

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 23 March 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 2 March 2011 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 05/10/0042 – Demolition of bungalow and erection of replacement dwelling and garage at 28 Mountway Road, Bishop's Hull
- 6 05/10/0044 – Demolition of dwelling and garage and erection of four dwellings, garages and associated external works at Milanwil, Mountway Close, Bishop's Hull
- 7 05/11/0002 – Erection of 2 no dwellings and garages with associated access at land to the rear of 50 Stonegallows, Taunton
- 8 18/11/0001 – Conversion of agricultural buildings to form three permanent residential dwellings, erection of ancillary garaging and stores and formation of vehicular access at Northway Farm, Halse
- 9 18/11/0002/LB – Conversion of agricultural buildings to form three permanent residential dwellings with erection of ancillary garaging with stores at Northway Farm, Halse
- 10 18/11/0003 – Erection of double garage with store and formation of vehicular access at Northway Farmhouse, Halse
- 11 34/11/0001 – Erection of two storey side extension at 20 Drake Close, Taunton (amended scheme 34/10/0033)

- 12 38/11/0022 – Erection of 6 dwellings with associated parking spaces, erection of garage and relocation of 3 parking spaces following demolition of garages at Priorswood Place, Dorchester Road, Taunton
- 13 38/11/0029 – Application for approval of reserved matters for application 38/10/0214 for the erection of 2711 sq m of office (B1) floorspace, together with associated car and cycle parking, landscaping, plant, refuse store and infrastructure works at Priory Bridge Road Car Park, Firepool and 84-94 Priory Bridge Road, Taunton
- 14 43/10/0130 – Demolition of the Sportsman Inn public house and erection of seven dwellings and associated parking at 46 Waterloo Road, Wellington
- 15 49/11/0003 – Change of use from A1 retail to mixed use A1 retail and D1 veterinary surgery at 4-6 North Street, Wiveliscombe (retention of works already undertaken)
- 16 Enforcement Item - Drakes Lodge, Wellington
- 17 E0181/46/2010 - Change of use of land to site mobile home as agricultural workers dwelling and use of stables for residential purposes at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington
- 18 E0164/48/2010 - Use of residential dwelling as children's care home at Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield
- 19 Planning Appeals - The latest appeals lodged (details attached)

Tonya Meers
Legal and Democratic Services Manager

28 July 2011

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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



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

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor C Bishop	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor R Bowrah, BEM	
Councillor B Denington	
Councillor A Govier	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor N Messenger	
Councillor I Morrell	
Councillor J Reed	
Councillor F Smith	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Planning Committee – 2 March 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith, Watson,
A Wedderkopp and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching
(Development Management Lead), Mr M Bale (West Area Co-
ordinator), (Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major
Applications Co-ordinator), Mrs J Jackson (Legal Services Manager),
Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher
(Democratic Services Officer)

Also present: Councillor Beaven in connection with application No 06/10/0029;
Councillor Hayward in connection with application No 25/10/0032;
Councillor Thorne in connection with application No 10/10/0024 and
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

14. Minutes

The minutes of the meeting of the Planning Committee held on 9 February 2011 were taken as read and were signed.

15. Public Question Time

Councillor Morrell said that he had been informed at an earlier meeting that for the last fourteen years the wording had been incorrect on Breach of Condition Notices. This had resulted in any prosecution, such as the one currently being undertaken in Bishop's Hull, being abandoned. Councillor Morrell asked who would be taking responsibility for this professional failing.

Mrs Jackson agreed that the wrong templates had been used for Breach of Condition Notices for a number of years. However, no prosecutions had been brought as, when served, the Notices had been complied with.

The Chairman (Councillor Bishop) said this was a regrettable situation and the Council would apologise in writing.

Councillor Hayward asked for clarification on the deciding factors that led to officers recommending legal action being taken against the developers at Bishop's Hull compared to the deciding factors that led to officers recommending that no legal action be taken against two developers at Norton Fitzwarren.

Councillor Hayward also said that at the meeting of the Planning Committee on 15 December 2010, it was resolved "that the Solicitor to the Council be authorised to seek an injunction preventing further occupation of residential

properties on the former Taunton Trading Estate site at Norton Fitzwarren until the transfer of the playing field land had been completed". However, building was continuing and houses were being occupied even though the transfer of the land had not yet taken place.

Mrs Jackson replied that she would provide a detailed response in writing to Councillor Hayward. The response would also be circulated to all Members of the Planning Committee.

16. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor and as a member of Somerset Wildlife Trust.

17. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

That **planning permission be granted** for the under-mentioned developments:-

06/10/0029

Change of use of land to provide two residential gypsy pitches (consisting of one mobile home and one touring caravan per pitch) at Sunnysdene, Dene Road, Bishops Lydeard

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The site shall not be occupied by any persons other than gypsies and travellers as defined in Paragraph 15 of ODPM Circular 01/06 - Planning for Gypsy and Traveller Caravan Sites;
- (d) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, of which two shall be static caravans or mobile homes and two shall be touring caravans which shall be capable of being towed on the public highway without division into separate parts, in accordance with the relevant Highway Act legislation;
- (e) Prior to the commencement of any works, details of the surfacing of the access track to serve the site shall be submitted to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;

- (f) No commercial activities shall take place on the land, including the storage of materials. Any machinery stored on the site shall not exceed 1.8m in height;
 - (g) The mobile homes, touring caravans and parking shall be sited in accordance with the submitted block plan. There shall be no material change unless any variation is agreed in writing by the Local Planning Authority;
 - (h) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected on site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
 - (i) (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;
 - (j) Prior to the commencement of development, a maintenance and management plan shall be submitted to, and approved in writing by, the Local Planning Authority for the retention of the hedgerow on the north boundary of the site, adjacent to the public highway. The hedgerow shall be retained at a minimum height of 2m from the adjoining ground level unless agreed otherwise. The management plan shall detail improvements required to the visibility splay to be submitted to, and agreed in writing by, the Local Planning Authority and carried out before the use is implemented. There shall be no obstruction above 900mm in height within the visibility splay. Development shall be carried out strictly in accordance with the approved details;
 - (k) Prior to the commencement of the development, details of the foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile homes are occupied.
- (Note to applicant:- Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

Reason for granting planning permission:-

The proposed development would address an identified need as set out in the Gypsy and Traveller Accommodation Assessment (GTAA). The proposed siting of the development was considered to be acceptable and would have no significant adverse impact upon the rural character or appearance of the

area. The proposal therefore accorded with Taunton Deane Local Plan Policies S1, S2, S7 and H14 and guidance contained within Circular 01/06.

25/10/0032

Change of use to an indoor karting facility at Unit 13A, Taunton Trading Estate, Norton Fitzwarren

Conditions

- (a) This permission shall expire on 2 March 2016. On or before that date the use hereby permitted shall be discontinued;
- (b) Noise emissions, expressed in terms of an A-Weighted, 2 Min Leq, from any part of the premises or land to which this permission refers shall not be higher than a level that is 3dB below the background level when measured at the footpath on the south side of Blackdown View at the junction with the B3227 (grid ref ST 2009, 2600). For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (c) The business shall only operate within the hours of use specified within the application, Monday to Saturday 10:00 to 21:00 and Sunday and Bank Holidays 10:00 to 20:00;
- (d) The use shall not be implemented until a schedule of noise mitigation measures have been submitted to, and agreed in writing by, the Local Planning Authority. The approved mitigation shall be fully implemented in accordance with the approved details prior to the premises being used for go karting. The mitigation measures shall be retained thereafter in accordance with the approved details.

(Notes to applicant:- (1) Applicant was advised that oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area; (2) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system).

Reason for granting planning permission:-

The proposed temporary use of the building as a karting venue was considered acceptable, subject to the proposed noise mitigation measures and the imposition of a noise restrictive condition. It was considered that as the existing unit was vacant and was earmarked for future development as part of the wider redevelopment of the Trading Estate, the proposal would not undermine the Council's aim of protecting employment land (Policy EC9). It was therefore considered that a temporary use of the building would be acceptable and would not result in any loss of long term employment for a B1/B2/B8 use given the re-development plans for the site.

