on site have already been felled.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - None received.

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

## Representations Received

Four letters of **objection**: -

- Dwellings not in keeping with area and not traditional.
- One dwelling fits more comfortably.
- Loss of privacy.
- Loss of trees.
- Highly visible without trees.
- Shared access will make access to properties difficult.
- Increased traffic.
- Highway safety.
- Traffic noise.
- Object to large vehicles using Bulls Row.
- Visibility poor onto Mantle Street.
- Reassurance that Bulls Row will only be used by one dwelling.
- Lane (Bulls Row ) not adopted and should be left in same condition as now.
- Use of Tylor Place to provide a one way system - In via Bulls Row and out via Tylor Place.
- Water supply and water pressure concerns from two new dwellings.

Two further letters of representation: -

- No objection with following assurances from agent: no construction traffic or plant over my property; laying of geo-mesh as only alteration to access along 7 Martins Close; no cost incurred to myself or my tenant of 7 Martins Close.
- Support application if - Bulls Row not used by heavy machinery during construction; if lane dug up, surface repaired and re-instated as present, or better; request highways look at splays at Mantle Street.

## 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,  
CP8 - CP 8 ENVIRONMENT,  
M4 - TDBCLP - Residential Parking Provision,

## Local finance considerations

### Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre

### 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	£2158
Somerset County Council	£540

#### *6 Year Payment*

Taunton Deane Borough/West Somerset Council	£12949
Somerset County Council	£3237

## Determining issues and considerations

The site is within the settlement limit for Wellington. The development is therefore considered to be acceptable in principle and is within a sustainable development location as defined within policy SP1 of the Core Strategy. The main issues in the consideration of this application are the impact on the character of the area, the impact on the local highway network and the impact on neighbouring residents.

### Design and character

The immediate surrounding area of the site comprises various building types; larger three storey buildings within Tylor Place; two storey terrace within Bulls Row; two storey semi-detached properties within Martins Close and the individual building of the Masonic Hall. As the site sits on its own it is not considered that it has to conform with any of the particular styles previously mentioned. As such, the contemporary design of the two dwellings; designed as a two storey building, linked to a single storey building, is considered to be acceptable in this location. The proposed use of timber and plastic coated profiled steel roof are also acceptable and are not detrimental to the visual amenity of the area.

### Heritage

The proposed dwellings are sited outside of the Conservation Area, where the boundary runs along the rear of Cinema. Given the above comments the proposal is considered to have regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention

shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

As the site is within an Area of High Archaeological Potential, a standard condition will be attached to this approval to request an Archaeological Survey to be submitted prior to any work commencing.

## **Amenity**

The side of the single storey buildings closest to the properties of 7/8 Martins Close is sited 2m from the rear boundaries of the properties, and at the closest point 31m to the rear of 7 Martins Close (32.5m to no 8). The design of this dwelling has a raised section in the middle providing a full height void; this section of the dwelling is sited 9m from the boundary of nos. 7 & 8. Within the side elevation of the dwelling there are no windows and windows within the raised section provide light to the void and do not serve any habitable rooms. The raised section is also sited 12m from the rear boundary of the closest property within Tylor Place.

The bedroom window within the North East elevation serves a bedroom and faces towards a property in Bulls Row 22.5m away; first floor North West windows look onto a piece of land to the rear of the Cinema and are sited at an obscure angle to 5-10 Tylor Place, which is still 25m away. The windows within the South West elevation at first floor level are the closest to any property; 1 Tylor Place is sited 12.5m away, though this property is not directly in front of the proposed dwelling and the angles between the two dwellings would not allow any loss of privacy.

The dwellings can therefore be constructed without any detrimental overlooking or loss of privacy.

There is not considered to be any detrimental loss of light or shadowing from the proposed dwellings.

## **Highways**

The proposal provides 2 off-road parking spaces for each dwelling, 1 garage space and 1 off road parking space. Turning is provided within the site for both dwellings.

One dwelling will have access derived from Bulls Row; an existing single width no-through road that is accessed off Mantle Street and serves properties in Bulls Row and Twyford Place, as well as providing access to the Masonic Hall and the rear of Wellesley Cinema. Given the amount of use already along Bulls Row, one additional dwelling is not considered to lead to a significant increase in traffic or any detrimental harm to highway safety.

The second dwelling is served by an access between 6 and 7 Martins Close, having to cross over the drive of 7 Martins Close. This access and track are in place to serve the rear of Wellesley Cinema, though the access is not used on a regular basis. Whilst the sharing of part of the drive of 7 Martins Close is not ideal, this is an existing access that can be utilised at any time. Furthermore, the traffic generated from the two bedroom dwelling is not considered to be significant to Martins Close

and Bulford Lane.