43/10/0129

Erection of dwelling and garage at land adjacent to Oak Villa, 1 Northside, Rockwell Green, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) Location Plan
 - (A4) Revised Site Plan - received 23 January 2011
 - (A4) Revised Elevation Plans - received 23 January 2011;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The dwelling shall not be occupied until the access track over the first 10m of its length when measured from the highway, known as Rockwell Green, has been properly consolidated and surfaced. The access construction shall be type 1 sub base, 20mm base course and 20mm macadam wearing course. Development shall be carried out in accordance with the above details unless agreed in writing by the Local Planning Authority;
- (e) The applicant shall undertake all the recommendations set out in the ecological report undertaken by Richard Green dated April 2010. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that 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; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity or, on balance, have an adverse impact on highway safety, and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

48/10/0059

Application for variation of Condition 2 of application 48/03/0073 to incorporate the months of February, March and November to allow car boot sales to take place at Prockters Farm, West Monkton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the site shall only be used for the purpose of car boot sales on Sundays and Public Holidays between February and November (inclusive) in any year;
- (c) The applicant shall not cause or permit any noise or nuisance to affect the local amenity and the car boot sale shall be limited to the following hours: Sundays 0800 -1300, Public Holidays 0800 -1300. The site of the sale and all roads must be left in a clean and tidy condition and free from litter immediately after the close of the sale.

Reason for granting planning permission:-

The proposal was not considered to have a detrimental impact upon visual or residential amenity or on highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and Policies 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

18. Erection of 22 dwellings (15 market dwellings and 7 affordable), a village shop and change of use from agriculture to community use of an adjoining field fronting Church Road at Newberry Farm, Taunton Road, Churchinford (10/10/0024)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure a contribution for the improvements to the sewage treatment works, the future use of the adjacent field for recreation purposes, maintenance of the play area, provision of a community shop and affordable housing, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule by Peter Smith Design Service Ltd revised 17/2/11;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been

built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (e) (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;
- (f) The boundary treatment shown on drawing 1068/01G shall be completed before buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees and hedges to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of construction works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (h) Details of the materials of the windows and doors hereby permitted shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter maintained as such;
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates Ecological survey, dated October 2010 and further monitoring of the badger sett to be undertaken and include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest for wildlife. 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. The development shall not be

occupied until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (j) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (k) Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance, or guidance and procedures which may have superseded or replaced this. A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (l) There shall be no occupation of more than 8 dwellings on the site until the improvement works to the sewage treatment works have been agreed with South West Water and carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- (m) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;
- (n) A schedule for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority indicating a renewable energy source for each property and the said source must be commissioned and installed prior to occupation;
- (o) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, unless otherwise agreed with the Local Planning Authority, and 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;

- (p) The boundary hedging to the roadside (east) and northern boundaries of the site shall be retained and not removed at any time;
- (q) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the near side carriageway edge 70m either side of the access. Such visibility shall be fully provided before any part of the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (r) There shall be an area of hard standing at least 6m in length, as measured from the nearside edge of the highway to the face of the garage doors where the doors are of an up and over type;
- (s) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;
- (t) The proposed roads, 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;
- (u) The proposed estate roads, footways, footpaths, tactile paving, street lighting, cycleways, lay bys, verges, junctions, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before the construction begins. 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;
- (v) No house construction work shall commence on the development hereby permitted until details of the footway shown on drawing no 3624-101A have been submitted to, and approved in writing by, the Local Planning Authority. Such footway shall be fully constructed in accordance with the agreed plan and specification before any part of the development is first occupied;
- (w) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge to the highway and details of which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so provided;
- (x) Details of the surface finish to roads within the site, other than tarmac, shall be submitted to, and approved in writing by, the Local Planning Authority prior to their formation and thereafter carried out as agreed;
- (y) The applicant 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 during the construction period. 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 construction on the site has ceased;

- (z) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
- (aa) The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (bb) The windows hereby permitted shall be recessed in the wall to a minimum of 70mm unless otherwise agreed in writing by the Local Planning Authority;
- (cc) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (dd) Development shall not commence until the means of the surface water run-off limitation scheme and disposal for the site has been submitted to, and agreed in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The timing of the works shall also submitted to, and agreed in writing by, the Local Planning Authority and thereafter the approved scheme shall be implemented in accordance with the approved programme and details, prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority;
- (ee) Notwithstanding the detail on drawing on 1068/01G the small section of hedge separating the play area and open space shall be removed prior to the area being brought into use.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. 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. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that works to be undertaken on or adjoining the publicly maintainable highway require a licence under Section 171 of the Highways Act 1980 and must be obtained from the Highway Authority).

Reason for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and would have limited visual impact within the wider landscape of the Area of Outstanding Natural Beauty and would not give rise to highway danger. In addition, there would be adequate drainage provided for the new development and the benefits of the development in terms of recreation, affordable housing and a community shop was therefore considered acceptable and sufficient to outweigh the location outside of the settlement limit and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure and Recreation Provision), M4 (Residential Parking) and EN10 (Areas of Outstanding Natural Beauty).

19. Development of up to 300 dwellings with a local centre, public open space landscaping, highways access and associated infrastructure works at land at Cades Farm, off Taunton Road, Wellington (43/10/0127)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure the following:-

(1) Transportation

- (a) Implementation and improvement works on the Taunton Road approach to the Chelston roundabout, or a contribution of £100,000 for Somerset County Council to implement these works;
- (b) £20,000 contribution towards the completion of a comprehensive study relating to the Chelston roundabout;
- (c) £200,000 towards comprehensive improvements to the Chelston roundabout resulting from the study;
- (d) The design, construction and funding of a pedestrian/cycle/ emergency access to Gay Close;
- (e) Upgrading of the public footpath between Lillebonne Close and Gay Close and the Chelston business parks, together with the diversion of the eastern end to either Westpark 26, Taunton Road or both;
- (f) A travel voucher for the first occupation and on the second anniversary of occupation, based on costs of between £100 and £250 per dwelling (1 bed - £100, 2 bed - £150, 3 bed - £200, 4 bed - £250); and
- (g) An agreed travel plan based on the draft submitted in December 2010;

(2) On Site Open Space

Provision of 4.32 ha of public open space comprising:-

- (i) 1.33 ha of play and activity space (including 1 neighbourhood/ local equipped area for play and four local areas for play);
- (ii) 2.99 ha of strategic hedgerow/wildlife corridors; and
- (iii) Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company;

(3) Active Recreation

Provision of £1,100 per dwelling towards off-site provision;

(4) Local Centre

- (a) Dedication of land to Taunton Deane Borough Council for the development of a community hall; and
- (b) Provision of land for a local shop or shops (precise delivery mechanism to be agreed);

(5) Education

- (a) A contribution of £735,420 (pro-rated to a per-dwelling figure) towards primary education; and
- (b) A contribution of £443,256 (pro-rated to a per-dwelling figure) towards secondary education;

(6) Affordable Housing

35% affordable housing of which 50% social rented; 25% intermediate and 25% low cost; and

(7) Surface Water Attenuation

Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

- (a) (i) 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;
- (ii) Application for approval of the reserved matters for the first phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission;
- (iii) Application for approval of the reserved matters for the final phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.
- (iv) The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Prior to the commencement of the development hereby permitted, a phasing programme shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local

Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme;

- (e) Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such;
- (f) Prior to the commencement of any phase of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing, by the Local Planning Authority:-
 - (i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - (v) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- (g) Before any phase (as agreed pursuant to condition (c)) of the development commences, including site clearance and any other preparatory works and a scheme for the protection of trees and hedges to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works for that phase or until such time as may otherwise be agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (h) The development shall provide public open space in accordance with the details indicated on the parameters plan (Drawing 400-001 rev H) hereby permitted. Full details of the open space, including any required children's

play equipment, benches, bins or any other required paraphernalia shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details required pursuant to condition (a). The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase, as agreed pursuant to condition (c), to which it relates and shall thereafter be maintained as such;