### **Wildlife**

Since the first submission the site has been further cleared with the felling of 6 Sycamores and 1 Ash tree and an updated Ecological appraisal has been submitted and does not differ significantly to the original findings. The main findings from the report found no reptiles and that there is vegetation that could offer potential nesting and foraging. As such, a condition will prevent the removal of vegetation, and the demolition of buildings, between the 1<sup>st</sup> March and the 31<sup>st</sup> August.

### **Other matters**

The site is not within a floodplain and any surface water should be disposed of within the site. A condition will request permeable paving/surfaces or details of disposal of surface water within the application site.

The majority of trees have been removed from the site and the Landscape Officer has not raised an adverse comment with regards to trees/landscaping and a condition in respect of new planting is proposed.

### **Conclusion**

It has been shown that the development of the site is acceptable and would not have any unacceptable impact upon the character of the area, local highway network or the amenities of neighbouring properties. As such, it is considered to be acceptable and 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: Mr D Addicott**

**E/0101/35/16**

Alleged untidy and unsafe site at the Globe Inn, Appley, Stawley

**OCCUPIER:** THE GLOBE AT APPLEY LTD

**OWNER:** EXAMEX LTD  
GLOBE INN, APPLEY, STAWLEY  
WELLINGTON  
TA21 0HJ

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## **Purpose of Report**

To consider whether it is expedient to serve a notice under:

- a) Section 215 of the Town and Country Planning Act 1990 requiring the condition of the land to be improved; or
- b) Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to secure urgent works to preserve an unoccupied listed building.

## **Recommendation**

That no action is taken under either a) or b) at this time.

## **Site description**

The Globe Inn, Appley originates in the seventeenth century and was added to the statutory list of buildings of special architectural or historic interest at Grade II in 1984. The barn on the north side of the Globe Inn, which is the subject of this report, is most likely nineteenth century in date and is regarded as listed by virtue of being attached to listed public house.

## **Background**

The barn was noted as being in a poor state of repair in 1985. In May 2013 it had deteriorated to a point where it needed to be shored up with scaffold on the advice of TDBC Building Control.

In October 2013 applications were submitted for repair and a change of use to a holiday let. In line with local and national policy and guidance the proposed scheme was approved as it was considered that the long term future of this historic 'building at risk' would best be served by a change of use. In July 2014 the pre-commencement Condition 3 of listed building consent 35/13/0018/LB, for a sample panel, was satisfied (there were no pre-commencement conditions associated with the planning application (35/13/0017)).

In October 2014 Stawley Parish Council notified the TDBC Building Conservation Officer that work had stopped. The Building Conservation Officer was informed by the owner that work would recommence in spring 2015. Work recommenced on April 2015. In July 2015 Stawley Parish Council informed the Building Conservation Officer that work had again stopped. In July 2015 the Building Conservation Officer was informed by the owner that work would continue, using a phased approach, and be completed by March 2017.

## **Relevant planning history**

Listed Building Consent and Planning Permission were approved on 13 December 2013 for partial demolition and rebuilding of the barn and conversion of first floor to one bedroom holiday let, alterations to storage area below and removal of canopy at the rear (35/13/0018/LB and 38/13/0017).

## **Development Plan Policies**

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 (2004), 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- Environment

## **Determining issues and considerations**

Stawley Parish Council have requested that TDBC serves a Section 215 and/or a Section 54 notice on the owner due to the state of the site causing harm to the visual amenity of the area.

Officers from TDBC have been actively involved with this site from 2013 and regular monitoring visits have been made. The last monitoring visit by the Building Conservation Officer was made on 29 April 2016. Although work has currently ceased, it is not considered that the amenity of the land or the adjoining area is being adversely affected by the site. Serving a Section 215 notice would therefore not be an appropriate course of action at this time.

Urgent Works Notices are for emergency repairs to keep a building weather tight and safe from collapse and must constitute the minimum necessary to achieve this. The building, which is currently a shell, is deemed to be secure and given that the approved works are ongoing, such action is deemed unnecessary at this time. It is considered that an Urgent Works Notice could not introduce any additional



protection to the building beyond which that the owner has already put in place and serving a notice could not provide any additional protection.

It is not uncommon for such development to be completed over a long time period. In this particular case, the owner could have implemented the permissions anytime up until 13 December 2016. There is no time limit for completing the works once the permission has been implemented.

As the building is regarded as secure and not detrimental to the amenity of the area no further action is recommended at this time although the site will continue to be monitored.

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

**PLANNING OFFICER: Mr N Pratt**  
**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356466**

**E/0004/21/16**

Alleged unauthorised development / untidy site on land off Milverton Road, Langford Budville

**OCCUPIER:**

**OWNER:** MR S MASTERS  
THE BYRE, FITZHEAD, TAUNTON  
SOMERSET  
TA4 3JP

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## **Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of all materials relating to the activities from the site.

## **Recommendation**

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- a) Cease the use of the site for the stationing of a mobile homes and caravans.
- b) Cease the use of the site for residential / domestic / commercial use.
- c) Remove the mobile homes and caravans from the site.
- d) Remove all residential and domestic equipment, building materials, tyres, builder's rubble, wooden pellets and materials associated with the unauthorised uses from the site.

Time for compliance:

With regards to a) above 3 months from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

With regards to c) above 3 months from the date on which the notice takes effect.

With regards to d) above 3 months from the date on which the notice takes effect.

## **Background**

The site is an agricultural field located adjacent to Milverton on Road, north west of Tonedale, Wellington. The site is accessed by a lane (a public footpath) that joins

Milverton Road and serves two dwellings and an orchard site. The land is surrounded by agricultural fields and a small electrical substation. The site is well screened from Milverton Road but overlooked from the public footpath and the surrounding fields.

A complaint was received in early January 2016 regarding the build-up of waste materials and rubbish. Following an inspection for the site it was identified that there had been a large accumulation of building materials on the site (in particular wooden pallets, vehicle tyres and brick). It was also noted that there were several cars, mobile homes and caravans located on the site. Informants have stated that people intermittently come and stay on the site for short periods of time.

Historical records show the land as an agricultural field and recent aerial photography shows that the field was an open grass field with one small building along the north western boundary.

The owner of the land has been instructed to remove the materials from the land or apply for planning permission. He has disputed that there is a breach and that the activities are associated with an existing agricultural / horticultural use. Officers have clarified with the owner that the activities, structures and development on the land do not have planning permission and that the breach needs to be remedied. The owner has subsequently taken no action to rectify the matter. At the last inspection of the site it appeared that more materials have been imported onto the land including an additional caravan.

## **Description of breach of planning control**

Without planning permission the unauthorised change of use from agricultural land to a mixed use including residential, commercial and the use of the land for storage of materials and the stationing of mobile homes and caravans.

## **Relevant planning history**

NA

## **Development Plan Policies**

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 (2004), 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.

## National Planning Policy Framework

Paragraph 55

Para 207 – Enforcement

## Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations

DM1 - General Requirements

DM2 - Development in the Countryside

CP8 - Environment

### **Determining issues and considerations**

The site is in open countryside. The site is distinctly visible from the adjacent public walkway and surrounding agricultural land.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The mobile homes and caravans are in a fairly prominent position within the open countryside, without any justification. The continued presence of the mobile homes and caravans and the residential use is detrimental to the character and appearance of the area, and increases the need to travel to access services. It is considered expedient to have the mobile homes and caravans removed and the residential use cease. The alternative would be sporadic residential development in open countryside contrary to Policy.

The development includes the open storage of considerable amounts of building materials and waste materials. The use of the land is unsightly and out of character with the surrounding area. The commercial use of the agricultural land and the deposition of waste materials in the open countryside is contrary to DM1, DM2 and CP8 which seek to limit the impact on appearance and character of affected landscape and rural character

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The residential use and the stationing of the mobile homes and caravans on the site results in sporadic development in the open countryside that collectively would be detrimental to the visual amenities of the Taunton Deane Core Strategy Policies CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

The commercial use and open storage on the site results in an unacceptable

harmful impact on the character and appearance of the local landscape and its rural character. As such the development is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy.

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

**PLANNING OFFICER: Mr M Bale**  
**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356466**

38/16/0151

MR AND MRS M COOMBE

## **Erection of a single storey extension to the side of 9 Westleigh Road, Taunton**

Location: 9 WESTLEIGH ROAD, TAUNTON, TA1 2XY

Grid Reference: 323801.124319

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:

(A3) DrNo WCO2007 Site & Location Plans  
(A3) DrNo WCO2007 Existing & Proposed Floor Plans  
(A3) DrNo WCO2007 Proposed Elevations  
(A3) DrNo WCO2007 Existing Elevations

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

### **Notes to Applicant**

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

## **Proposal**

Erection of a single storey pitched roof extension at the side of the property which will project 5.15m by 5.6m and will replace an existing lean-to garage. The extension will be finished in brick work under a tiled roof, which will match the existing dwellinghouse.

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

## **Site Description**

9 Westleigh Road is a semi-detached property which is finished in brick under a tiled roof. There is a lean-to extension attached to the side of the property which will be replaced by the extension. There is parking to the front of the property and garden to the side and rear. There is a metre height fence along the boundary with the Neighbours at 7 Westleigh Road.

## **Relevant Planning History**

No relevant planning history.

## **Consultation Responses**

No response received.

## **Representations Received**

No response 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.

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

Policy D5 of the draft Site Allocations and Development Management Plan

## **Local finance considerations**

Not payable in this instance.

## **Determining issues and considerations**

The proposed extension will replace an existing garage but its removal will have no impact on parking within the site as parking will still be available to the front of the dwellinghouse. The extension will be set off the boundary with the adjacent neighbour and no windows are proposed on the north elevation and in this regard there will be no adverse impact on this neighbour in terms of loss of light or overlooking and therefore, the extension is considered to be acceptable.