- (i) Details of the proposed street and other external lighting for the development shall be submitted to, and agreed in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a);
- (j) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission pursuant to condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- (l) The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development of the phases to which they relate and shall thereafter be maintained as such;
- (m) The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDPs submitted ecology appraisal dated October 2010, EDPs letter dated 26 January 2011 (ref L/EDP1267/KH/av) and EDPs supplementary information relating to ecological mitigation and enhancement measures dated February 2011 and up to date surveys and include:-
 - (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
 - (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
 - (iii) measures for the enhancement of places of rest for breeding birds, dormice and bats;
 - (iv) Details of a sensitive lighting strategy;
 - (v) The submission of a Landscape and Ecological Management Plan (LEMP);
 - (vi) Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

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. No phase, as agreed pursuant to condition (c), of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (n) Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to;
- (o) For any phase of the development, as agreed pursuant to condition (c), the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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 parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been approved by the Local Planning Authority in writing before their construction begins. 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;
- (p) (i) The landscaping and planting schemes shown on any plans submitted and agreed in respect of condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development;
(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (q) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (a); and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the completion of the phase to which it relates:-
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)];
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority;
- (r) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall

for the purposes of clarification of this condition include the use of any plant or machinery, the carrying out of any maintenance or cleaning work on any plant and machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that if any unexpected contamination is found during the development it should be assessed and, if necessary, remediated in line with current best practice. Under Planning Policy Statement 23, it is the responsibility of the developer to ensure that the development is safe and suitable for use for the purpose for which it is intended; (2) Applicant was advised that development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary stopping up or diversion Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with; (3) Applicant was advised that 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; (4) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed Ecological Construction Method statement clearly stating how wildlife will be protected through the development process, and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (5) Applicant was advised that the conditions relating to drainage have been recommended to ensure that the principles of the agreed flood risk assessment are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated flood risk assessment and masterplan which shows discharge rates and SuDs control measures for each plot. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals).

Reason for planning permission, if granted:-

The proposed development would create a new residential neighbourhood that respected surrounding buildings, topography and landscape features. It would be reasonably well linked and integrated with the existing built form of Wellington and would encourage travel within the town by modes other than the private car. Any impact on wildlife would be adequately mitigated and the favourable conservation status of European Protected Species would be maintained. The impact upon local community facilities, education and highway infrastructure would be mitigated through the provision of land for new facilities and contributions to improve off site provision. Adequate public open space would be provided for the day to day needs of the new residents and there would be contributions towards off-site enhancement of sports pitches and active recreation facilities. Taking account of the above factors, the proposal was considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable

housing sites in accordance with the Council's policy to release interim sites ahead of adoption of the Core Strategy, including provision for affordable housing which taken together were sufficient material considerations to outweigh the conflict with the development plan which seeks to restrict new residential development in this area. The proposal, therefore, accorded with Policies S1 (General Requirements), S2 (Design), H9 (Affordable Housing within General Market Housing), M5 (Cycling), C1 (Education Provision for New Housing), C4 (Standards of [open space] Provision), C6 (Public Rights of Way), EN3 (Local Wildlife and Geological Interests), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) of the Taunton Deane Local Plan; Policies STR1 (Sustainable Development), STR2 (Towns), Policy 1 (Nature Conservation), Policy 42 (Walking), Policy 44 (Cycling), Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 9 (Biodiversity and Geological Interests), 25 (Development and Flood Risk).

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months, the Growth and Development Manager be authorised to refuse planning permission.

20. Erection of agricultural storage building at Dunns Farm, Runnington, Wellington

Reported that a steel portal frame agricultural storage building had been erected at Dunns Farm, Runnington, Wellington without the necessary planning consent being granted.

The owners of the site had submitted an Agricultural Notification seeking a determination as to whether prior approval for the erection of the building would be required. However, there had been some confusion regarding the requirements for the application and the erection of the building had commenced. As an Agricultural Notification could not be approved in retrospect, an application for planning permission was required to regularise the situation.

Although no such application had been received to date, if one was to be submitted to retain the building, the Growth and Development Manager was of the view that permission was likely to be granted.

If was therefore considered unnecessary to take any further enforcement action.

Resolved that no further action be taken.

21. Appeals

Reported that four appeal decision had been received, details of which were submitted.

(The meeting ended at 8.05 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon
- Alternate Director of Southwest One – Councillor Watson

**DEMOLITION OF BUNGALOW AND ERECTION OF REPLACEMENT DWELLING
AND GARAGE AT 28 MOUNTWAY ROAD, BISHOPS HULL**

Grid Reference: 321186.124593

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) Location Plan
(A3) DrNo 199/L2 Block plan
(A2) DrNo 199/L3 Site layout plan
(A3) DrNo 199/G1 Rev A Lower Ground Floor Plan
(A3) DrNo 199/G2 Rev A Upper Ground Floor Plan
(A3) DrNo 199/G3 Rev A Elevations Sheet 1
(A3) DrNo 199/G4 Rev A Elevations Sheet 2
(A3) DrNo 199/G5 Rev A Typical Sections
(A3) DrNo 199/G6 Garage general arrangement
(A3) DrNo 199/G7 Site sections

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

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

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. The area allocated for access, parking and turning on the submitted plan (Drawing: 199/L2 and L3) shall be kept clear shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. The windows in the north elevation shall be glazed with obscure glass in

accordance with details that shall first have been agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy S1.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the North and South 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 S1(E) of the Taunton Deane Local Plan.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or outbuilding, including alterations to the roof, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: Unique reason example: to prevent over development in an area of housing at unusually high density; to protect the character of the area in accordance with Policy S1(D) of the Taunton Deane Local Plan.

10. 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 David F Wills submitted report, dated February 2011 and include:

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

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law in accordance with PPS9.

Notes for compliance

1. 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.

PROPOSAL

The proposal comprises the demolition of an existing bungalow, being replaced with a two storey dwelling. The proposal also includes a new double garage with parking and turning area within the site.

The proposed dwelling has been designed with a low pitched sloping roof and with non-opening windows, allowing the property to be mechanically ventilated with heat recovery. The garage has a similar design as the proposed dwelling, with a low pitched sloping roof and solar panels are proposed on the roof of the garage to heat water for the property.

The dwelling and garage will be finished in a smooth render, painted or self coloured with a metal or single ply membrane. The windows and doors will be constructed in aluminium.

The submitted application has been amended, removing a proposed balcony on the West elevation.

SITE DESCRIPTION AND HISTORY

The site is located off Mountway Road via a private lane that leads to 28 Mountway Road and a garage block. The site is adjoined by a detached pitched roof bungalow to the south and shares the northern boundary with the rear gardens of properties on Mountway Lane, these dwellings are also bungalows.

Timber fencing forms the majority of the boundary treatment, with some hedging. Small trees (apple) and conifers are found within the site.

The southern/eastern end of the site is higher than the land to the west of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection raised:

- Direct replacement of existing dwelling, vehicular movements would remain unchanged.
- Dwelling is located on private road. At point of private road joining Mountway Road I am satisfied that suitability visibility can be achieved in either direction.
- Internal layout in keeping with parking standards and site will also provide a

- turning area to allow vehicles to leave in forward gear.
- Suggested conditions for consolidated surface, surface water, limit use of garage.

BISHOPS HULL PARISH COUNCIL - Objection raised:

- Design not sympathetic to surrounding houses, out of keeping.
- Loss of privacy, 'upside down' nature of the design, will mean living room and balcony will overlook surrounding gardens.
- Neighbours concerned about access difficulties during demolition and reconstruction.

NATURE CONSERVATION & RESERVES OFFICER -

- Precautionary approach in demolition of building; support suggested enhancement proposals for bats.
- Slow worms may use garden; support recommendation to make refuge for reptiles along northern boundary of garden.
- No sign of birds in building, but is likely that garden offers potential for nesting birds.
- No badger setts found on site; surveyor aware of badger activity within the vicinity.