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

**Contact Officer: Mrs S Melhuish**



49/16/0011

MR & MRS E GAINES

**Demolition of outbuildings and erection of two storey extension and amenity buildings to be used as ancillary accommodation at Ashbeers Farm, Wiveliscombe Road, Wiveliscombe**

Location: ASHBEERS FARM, WIVELISCOMBE ROAD, WIVELISCOMBE,  
TAUNTON, TA4 2TH

Grid Reference: 308797.127769

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 2405-309 Existing & Proposed Roof Plans  
(A1) DrNo 2405-300 Location & Site Plans  
(A1) DrNo 2405-302 Existing & Proposed Elevations 1  
(A1) DrNo 2405-303 Existing & Proposed Elevations 2  
(A1) DrNo 2405-304 Existing & Proposed Elevations 3  
(A1) DrNo 2405-305 Existing & Proposed Elevations 4  
(A1) DrNo 2405-306 Existing & Proposed Elevations 5  
(A1) DrNo 2405-307 Existing & Proposed Elevations 6  
(A1) DrNo 2405-308 Existing & Proposed Elevations 7,8 and 9

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 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe.

Reason: To prevent any form of commercial or business use given the location of the site within the open countryside and to afford adequate protection to the amenity of residents of Ashbeers.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

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

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **Proposal**

The application seeks planning permission to redevelop the site at Ashbeers, Wiveliscombe, to provide ancillary accommodation to the North and East of the dwelling. The proposed accommodation within a new building to the North will include new amenity buildings to compliment the existing residential property, including offices, home cinema, store, utility, hot tub/gym and garden store/workshop. The proposal involves demolition of some of the existing outbuildings to the east, which include conservatory, garage, storage rooms and timber greenhouse and the erection of a replacement attached extension to provide utility, WC, store, entertainment area and home cinema at this point, with two offices for personal use above at first floor level within the roof space. The proposal also includes a new hardstanding at the rear of the property to be completed with permeable brick paving. This proposal is basically a resubmission of application 49/14/0057 which was approved by Members in November 2014. The current proposal omits the swimming pool element, thus making the proposal smaller in scale than that which has been approved already. All accommodation and functions would be ancillary and for the personal use of the owners/occupiers of Ashbeers only.

## **Site Description**

The site comprises a two-storey detached dwelling, stone fronted and tile hung at first-floor level, with various outbuildings forming a courtyard to the rear. The site is located between the B3227 to the south and Norden's Meadow to the north. There are agricultural fields within the applicant's ownership to the east and west of the dwelling. The outbuildings would at one stage have been part of the farm, but have not been used for agricultural purposes for some time.

## **Relevant Planning History**

There have been several applications for works and changes of use over the past 25 years, but the most recent and most relevant is that of 49/14/0057 which sought planning permission for the demolition of outbuildings with the erection of a two storey extension and amenity buildings for swimming pool and home cinema. This was approved by Members in November 2014, but the works were not commenced. The permission remains capable of implementation however.

## **Consultation Responses**

*WIVELISCOMBE TOWN COUNCIL* - Supports the application.

*HISTORIC ENVIRONMENT SERVICE*- No comments received.

## **Representations Received**

No comments 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.

EN21 - TDBCLP - Nationally Important Arc Remains (HISTORIC),  
S4 - TDBCLP - Rural Centres (HISTORIC),  
WV1 - TDBCLP - North of Style Road (HISTORIC),  
H17 - TDBCLP - Extensions to Dwellings,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
EN12 - TDBCLP - Landscape Character Areas,  
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

## **Local finance considerations**

Development measures approx. 478m<sup>2</sup>. The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £60,000.00. With index linking this increases to approximately £70,500.00.

The application will not attract any New Homes Bonus.

## **Determining issues and considerations**

Members need to bear in mind that the principle of this development and much of its appearance has already been agreed with the previous proposal approved in November 2014. This application seeks an amendment to that consent by removing the previously approved swimming pool facility. The new (current) proposal is therefore smaller in scale.

It should be borne in mind, as discussed with the previous submission, the existing buildings to the rear of the property are in a poor state of repair and have been created in an ad hoc manner with little consistency in their design and appearance. The removal of these buildings would not affect the character and appearance of the existing dwelling. The extension will be sited over the existing footprint of the existing

outbuildings, albeit with a slight increase in net floor area. It will incorporate materials and design features of the existing dwelling and would make a positive contribution to its appearance. The roof space of the proposed extension will provide office space for the dwelling and cat slide dormers to the front. The siting of the extension along the rear building line of the dwelling will ensure it retains a subservient relationship to the main dwelling.

The proposed new building to house the gym and hot tub will be sited along the western side of the courtyard. The store/workshop will be to the eastern side of the courtyard. As with the replacement extensions the materials and design will reflect that of the existing dwelling. They will be typically barn like in their appearance. The proposed gym building will be linked to the dwelling via a glazed fronted walkway opening to the parking area in the courtyard. The proposed gym/hot tub building is not subservient in size in relation to the footprint of the existing dwelling. The ridge height will be higher than that of the replacement extension but will be approximately 1.8m lower than the main dwelling. However, the use of the same roof pitch as the main dwelling provides consistency in the overall design of the development, and the location of this extension at the rear of the property will help to make it screened from most public visibility.