Representations

TWELVE LETTERS OF OBJECTION: -

- Damage to private road to be made good by developer, not by members of the Trust.
- Would require written confirmation that any damage to lane was made good as lane not designed for heavy goods access. Previous planning condition that area of lane joining junction of Mountway Road to our property (24 A Mountway Road) was made good.
- How are they going to get access with lorries and heavy machinery.
- Trustees grant permission to let occupiers pass over property and park on their own land and object to moving of the entrance. Deeds state that no commercial or trade vehicles are allowed to park in area outside of dwelling.
- Loss of privacy, as balcony planned, overlooking rear gardens.
- Two storey dwelling would affect privacy; Loss of privacy from first floor kitchen/lounge windows.
- North elevation of bungalow has no windows; proposed dwelling contains 6 windows and 1 door, and will impact on privacy.
- Single storey dwelling more in keeping with area.
- Not in keeping with the surrounding area.
- Footprint of dwelling skewed so North corner of proposed dwelling closer to boundary of 6 Mountway road.
- Nature of 'box' shape would dominate garden; more visually intrusive
- Loss of southern light.
- Loss of outlook.
- Object to additional waste flow to main sewer that runs through my property, 4 Mountway Lane. There have been continuous problems which on several occasions have resulted in raw sewage spilling into the gardens; also runs through back/front garden of 5 Mountway Lane, while present family have lived at 28 Mountway Road have had sewage people out on several occasions to unblock drains, hope problem does not arise with new building.
- Disruption and impact on elderly neighbours, causing anxiety to community.

- More eco-friendly to upgrade and extend existing bungalow.
- Plot higher than some adjoining neighbouring properties.
- Removal of apple tree will remove some existing screening and reduce privacy.
- What will happen to existing hedge?

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M4 - TDBCLP - Residential Parking Provision,
 STR4 - Development in Towns,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 PPS3 - Housing,
 PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations of this application are the design of the proposal, the impact on residential amenity and the use of the private access track.

Design

The dwelling has a modern design, with a sloping low pitched roof, the use of smooth render and fixed windows to make the house energy efficient. Though this design does not replicate the adjoining bungalows, it does not make it unacceptable. The surrounding area of Mountway Road, Mountway Lane, and the private lane leading to the site has a variety of two storey and single storey dwellings. The dwelling is sited at the end of a private lane, not visible to the public. The dwelling is not considered to harm the character of the area and provides some interest.

Residential amenity

Objections have not been directly made with the regard of the design of the dwelling, but more to do with the impact of a two storey dwelling and being out of keeping with the adjoining properties.

The levels of the site have been lowered, particularly at the eastern end, this allows the dwelling to sit lower into the site, and sits lower than the adjoining dwelling (no 26). Lowering the site also allows the height of some parts of the proposed dwelling to be kept at the same height of the ridge of the existing bungalow.

The northern elevation is closest to the boundary of the properties in Mountway Lane. In this case the proposed dwelling is sited between No 5 and No 6.

Though the corner of the dwelling will be closer to the boundary of No 6 (2m), the dwelling does not project as far as the existing bungalow, a reduction of 2m. Furthermore, the new dwelling will be approx 14m away from the bungalow. It is recognised that the outlook from the property of No 6 will differ as the sloping roof of the bungalow will be replaced with a wall. However, over half of the width of their garden will remain with no development in front. Given the distance from the bungalow to the new dwelling and the positioning of the new dwelling, there is considered to be sufficient light to enter the garden and property.

As with No 6 Mountway Lane, only part of the rear garden on No 5 Mountway Lane will look directly onto the proposed dwelling. The proposed dwelling, at its closest will be 11m from this neighbouring dwelling. Though towards the eastern end of the site the new dwelling is slightly higher than the existing bungalow, this section of the dwelling is set a further 4m away. As above, it is recognised that the outlook of this property will be affected, though a proportion of their garden will still allow light to enter into the dwelling and garden.

The proposed garage is sited near to the existing garage block to the rear of 4 Mountway Lane. Given the distance from the garage to the dwelling (17m) and the low pitched roof, the garage is not considered to harm residential amenity.

On balance, the proposal is not considered to have a detrimental impact on the amenity of the neighbouring properties.

Overlooking

One of the main concerns of this dwelling was the proposed first floor balcony that would have caused a loss of privacy to the adjoining properties. As stated within the description, the balcony has now been deleted from the proposal and will no longer cause any loss of privacy.

There have been some other concerns regarding windows within other elevations.

Northern elevation has two ground floor windows serving a bedroom and a en-suite; there is also a door to an utility room. When taking into account the boundary fence (1.8m) there is not considered to be any overlooking. The two first floor windows serve a dressing room and bedroom (second window for light), the agent has confirmed that these two windows will be fitted with obscure glazing.

Southern elevation has three ground floor windows; these windows will also be obscured by the boundary fence. The three first floor windows face onto the gable of the neighbouring dwelling (no 26) and serve the kitchen, living room and stairwell. There is a window within the gable elevation of No 26. The agent has confirmed that the cill height of this gable window is approx 400mm above the head height of the proposed windows within the new dwelling. As such, it is considered that these windows would not cause any detrimental loss of privacy to the neighbouring property.

Western elevation. As amended, removing the balcony, any windows within this elevation is not considered to cause any undue loss of privacy. This elevation would look onto the garden and would not be different to other residential properties within the area. At an angle, the property of No 7 Mountway Lane would be approx 17m away from the proposed dwelling, and this distance is considered acceptable.

Eastern elevation, this elevation looks onto the garage block and does not overlook any properties.

Highways

The Highway Authority have not objected to this proposal and recognise that there will be no increase in traffic movements. Furthermore, the site can provide sufficient parking and turning within the site. Some conditions requested by the Highway

Authority are reasonable and are recommended to be attached to any grant of permission.

The main issue arising is with regard to the use of the private lane and the use of the lane to allow commercial/trade vehicles to park and the repair of the lane, if damaged. As the lane is private, and managed by a Trust, it is considered their responsibility as to whether access is allowed, and is a civil/legal matter that is not material to this decision.

In any case, the agent has responded to the concerns raised by the Trust who manage the lane and has confirmed the following:-

- Contractor to be aware that parking is not allowed on site or access lane.
- Contractor to work closely with neighbours that access is not impeded and construction traffic has clear and safe passage as required.
- Full written and photographic condition survey of access taken at beginning and end and any damage to be made good under terms of building contract.
- Intention to invite interested parties to a meeting with design team and contractor prior to start.

However, as noted above, it is not considered that this could be the subject of planning conditions.

Landscape

The site has some existing apple trees and conifers, as well as some hedging. The application form states that alongside the proposed timber boundary fence, the hedging would be retained. Trees to the west of the site will be retained and four smaller apple trees would have to be removed. The loss of the trees are not considered to harm the visual amenity of the area. Furthermore, a condition is recommended for a new landscaping scheme that may be able to identify sites for some replacement planting.

Drainage

As some concern has been raised with regard to drainage. It is not considered that the replacement dwelling will significantly increase demand on the mains sewer. Wessex Water would be responsible for the sewer

Wildlife

A wildlife survey has been submitted as part of the application. The survey indicates the past use, and occasional summer use, of the bungalow roof by bats (no licence required); the possibility of slow worms; potential for nesting birds within the garden; no badger setts within the site, though aware of activity within the vicinity. The report has suggested a number of recommendations, including the provision of new bat roosts and a habitat for slow worms. The Nature Conservation Officer has suggested a condition to ensure the recommendations of the report are undertaken.

As such, it is considered that implementing the suggested recommendations and by providing mitigation for the bats, the proposal can be constructed without any undue harm to protected species.

Conclusion

The proposed replacement dwelling is not considered to have a detrimental impact on the amenity of the neighbouring properties or surrounding area. The dwelling has been designed, and amended, to minimise the buildings impact within the surroundings. Any potential wildlife within the site can be accommodated by implementing recommendations from within the wildlife survey and additional tree planting will be welcomed within the site. The proposal is therefore considered acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

MAPLE TREE PROPERTIES LTD

DEMOLITION OF DWELLING AND GARAGE AND ERECTION OF FOUR DWELLINGS GARAGES AND ASSOCIATED EXTERNAL WORKS AT MILANWIL, MOUNTWAY CLOSE, BISHOPS HULL (AS AMENDED)

Grid Reference: 321109.124618

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

- 1 The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

2. 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).

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

(A4) DrNo 01 Location Plan
((A4) DrNo 12 Rev D Block plan
(A4) DrNo 12 Block Plan
(A2) DrNo 17 Rev B Setting out plan
(A2) DrNo 16 Rev A Existing Topography Survey
(A2) DrNo 08 Rev E Ground floor plan and elevations Plots 3 & 4
(A2) DrNo 15 Rev C Ground, First floor plans and elevations Plots 1 & 2

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

4. 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 protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. 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 buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

6.
 - (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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. The area allocated for access, parking and turning on the submitted plan

(Drawing: 17 Rev B) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The garage doors shall be of a roller shutter type and permanently retained as such.

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

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or outbuilding, including alterations to the roof, and no incorporation of the garage into the dwellinghouse carried out without the further grant of planning permission.

Reason: To protect the character of the area and residential amenity of neighbouring properties, in accordance with Policy S1(D) of the Taunton Deane Local Plan.

11. 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 Country Contracts submitted report, dated January 2011 and include:

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

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law in accordance with PPS9.

Notes for compliance

1. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.
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.

PROPOSAL

The proposal comprises the demolition of an existing bungalow and redeveloping the site with two semi-detached two storey dwellings and two semi-detached bungalows. The two storey dwellings have been designed with a pitched roof to match the adjoining two storey dwellings on Mountway Lane. The bungalows have been designed with a hipped roof to match the existing bungalows within Mountway Close.

The proposed dwellings will be constructed in render and brick with concrete tiles.

The two storey dwellings will have integral garages and a parking space to the front of the dwelling. The bungalows will also have two parking spaces, one bungalow with a garage and space, the other with two spaces.

A new access is proposed to serve the bungalows that will be sited to the rear of the two storey dwellings.

The four properties have enclosed private gardens.

Amended plans have been received: -

- Removing garage for plot 3.
- Providing roller shutter doors to remaining garages.
- Highlighting windows to have obscure glazing in plots 1 & 2.
- Confirmation of boundaries.
- Additional planting to frontage.

SITE DESCRIPTION AND HISTORY

The site is currently occupied by a bungalow set at the end of Mountway Lane. The dwelling is set back from the two storey dwelling of 11 Mountway Lane and forward of the bungalow at 1 Mountway close. The site has a long rear garden, substantially larger than the bungalows within Mountway Close. Parking is provided to the front of the dwelling. There is an existing 1.8m fence boundary to the rear and side of the site; to the front is a low wall and hedge with some small trees.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection: -

- Proposed development located on Mountway Lane, unadopted highway. Applicant should note that there is a designated Right of Way which runs length of the Lane.
- Proposal would see a net increase of three dwellings and increase in use of lane. Do not believe issue significant enough to warrant a reason to object.
- Provision for two parking spaces per residential unit as set out in Local Transport Plan. Garages for plots 1 & 2 would need to be installed with a roller shutter door as drive of insufficient length for swing door. Garage for plot 3 should also be served by roller shutter door.
- Intervisibility concern over turning head provided for plots 3 & 4, would recommend curved section of boundary wall for plot 1 reduced in height to improve visibility.
- Conditions to be attached for consolidated surface; drop kerbs; disposal of surface water; parking and turning kept clear from obstruction; roller shutter doors; garage for domestic needs only.

BISHOPS HULL PARISH COUNCIL -

- Integral garage design on two front houses inappropriate in relation to overall size of properties.
- With regard to whole scheme, site will be overdeveloped with four dwellings.

NATURE CONSERVATION & RESERVES OFFICERS - Site is short distance from River Tone and surrounded by residential properties, many with large properties.

- Bats - no bats or indication of bats in the building. Gaps on wall hanging tiles to gable ends could be potentially exploited by bats as bats have been recorded within the vicinity. Precautionary approach to demolition of building.
- Reptiles - surveyor considered site does not offer suitable habitat for reptiles or amphibians.
- Birds - Common birds observed during survey. Vegetation on boundaries provides nesting sites and should be retained.
- Badgers - no badger setts found on site, surveyor aware of badger activity in vicinity. Precautionary measures recommended.

HERITAGE AND LANDSCAPE OFFICER -

- Existing vegetation of limited amenity value and major conifer not worthy of TPO.
- Subject to suitable landscaping, proposals are acceptable.

Representations

FOURTEEN LETTERS OF OBJECTION: -

- Mountway Lane and Mountway Close access via single track lane; lane in poor state; additional traffic will make lane worse; lane not public highway but a footpath, uncertain whose responsibility for maintenance; Mountway Lane not resurfaced by Council unlike Mountway Road and Richmond Park; potholes in road.
- Development will significantly reduce amount of off street parking while increasing number of vehicles wanting to park; Larger vehicles being unable to turn safely is increased; Lane is major pedestrian route by Castle School/Somerset College students, increase traffic will cause more risk to safety; Lane regularly blocked by delivery vans, lorries and service trucks, increase in dwellings will exacerbate this; Increase in use of Lane since Nos 17 & 19 Mountway Lane erected; Lane has no passing areas; Lane being used by commercial and builders vehicles during construction, as happened previously.

- Access to bungalows via Mountway Close; Mountway Close owned by 7 groups of residents who exclude possibility of building in cul de sac.
- Access for emergency vehicles worsened by extra traffic, decreasing accessibility to Mountway Lane and Mountway Close; recent publicity highlighting problem the Fire Service is experiencing
- Out of keeping with surrounding area as majority have large gardens, exception of 20 Mountway Lane which already has development in garden.
- Garden-grabbing; object to garden being built on.
- Overlooking all neighbouring properties; Close to boundary of 46 Mountway Road; Window in plot 4 (lounge) lines up with bedroom and bathroom window of Brendon, Mountway Close, alleviating by raising fence we will lose light.
- Groundworks may partially subside garden of 11 Mountway Lane; Difference in levels
- Concern that boundary wall of 11 Mountway Lane may be knocked by contractors, with safety concerns for small children, our property, anyone passing by.
- Water pressure downgraded and sewerage drains will not be able to cope with extra waste.
- Proposal will set precedent.
- Bungalow does not need to be demolished, merely upgrading and tidying.
- Like to see Fir tree replaced with something suitable for the birds and visual impact.
- Agree there should be some development, should be no more than two dwellings.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

STR4 - Development in Towns,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

PPS3 - Housing,

PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

Design

The two storey dwellings adjoining, and facing onto Mountway Lane, have been designed with a traditional pitched roof to reflect the other two storey dwellings in the area. The dwellings have an integral garage within the front elevation and are set back from Mountway Lane to allow for an additional off road parking space. The dwellings are set lower than the adjoining property and have a slightly lower ridge height. Each dwelling has an enclosed rear garden (measuring 10m x 6.5m and 10m x 8.5m). This is considered an acceptable amenity space for the three bedroom properties.

The two semi-detached bungalows have been designed with a hipped roof to reflect the design of the bungalows within Mountway Close. Each bungalow has two parking spaces, an amended plan is awaited that will replace the proposed garage for Plot 3 with a parking space. Both bungalows have an open garden to the front, with enclosed rear gardens. The rear gardens measure approximately 7.5m x 8m (plot 4)

and 8.5m x 8m (plot 3).

Character and appearance

The layout of the site is considered acceptable. The two storey dwellings continue the frontage of Mountway Lane and the bungalows continue the curved pattern of development within Mountway Close.

The sizes of the gardens are considered comparable with other properties within the area. While the majority of properties sited to the north in Mountway Lane have long rear gardens, other properties have smaller gardens. No 5 and 7 Mountway Lane are set back from the lane with a large off road parking area to the front and smaller rear gardens. Nos 1, 3, and 4 Mountway Close also have comparable sized gardens to the proposed development.

One letter of objection refers to the government's statement to stop 'garden grabbing'. It is noted that the revision to PPS3 now removes gardens from the brownfield definition – Annex B (where priority is given to developing such land). However, this does not introduce a total blanket protection for residential gardens. Furthermore, it should be noted that the proposal is to redevelop the site, not build within the garden of Milanwil.