Whilst the proposed extension and additions are large in terms of their size and footprint, the proposal needs to be considered in the context of its surroundings. In this instance, the design of the proposal, in the form of a courtyard set behind the dwelling, minimises the impact of the proposals. The replacement of the existing outbuildings is of benefit to the appearance of the dwelling. The additional buildings are not considered to significantly detract from the character and appearance of the dwelling and are designed to be in keeping with their surroundings. The site is situated within large grounds and the proposals are not considered to represent over-development of the site. There are no nearby properties to be affected by the proposals.

Having regard to the above matters, the proposed redevelopment of the property is considered to be acceptable, meeting the provisions of policy DM2 of the adopted Core Strategy. It is recommended that planning permission be granted, subject to appropriate conditions similar to those applied to the last application.

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

**Contact Officer: Briony Waterman**

**E/0044/36/16**

Unauthorised siting of a mobile home at Curryload Farm, Curload Road, Curload, Stoke St Gregory

**OCCUPIER:**

**OWNER:** MR CHEDZOY  
CURRYLOAD FARM, CURLOAD ROAD, CURLOAD STOKE ST  
GREGORY  
TAUNTON  
TA3 6JA

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## **Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home in the grounds of Curryload Farm, Curload.

## **Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action subject to sufficient evidence being obtained should the notice not be complied with.

The Enforcement Notice shall require:

- a. Cease the use of the site for the stationing of a mobile home.
- b. Remove the mobile home from the site.
- c. Remove all residential and domestic equipment and materials associated with the unauthorised use from the site.

Time for compliance:

With regards to a) above 6 months from the date on which the notice takes effect.

With regards to b) above 6 months from the date on which the notice takes effect.

With regards to c) above 6 months from the date on which the notice takes effect.

## **Background**

A complaint was received in February 2016. Investigations have been carried out and a Planning Contravention Notice has been issued. It appears that the mobile home has been sited in this location for two years. It was first sited in January 2015 while the owner of the farm was poorly for a temporary period but has remained to date. The present family has occupied the mobile home since February 2016. You should be aware that the family are currently listed on Homefinder Somerset and have been placed in Bronze Band.

## **Description of breach of planning control**

The siting of a mobile home as an independent dwelling requires planning permission. The family occupying the mobile home are not related to the owner but are friends.

## **Relevant planning history**

There is no previous planning history relating to the area of land occupied by the mobile home but there are applications for the farm in the 70's, 80's and 90's.

## **Development Plan Policies**

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 (2004), 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.

Taunton Deane Core Strategy 2011-2028  
Policy SP1 - Sustainable Development Locations  
Policy CP1 - Climate Change  
Policy CP4 - Housing  
Policy CP6 - Transport and Accessibility  
Policy CP8 - Environment  
Policy DM1 - General Requirements  
Policy DM2 - Development in the Countryside

Draft Site Allocations and Development Management Plan  
Policy SB1 - Settlement Boundaries

## **Determining issues and considerations**

The existing mobile home on the site is occupied by a family that have no connection to the site owner or to the running of the farm. The mobile home is therefore a new dwelling in the countryside contrary to policies CP1, DM2 and CP8. The site forms the front courtyard to the traditional thatched farmhouse which is gable end to the road running through Curload. The site is bounded by a low brick boundary wall to the road and southern boundary and a higher brick wall and farm building to the east. The front garden area is flat, open and clearly visible from the road. The mobile is in a prominent location and is visible from the road and detracts from the character of the existing property.

If the mobile home were utilised in connection with the farm then there would be an argument for allowing it to be kept and ensuring the residential use ceased, however

in the circumstances it is considered appropriate that the mobile home be removed from the site to ensure both the cessation of the residential use and the adverse impact on the amenity of the area.

It is therefore considered appropriate to take the necessary enforcement action and allow a suitable time for compliance given the current occupants.

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

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

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



# **Taunton Deane Borough Council**

## **Planning Committee 25.05.2016 – Urgent Item Miscellaneous Report**

### **Application 42/16/0009**

**Erection of outbuilding in the garden of Amberd House West, Amberd Lane, Trull**

### **Background**

The above application has recently been determined under delegated authority. It has now come to your officers' attention that the matter should, actually, have been referred to the planning committee due to the level of objection received.

Whilst the decision has been made, it is now considered prudent to explore whether the Planning Committee would have reached the same decision in order to establish whether any injustice has been caused by this failure to follow procedure.

### **Matters for consideration**

It is requested that members consider the officer's report attached and agree what decision they would have made had the application been before them in the normal manner.

In the event that members reach a contrary view, your officers will advise on what steps should be taken next and could result in the revocation of the planning permission.