Residential Amenity

The two storey dwellings are not considered to harm the residential amenity of the area. Plot 2 will project beyond the neighbouring property (11 Mountway Lane) by 3.4m. As Plot 2 is set away from the boundary at an angle, this projection is not considered to cause any undue harm the neighbour. The two first floor windows within the side elevation of Plot 2 serve a bathroom and a staircase and amended plans have shown these windows to be fitted with obscure glazing. As such, there is also not considered to be any undue overlooking from Plot 2.

Plot 1, at its closest point, would be 17m away from the neighbouring property of 1 Mountway Close. Given the angle of the plot to this neighbour, there is not considered to be any undue loss of privacy. The gardens of both plots would be enclosed by a high boundary, preventing any overlooking from within the gardens and from any ground floor windows.

Plot 3 is sited to the rear of the neighbouring garden of 11 Mountway Lane. Given the distance of the proposed dwelling to the rear of the neighbouring property, there is not considered to be any impact on their amenity. The two windows within the side elevation will serve a bathroom and the sitting room. The boundary fence will partially screen these windows.

Plot 4 is sited 4.2m from the side boundary and 6m from 1 Mountway Close. This property also has two side windows serving the bathroom and the sitting room. Both windows face onto the side of 1 Mountway Close that has windows within the side elevation. Given the distance between the properties and the boundary fence, the sitting room window is not considered to cause any undue overlooking. A replacement boundary fence, or raising the height of the existing fence, is not considered to cause any further harm to the amenity of the neighbouring property.

The garage for Plot 4 is set 2.2m away from the side of 1 Mountway Close and will

project 4m to the rear of this property. The garage is designed with an eaves height of 2.3m with a hipped roof. Though the garage will be visible from the neighbouring property, it is not considered to harm the amenity of the neighbours to such an extent that permission should be refused.

Wildlife

A wildlife survey has been submitted as part of the application. The survey indicates that there are no bats present on site, but the building does provide opportunities for roosting. As such, a precautionary approach is advised during demolition; no suitable habitat for reptiles or amphibians; common birds observed and vegetation on boundaries provide nesting sites, and should be retained; no badger setts within the site, though aware of activity within the vicinity. The report has suggested a number of recommendations, including the mitigation for nesting birds. The Nature Conservation Officer has suggested a condition to ensure the recommendations of the report are undertaken.

As such, it is considered that implementing the suggested recommendations and by providing mitigation for any nesting birds, the proposal can be constructed without any undue harm to protected species.

Highways

The Highway Authority has not objected to this proposal. They recognise that there will be an increase in traffic movements from the three additional dwellings, but do not believe this issue significant enough to warrant refusal. Furthermore, the site can provide sufficient parking, as set out in the Local Transport Plan, and turning within the site.

There is a recommendation that lowering the height of the boundary wall to Plot 1 would improve the intervisibility provided at the turning head for Plots 3 & 4. This has not been put forward as a condition or a reason to refuse. Given the limited use of the turning head, and the low speed of vehicles during manoeuvring, the lowering of the wall is not considered essential.

Roller shutter doors have been requested for Plots 1, 2 & 4 to prevent vehicles waiting on the highway and amended details have confirmed this. Amended plans have also removed the garage that served Plot 3.

Though the lane is an unadopted highway, conditions requested by the Highway Authority are reasonable and are recommended to be attached to any grant of permission.

The main issue arising is with regard to the use of the private lane and the use of the lane to allow commercial/trade vehicles to park and the repair of the lane, if damaged.

As access to Plots 3 & 4 is off Mountway Close, which is private, and managed, by seven groups of residents, it is considered their responsibility as to whether access is allowed, and is a civil/legal matter that is not material to this decision.

Landscape

The existing Fir tree and planting within the site is considered to have limited amenity value and is not worthy of a Tree Preservation Order. Notwithstanding the above comments, a landscaping scheme should be provided to compensate any loss and to provide/retain suitable nesting sites for birds.

Amended plans have shown additional planting to the frontage of Plots 1 & 2.

Drainage

One objection has been raised with regard to drainage. It is not considered that the additional three dwellings will significantly increase demand on the mains sewer or reduce water pressure. Wessex water would be responsible for the sewer and mains water.

Surface water is proposed to be discharged to a soakaway.

Conclusion

The proposed development can be accommodated within the site without harming the character and appearance of the area or residential amenity. Car parking can be provided within the site preventing vehicles from parking on the highway and increase risk to users of the Lane. Wildlife and landscaping have been assessed and conditions are recommended. The proposal is therefore considered acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

ERECTION OF 2 NO. DWELLINGS AND GARAGES WITH ASSOCIATED ACCESS AT LAND TO REAR OF 50 STONEGALLOWS, TAUNTON

Grid Reference: 319824.123878

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposal, for residential development, is located within the defined settlement limits of Taunton where new housing is encouraged, and it is considered would not adversely affect the character or appearance of the area or the residential amenities of nearby dwellings. The proposal therefore accords with Exmoor National Park Joint Structure Plan Policies STR1, STR4, Policy 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

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 31210/8 Site plan
(A4) Location Plan
((A3) DrNo 31210/1 Floor plans
(A4) DrNo 31210/7 Garage
(A1) DrNo 31210/4 Rev A Site plan as proposed
(A3) DrNo 31210/2 Rev A Elevations

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed at first floor level on the west or east elevation of the dwellings.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy S1 and S2

4. Prior to the occupation of the dwelling(s) the window(s) in the west and east elevation, at first floor level, shall be glazed with obscure glass and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) in accordance with details which shall be submitted and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the occupation of the dwelling and shall thereafter be so retained.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy H17(A).

5. Notwithstanding the provisions of Article 3, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be carried out without the further grant of planning permission.

Reason – In order for the Local Planning Authority to assess the impact of such development on the character and appearance of the area (and layout of the site) and to protect the residential amenities of the occupiers of No. 52 in accordance with Taunton Deane Local Plan Policies S1 and S2.

6. Prior to the commencement of the development, details or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

7.
 - (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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

8. The hedgerow / trees along the west and east boundaries of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the Local Planning Authorities consent or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by trees / species of a similar size, to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season.

Reason – To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

9. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the eastern extremity of the site frontage. Such visibility splay shall be fully provided before works commence on the construction of the dwellings hereby permitted and shall thereafter be retained at all times.

Reason – In the interests of highway safety in accordance with Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review and guidance contained in PPG13.

10. Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access and turning area shall be constructed (not loose stone or gravel), details of which shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter maintained as such.

Reason – In the interests of highway safety in accordance with Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review and guidance contained in PPG13.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel: 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

2. The application states that surface water is to be discharged to a soakaway. The soakaway shall be constructed in accordance with BRD365 (Sep 91).

PROPOSAL

Planning permission is sought for the erection of two detached dwellings to the rear of No. 50 Stonegallows. The site history details that outline consent was granted in 2010 for two dwellings on this site. However, rather than submit reserved matters the applicant has submitted a full application. The application is not therefore restricted by the parameters imposed by the Outline but must be assessed on its own planning merits. The proposed development would be accessed by a private drive along the west boundary of the site, with detached garaging provided for each plot. The size of the dwellings has increased, from the indicative layout submitted as part of the previous outline application. The design of the dwellings now incorporates a conservatory to the rear and also increases the depth of the two storey form. The roof design remains hipped to reflect the previous scheme and to reduce the impact on neighbouring dwellings. The materials proposed are brick under a tiled roof.

SITE DESCRIPTION AND HISTORY

The application site comprises a substantial detached dwelling that benefits from a 60.0m long garden, with far reaching views to the north. The site is located within the built up area boundary, which runs along the northern boundary of the plot. 'Stonegallows Hill', Special Landscape Feature, adjoins the site to the north. Stonegallows is characterised by large dwellings set in commensurately sized plots. To the west of the site is No. 52 Stonegallows, which is positioned further north than the established building line.