The officer report should be considered in the same manner as if the planning committee was being asked to determine the application, i.e. in accordance with the relevant planning legislation, policy and guidance.

In addition to the matters raised in the attached report, a neighbouring resident has also asked that members consider the following detailed points:

- The applicant has made no reference to the stabling of horses, but it is believed that this is the intention for the building.
- The meaning of condition 4 needs to be clarified.
- The building may be a reasonable distance from Amberd House West, but is much closer to Amberd Lodge.
- The major change in design from the previous building appears to have been dismissed, along with the Parish Council's view that the design and appearance of the outbuilding is out of keeping with the surrounding buildings and character of the area.

You officers wish to confirm that condition 4 would allow horses to be stabled in the building, but not on a permanent basis, i.e. there would have to be times when horses were not stabled within the building. In addition, the building could not be used for any commercial equestrian (or other) enterprise and is only for the enjoyment of the residents of Amberd House West.

42/16/0009

MR CHRIS MERCER

**Erection of outbuilding in the garden of Amberd House West, Amberd Lane, Trull**

Location: AMBERD HOUSE WEST, AMBERD LANE, TRULL, TAUNTON, TA3  
7AA

Grid Reference: 321953.121527

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:

(A4) DrNo 5472-01 Plans and Elevations.  
(A3) DrNo P/102 Block Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no additional windows or other openings shall be installed in the north 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.

4. The development hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Amberd House West and not used for permanent stabling of horses.

Reason: For the avoidance of doubt and to ensure that the shed is used for domestic purposes and to protect the amenity of neighbouring residents

## Notes to Applicant

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

## Proposal

Permission is sought for the erection of an 11.6m x 4m x 2.8m timber clad outbuilding.

## Site Description

This is the site of a dwelling with the majority of the site to the front and with a long sweeping shared access/drive. There is off road parking and turning. There is a cluster of dwellings nearby that share the access/drive these dwellings while being a reasonable distance away from the dwelling in question, all share boundaries with the site.

## Relevant Planning History

Planning application number 42/15/0021 was withdrawn on the 23rd June 2015, an application was then approved, 42/15/0037. This application seeks amendments to this approval.

## Consultation Responses

*TRULL PARISH COUNCIL* - Objects to the application on the basis of overlooking and loss of privacy due to the windows at the rear of the building.

## Representations Received

5 letters of objections (comments summarised)

- appearance of agricultural building that harms the garden setting and neighbouring properties
- higher than the hedge and dominate the outlook from Amberd Lodge.
- no other type of building like this in the vicinity
- inappropriate for the setting and proximity to listed garden wall
- 3 windows on the rear directly overlooks Amberd Lodge
- If stabling horses could result in smells and noise
- Stable block unsuitable for a residential area

- occupy the view from Amberd Lodge
- glare from the roof.

## **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**

Not applicable.

## **Determining issues and considerations**

The main issues to be considered are the impact on the appearance of the building and the amenity of the neighbouring properties.

This application is for the erection of a single storey out building to the front.

The footprint of the proposed out building has been reduced from the earlier approved application, however this application seeks for a change in materials.

Comments received from neighbours state that there may be glare from the roof, however it would appear that this type of covering would have the same effect as a slate roof. Whilst several comments have been received about the building being out of character, or that it would occupy the view, the principle of a larger building has previously been approved in this location, therefore this amended scheme is considered acceptable. The windows on the rear elevation are fitted with vertical grill bars and are therefore unlikely to cause significant harm to overlooking. Concerns have been raised with regard to the building being used for stabling horses, therefore a condition has been included to prevent the stabling of horses on a permanent basis.

There would be no adverse impact on the street scene as the proposed building would not be visible from the road due to other dwellings and mature planting.

It is therefore recommend 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: Briony Waterman**

## **Appeal Decisions – 25 May 2016**

**Site: 59 PRIORSWOOD ROAD, TAUNTON, TA2 7PS**

**Proposal: DISPLAY OF 3 No NON ILLUMINATED SIGNS AT 59 PRIORSWOOD ROAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)**

**Application number: 38/15/0455A**

### **Reasons for refusal**

1. The proposed advertisements (oval sign above door and sign displayed on adjoining fence), by reason of their size and siting above the doorway, would constitute an intrusive element in the street scene to the detriment of the visual amenities of the area that is further exacerbated by the elevated position of 59 Priorswood Road. Furthermore, the proposed signs add an incongruous element as the building is in residential use, not a commercial use, and has no commercial frontage. Displaying three signs on the front of dwelling creates a cluttered appearance that further detracts from the visual amenity of the area to the detriment of the character and appearance of 59 Priorswood Road and the adjoining residential dwellings. The signs are therefore not considered to comply with saved Local Plan policy EC26, Emerging Policy D3 and the NPPF.