Outline planning consent was granted by Planning Committee on the 10th February 2010. The application related to the erection of two detached dwellings, reference 05/09/0034, on land to the rear of No. 50 Stonegallows. The indicative layout plan showed two four bedroom properties with access derived from a private drive along the western boundary of No. 50.

Outline planning permission had previously been granted in 2005 and 2008, reference 05/05/0042 & 05/08/0038 respectively, for a single detached dwelling on this site. The siting of the dwelling was indicated to be generally in line with No. 52.

CONSULTATION AND REPRESENTATION RESPONSES

LANDSCAPE OFFICER – Subject to significant tree planting along the northern area of the garden and retention of existing trees and hedgerows the proposals are acceptable.

HIGHWAY AUTHORITY – The proposal relates to the construction of two dwellings with associated parking and turning. Each dwelling will provide parking for two vehicles in line with policy. Each dwelling will have an independent turning area to allow vehicles to leave in a forward gear. I would recommend that the boundary wall delineating between the two dwellings should be reduced to a minimum height of 600mm to allow for good visibility for both dwellings when moving onto the shared

drive.

At the point where the proposed drive joins the adopted highway the proposal will provide adequate visibility in either direction. The driveway itself will be 3m wide. However, I do have concerns over the increase in vehicle movements that would be associated with two dwellings rather than one.

At the junction with the adopted highway the drive will be widened to 5m for approximately 5m. This would allow a vehicle to pull off the adopted highway and not cause obstruction to other highway users whilst they wait for any vehicles coming down the drive.

Therefore, taking the above into account, I raise no objection to this proposal. Highway conditions and note recommended.

WESSEX WATER - The development is located within a sewered area, with foul and surface water sewers. The connection point can be agreed at the detailed design stage. With respect to water supply the same principle applies.

DRAINAGE OFFICER – I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sep 1991) and made a condition of any approval.

Representations

WARD MEMBER - Cllr Stuart-Thorn objects to the proposal. A bespoke single dwelling would be in keeping with the adjacent properties. The elevations of the proposed would have a detrimental impact on the neighbouring property and should be reduced by one metre to 25.54m.

Four letters of OBJECTION have been received. Summary of objections: -

- Lack of detail – no details of the height of the dwellings (in particular with reference to No. 52);
- Request that the height limits imposed on the outline are enforced;
- Seek overall limit to the height as a condition;
- No details of how the proposed properties will be connected to mains drainage. The development should connect directly to the mains and not the privately maintained 4 inch pipe which currently serves most of the dwellings on the north side of Stonegallows;
- Out of character – changing this 'green wedge' into a building site;
- Impact on residential amenity and privacy;
- Dwelling has been increased in size and would extend a further 3.0m north than the outline consent (which in turn had move away from the initial applications which were in line with No. 52);
- Request that the dwellings are re-sited further south in line with No. 52;
- Request condition removing permitted development rights for extensions;
- Application form - the existing use of land is a garden not building land;
- The roof line appears to be unduly high.
- Concern at the increase in amount of building – and insidious increase in scope, size and changes to the siting of the buildings being proposed;
- Developer does not want to meet with residents;
- A single more central dwelling would be more appropriate;

- This is a prime high quality site and would be better suited to a single well designed high quality bespoke dwelling, which would be equally viable;
- The design is unimaginative;
- Windows overlooking No. 48 and No. 52 (request obscure glazing).
- The existing hedgerow is not high enough and can be removed.
- Impact on wildlife;
- Impact on highways from additional traffic – especially at the junctions with the A38;

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 EN1 - Landscape and Biodiversity,
 EN12 - TDBCLP - Landscape Character Areas,
 STR1 - Sustainable Development,
 S&ENPP5 - S&ENP - Landscape Character,
 S&ENPP48 - S&ENP - Access and Parking,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M4 - TDBCLP - Residential Parking Provision,
 STR4 - Development in Towns,
 EN11 - TDBCLP - Special Landscape Features,

DETERMINING ISSUES AND CONSIDERATIONS

The principal considerations relate to: impact of the proposed development upon the character and appearance of the area; impact upon residential amenity of nearby residents; and highway safety.

Character and appearance of the area

The principle of residential development on this site has been established by the previous outline permissions referred to within the site history. There has been some discussion about the government's statement to stop 'garden grabbing'. This site is situated within the garden of an existing residential dwelling; it is noted that the revision to PPS3 now removes gardens from the brownfield definition – Annex B (where priority is given to developing such land). However, this does not introduce a total blanket protection for residential gardens. Nevertheless, the merits of the application and its impact must be carefully assessed.

The concerns of local residents, in respect of the impact of this development on the character of the area, are noted. Indeed it is a balanced view when assessing the impact of the development upon the established building pattern and the character and appearance of the area. The fact that the site has extant planning permission for residential development is clearly a significant material consideration. The site adjoins the designated 'Stonegallows Hill' Special Landscape Feature. However, the site has previously been considered acceptable in terms of its impact on the landscape. The landscape officer has not objected to the revised scheme, subject to the imposition of further landscaping in order to help assimilate the development into its environs. Taking the above into account, it is considered the revised scheme would not have a significantly greater impact on the character or appearance of the

area than previously approved, as to warrant a refusal.

Impact on residential amenity

There have been concerns raised by local residents that the submission does not indicate the eaves and ridge height of the proposed dwellings (in order to assess the impact on, in particular, No. 52). The submitted drawings do indicate finished floor level heights, which reflect those of the outline. In addition the drawings are to an appropriate scale and those dimensions can be scaled off. The agent has designed the dwelling to remain within the parameters set out within the condition imposed on the outline application, in respect of eaves and ridge levels, to limit any impact to the occupiers of No. 52.

The submission also includes a block plan which shows the previous indicative footprint against that now proposed. The proposed block plan indicates that the dwelling referred to as Plot 50(b) will project 4.0m in two storey form from the rear of the garage of No.52 (which is set back from the rear building line) before being stepped in and then projecting a further 4.0m. The proposed dwelling now features a single storey addition (conservatory), closest to No. 50, extending the building line. The dwelling would be set 2.0m in from the indicated boundary line and a distance of 6.0m where the first floor is stepped in, projecting further to the north.

This revised scheme would effectively increase the depth of the first floor extension by one metre (closest to the boundary) and approximately three metres where the dwelling is stepped in, in relation to the previous outline consent. It is noted that the building line of No. 52 is, in part, further north than shown on the block plan due to the provision of a conservatory. The nearest built form of No. 52 is an integral garage. The roof design features a hipped roof to reduce the impact and bulk of the property. It is accepted that the proposed dwelling will have some impact on the occupiers of No. 52. However, given its siting (to the side), orientation and separation distances between elevations at an oblique angle, the proposal would not give rise to any unreasonable loss of outlook or have such a dominating effect as harm the residential amenity of the dwelling. In terms of privacy, the first floor windows serve a bathroom and the applicant has confirmed that these will be obscure glazed. In terms of ground floor glazing it is considered that it would be unreasonable to request that these are obscured due to the existing screening provided by the hedgerow.

In respect to the impact of the development on residents to the east, it is considered that the proposal by reason of the separation distances (in excess of 40.0m) between elevations, orientation and the imposition of a condition requiring first floor windows to be obscure, the proposal would have no unreasonable impact on the residential amenities of residents in terms of outlook or loss of privacy.

It was previously not considered reasonable to withdraw permitted development rights for extensions. However, due to the increase in depth of the building further north it is now necessary to remove permitted development rights for extensions in order to safeguard the amenities of No. 52 and the character of the area. This will enable the Authority to assess any subsequent proposals.

In terms of existing and future occupiers of No. 50 and the proposed development - the garden space allocated to the house, or left to the house from which the plot which is severed is considered to be adequate for the recreational needs of the occupants present and future.

Other matters

There has been concern during the publicity period to repetitive changes to the scale and siting of the dwelling. Those frustrations are understood, however, the Authority must determine each application on its own planning merits. It of course necessary for officers' to take account of extant permissions – as this is a material planning consideration.

In respect of foul drainage, Wessex Water has confirmed that the applicant can connect to mains drainage. The point of connection can be agreed at detailed design stage – required under building regulations.