**Appeal decision: Split**

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**Site: 26 CALDER CRESCENT, TAUNTON, TA1 2NH**

**Proposal: REPLACEMENT OF HARDSTANDING AND ERECTION OF FENCE TO FRONT OF 26 CALDER CRESCENT, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)**

**Application number: 38/15/0380**

### **Reasons for refusal**

The fence, by virtue of its, design, materials and positioning, would appear as an incongruous addition to the street scene given its open plan surroundings thus detracting from the character and visual amenity of the area and as such, it is contrary to policy DM1d (General Requirements) of the Taunton Deane Core Strategy.

Limited provision has been made for the disposal of surface water and it is unclear that the large hardstanding area at the front of the property has been laid with adequate provision for drainage and therefore any water run-off is likely to put additional pressure on the public storm water drainage system outside the curtilage of the property which would be contrary to Core Strategy policy CP8 and flood risk.

**Appeal decision: Allowed**

## Appeal Decision

Site visit made on 21 April 2016

by **B J Sims BSc(Hons) CEng MICE MRTPI**

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

Decision date: 27 April 2016

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### Appeal Ref: APP/D3315/Z/16/3144437

**59 Priorswood Road, Taunton, Somerset TA2 7PS**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Miss Sharon Dyke against the decision of Taunton Deane Borough Council.
  - The application Ref 38/15/0455/A, dated 28 October 2015, was refused by notice dated 4 February 2016.
  - The advertisements proposed are described as 1 x oval sign above ground/lounge bay window below eaves and 1 x rectangle sign to fence.
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### Decision

1. The appeal is dismissed insofar as it relates to 1 x oval sign above ground/lounge bay window below eaves (Sign 2).
2. The appeal is allowed insofar as it relates to 1 x rectangle sign to fence and express consent is granted for the display of 1 x rectangle sign to fence (Sign 1) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-

This consent relates to Sign 1 to be displayed in accordance with plans Refs 000-PE-XX-ZZ-DR-A-3100 Revision P01 and 000-PE-XX-XX-DR-A-0100

Revision P02.

### Procedural Matters

3. The Council has issued a split decision granting approval for a smaller directional sign, measuring 0.34 metres by 0.35 metres and 0.8 metre above the ground, located to the side of the doorway (Sign 3). This and the two signs disputed in this appeal have been in place for some five years. The retrospective nature of the appeal makes no difference to the manner in which the planning issues arising from the display of the larger oval sign (Sign 2) and rectangular sign (Sign 1) are considered. The outcome of this appeal has no effect on the existing permission for Sign 3.
4. The Appellant offers to remove the rectangular Sign 1 from the fence but retain the oval advertisement Sign 2 above the door as a compromise with the Council. However it is necessary to begin this fresh appraisal of both signs together, as described in the application and appeal, before turning to consider



whether a further split decision might be appropriate, to permit one or other of the disputed advertisements.

## **Main Issue**

5. The main issue is the effect of the disputed advertisement Signs 1 and 2 on the visual amenity of the local street scene.

## **Reasons**

6. No 59 Priorswood Road forms part of an essentially uninterrupted residential frontage. The oval Sign 2 above the doorway and the rectangular Sign 1 on the fence to the side, together with the smaller Sign 3 already permitted, give the front of the property a cluttered appearance. This is significantly detrimental to the appearance of the house itself and unacceptably out of keeping with the domestic character of its surroundings. This adverse impact is due to the substantial size of the advertisements as well as the positioning of the oval Sign 2 at a high level, above the doorway on the front elevation, albeit not beneath the eaves as described.
7. It is acknowledged that the advertisement signs avoid obscuring any particular architectural features of the house and have not given rise to complaint. It is also recognised that small businesses, such as that operated by the Appellant, should be supported, in accordance with national planning policy, and that a considerable proportion of the Appellant's custom is attracted by this external advertising.
8. Notwithstanding these factors in favour of the signage as proposed to be retained, its adverse planning impact justifies dismissal of the appeal in terms of saved Policy EC26(A) and (C) of the adopted Taunton Deane Local Plan. This policy resists unduly prominent advertisement signs where they would cause visual clutter, detracting from their surroundings, when viewed with existing signs.
9. However, if the oval Sign 2 were removed, the degree of clutter and the prominence of the advertising would be considerably reduced, whilst the rectangular advertisement Sign 1 would still be visible from the street and thus continue to be potentially effective in securing business. On an overall balance of judgement, the retention of the lower-level, rectangular Sign 1 would be acceptable in terms of Policy E26(A) and (C). On a further judgement, the advertising, once modified, would also avoid undue distraction to passing drivers, with its implications for public safety in terms of Policy E26(D).
10. These conclusions lead to a further split decision to allow only the rectangular Sign 1 mounted on the fence, subject to the standard conditions set down in the Regulations and one further condition. This is imposed for the avoidance of doubt and in the interests of proper planning, expressly to confirm that the consent relates only to Sign 1, as represented on the approved plans.

*B J Sims*

Inspector

## Appeal Decision

Site visit made on 21 April 2016

by **B J Sims BSc(Hons) CEng MICE MRTPI**

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

Decision date: 28 April 2016

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### Appeal Ref: APP/D3315/D/16/3145982

**26 Calder Crescent, Taunton, Somerset TA1 2NH**

- 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 Mrs Sally Satchell against the decision of Taunton Deane Borough Council.
  - The application Ref 38/15/0380, dated 3 September 2015, was refused by notice dated 16 December 2015.
  - The development proposed is the construction of replacement hardstanding and erection of fence to front.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of replacement hardstanding and erection of fence to front at 26 Calder Crescent, Taunton, Somerset, TA1 2NH, in accordance with the terms of the application, Ref 38/15/0380, dated 3 September 2015, and the plans submitted with it.

### Procedural Matters

2. The above description is taken from the Council decision notice and sufficiently identifies the development subject to appeal.
3. The development is already complete. However, the retrospective nature of the appeal makes no difference to the manner in which the planning issues arising are considered.

### Main Issues

4. The main issues are the effects of the development on the appearance and character of the local street scene and road safety and whether it provides adequately for surface water drainage within the appeal site.

### Reasons

5. The appeal property is situated within the Blackbrook Estate, which is subject to a planning condition requiring open plan frontages. The fence now in dispute was evidently erected in place of a former hedge over which there was no planning control. However, this decision is based strictly upon the planning merits of the development now in place.

6. The development has been neatly completed to a high professional standard. Although the surrounding street scene remains broadly open-plan in character, there are many boundary walls and other features close to the back edge of the footways, with a number of front gardens and forecourts partly or substantially enclosed. In the main, front boundary fences in the vicinity of the appeal site are low-level and of light construction.
7. The new fence to No 26 Calder Crescent leaves the frontage still largely open. The side section of the fence is of unrelieved timber boarding some 1.2 metres high and is quite prominent but the front section with a top section of trellis is lighter in construction. Overall, this particular fence is not unduly incongruous or intrusive in the street context.
8. There is some concern that the fence limits exit visibility but in this urban setting there is a reasonable view for drivers over the footway, given the relatively low traffic speeds to be anticipated.
9. The Council asserts that the tarmac hardstanding sheds water across the public footway onto the road with no on-site drainage measures to absorb run-off. In contrast, the Appellant provides persuasive documentary evidence that the hardstanding was deliberately laid in permeable bitumen macadam surfacing over a substantial depth of free-draining material with soakaway areas and an intercepting course of blockwork at the footway edge to contain rain water.
10. Judged overall in relation to the main issues, the fence is an attractive addition to the property and avoids unacceptable detriment to the character and appearance of the street scene or road safety, whilst the hardstanding has been constructed to provide adequately for surface water drainage within the site.
11. The development accordingly complies in these respects with the aims of Policies DM1 and CP8 of the adopted Taunton Deane Core Strategy which, consistent with the National Planning Policy Framework, include requirements that new development should not harm the street scene, public amenity or safety and should avoid flood risk. The appeal succeeds accordingly.

*B J Sims*

Inspector

**APPEALS RECEIVED – 25 MAY 2016**

**Site: JARVEYS COTTAGE, 16 STOKE ROAD, NORTH CURRY, TAUNTON, TA3 6LR**

**Proposal: Replacement of boundary wall at Jarveys Cottage, 16 Stoke Road, North Curry (retention of works already undertaken)**

**Application number: 24/15/0054**

**Appeal reference: APP/D3315/W/16/3146461**

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**Site: THE RANGE, HANKRIDGE WAY, TAUNTON, TA1 2LR**

**Proposal: Display of 4 No non illuminated panels with digital graphics at The Range, Hankridge Way, Taunton**

**Application number: 48/15/0069**

**Appeal reference: APP/D3315/Z/16/3147092**

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**Site: SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL, TAUNTON, TA2 8DA**

**Proposal: ERECTION OF 4 No. DETACHED DWELLINGS WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL**

**Application number: 14/15/0027**

**Appeal reference: APP/D3315/ W/16/3146733**

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**Site: HYDE EGG FARM, HYDE LANE, BATHPOOL, TAUNTON**

**Proposal: Application for a Lawful Development Certificate for the existing use of buildings and land for Classes B1, B8 and motor vehicle repairs plus ancillary office and showroom at Hyde Egg Farm, Hyde Lane, Bathpool**

**Application number: 48/16/0018**

**Appeal reference: APP/D3315/X/16/3149823**

**Enforcement Appeal**

**Site: JARVEYS COTTAGE, 16 STOKE ROAD, NORTH CURRY, TAUNTON, TA3  
6LR**

**Alleged breach of planning control: Replacement of boundary wall at Jarveys  
Cottage, 16 Stoke Road, North Curry (retention of works already undertaken)**

**Reference number: E/0226/24/15**

**Appeal reference: APP/D3315/W/16/3146461**

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