The Highway Authority do not raise any objection to the proposal. Parking is provided in accordance with Local Plan Policy provisions.

Conclusion

To conclude, careful consideration has been given to the impact of the development on both residential amenity and the character and appearance of the area. Having regard to the extant permission, it is considered that the proposed development would not have a significant adverse impact upon the character or appearance of the area having regard to its context, i.e. position relating to an existing residential dwelling. The proposal by reason of its siting, separation distances, and orientation, would not be so harmful as to substantiate a refusal of the scheme. It is therefore recommended that the application is approved subject to the conditions set out within this report.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

SOMERSET COUNTY COUNCIL

CONVERSION OF AGRICULTURAL BUILDINGS TO FORM THREE PERMANENT RESIDENTIAL DWELLINGS, ERECTION OF ANCILLARY GARAGING AND STORES AND FORMATION OF VEHICULAR ACCESS AT NORTHWAY FARM, HALSE (AS AMENDED)

Grid Reference: 313537.129027

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The site is located in an unsustainable location in regard to transport policies contained within the development plan for the area and will result in an increased dependence upon the private motor vehicle for the would be occupants of the dwelling house. However, the proposed development will result in an appropriate re-use of a listed building that will not harm the integrity of the building or its character or be harmful to visual and residential amenity within the area. Further, it has been demonstrated that an safe access and egress can be achieved without detriment to highway safety or the visual amenity. The development will ensure the long term future of the heritage asset and is therefore beneficial to the complex of grade II listed buildings at Northway Farm whilst also enhancing the landscape quality of the area. These benefits together with providing for the long term preservation of the heritage asset are considered to outweigh the conflict of the development with policies aimed at reducing travel by private motor vehicles. The proposals therefore accord with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H7(Conversion of Rural Buildings), Somerset and Exmoor National Park Review Plan Policies 9 and 49 and guidance contained within PPS5 and PPS7. Further, the proposal is considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 1811-1B Location plan
 (A3) DrNO 1811-2C Site plan
 (A3) DrNo 1811-3 Block and roof plan
 (A3) DrNo 1811-4A Access plan
 (A3) DrNo 1811-5 Indicative site sections
 (A3) DrNo 1811-6 Unit A Proposed floor plans
 (A3) DrNo 1811-7 Units B and C Proposed ground floor plans
 (A3) DrNo 1811-7 Units B and C Proposed ground floor plans
 (A3) DrNo 1811-8 Units B and C Proposed first floor plans
 (A3) DrNo 1811-9 Units A, B and C Indicative cross sections
 (A3) DrNo 1811-10 Unit A Proposed elevations
 (A3) DrNo 1811-11 Unit B Proposed elevations
 (A3) DrNo 1811-12 Units B and C Proposed elevations
 (A3) DrNo 1811-13 Units B and C - ancillary office/studio Unit A - garage and store
 (A3) DrNo 1811-14 Unit C new build garage and store
 (A3) DrNo 1811-15 Unit C New build garage and store

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

3.
 - (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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork walls measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policy S2.

6. 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 buildings are occupied and thereafter maintained as such.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. The vehicular access points and tracks shall be hard surfaced before they are first brought into use. They shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwellings.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. No part of the access drive shall be laid out at a gradient steeper than 1 in 10 over its first 20 metres.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. The visibility splays shown on the approved drawing no.1811-4A shall be constructed before the dwellings hereby permitted are first occupied. The visibility shall thereafter be maintained in accordance with the approved plans with no obstruction greater than 900mm in height above the level of the adjoining carriageway edge.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

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

11. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report, dated September 2010 and any up to date surveys required by Natural England and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance;
- Measures for the enhancement of places of rest for bats and nesting birds;
- Measures for the exclusion of rabbits from the warren beneath building 5.

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and swallow cups and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect wildlife and their habitats from damage having regard to the Habitat Regulations (2010) and other protection afforded to wildlife by law.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no addition, extension, dormer window, building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout, the landscape character of the area, the character and appearance of the original building and residential amenity within the area. Such would conflict with Taunton Deane Local Plan Policies S1, S2, EN12 and H17.

13. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the

Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

14. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the conservation area, in accordance Taunton Deane Local Plan Policies S2, guidance contained within PPS5 and policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

15. All guttering, downpipes and rainwater goods shall be constructed of cast iron painted black and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

16. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

17. The development hereby permitted shall not commence until details for the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. Said details shall include on site percolation tests results that ascertain the suitability of sub-soil for drainage and the required length of sub-surface irrigation for the whole development. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted.

Reason: To ensure that satisfactory drainage is provided to serve the proposed development to avoid environmental amenity and public health problems in accordance with Taunton Deane Local Plan Policy S1 (E) and EN26.

18. Prior to the commencement of the development hereby permitted, detailed proposals for the disposal of surface water in relation to the vehicular access points and associated tracks shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

Reason: To prevent the disposal of surface water onto the adjoining highway in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes for compliance

1. Bats are known to use the building(s) as identified in Country Contract's report, dated September 2010. The species concerned are European Protected Species within the meaning of the Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations.

Natural England requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.

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. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the Listed Building Consent relating to this property numbered 18/11/0002LB.
5. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
6. You are advised that the Environment Agency's consent to discharge to an underground strata.

PROPOSAL

The application, as amended, seeks planning permission for the change of use and conversion of a complex of agricultural buildings to form three independent dwelling houses together with ancillary office and studio accommodation and the erection of three detached double garages with stores at Northway Farm, Halse. The application also proposes to form a new vehicular access along the southern site boundary off of the adjoining highway to serve the Northway Farmhouse and Unit B of the proposed development. The existing vehicular access that currently serves the dwelling and farm yard will provide vehicular access to units A and C of the proposals.

In detail Units A, B and C will comprise the following residential accommodation with ancillary buildings and garden area:

Unit A - 4 bedroom dwelling:

- Ground floor - entrance halls, cloaks, utility, kitchen, diner and family room; 1 en suite bedroom with stairwell access to first floor.
- First floor - 3 bedrooms (1 en suite, family bathroom, living room and study.
- External - use of two existing lean-to structures as a double garage and store; rear garden and court yard to the west of the building with natural hedgerow and 1.8m stone walls to all boundaries.

Unit B - 4 bedroom dwelling:

- Ground floor - main entrance hallway, kitchen, utility and dining area, lobby, sitting room, WC, two bedrooms (1 en suite) and stairwell access to first floor.
- First floor - three bedrooms (1 with en suite and dressing room), family bathroom, balcony library and sitting room with open voids over kitchen and dining areas below.
- External - a new vehicular access track to the west leading to formal parking and turning area with new detached double garage and store; formal gardens with low stone walls and hedgerows to all boundaries and new tree planting to site perimeter. To the east an office/studio within building adjacent is provided over looking a formal courtyard area shared with Unit C.

Unit C - 5 bedroom dwelling:

- Ground floor - entrance hall, five bedrooms (2 with en suite and dressing rooms) family bathroom, airing cupboard and stairwell access to first floor.
- First floor - boot room, utility and WC; kitchen, family area, living and dining rooms; study and hallway with open void over hallway below
- External - ancillary studio with WC, kitchenette and cupboard facing onto open courtyard area shared with Unit B; a formal garden area to the north with hedgerow and tree planting to all boundaries and low and high level stone walls within the site; vehicular access taken from existing farmyard entrance along a track leading to a formal parking and turning area with a new detached double garage and store to the east of the proposed dwelling.

The application is supported by a design and access statement together with a structural survey report. The latter concludes that the external fabric of the building has been well maintained; the condition of the structure is sound and capable of being converted as per proposals and that the proposals will be beneficial to the preservation and overall structural stability of the buildings.

The submitted wildlife survey indicates that the buildings are used for day time roosts by small numbers of common pipistrelle, brown long-eared, Myotis and Lesser horseshoe bats; the conversion of the buildings will require the issuing of a European Protected Species License. The area is used for foraging and that there is the possibility of crevice dwelling bats being present. nesting Barn Swallows, feral pigeons and a rabbit warren will also be affected by the proposed development. A number of recommendations are made so as to ensure that all species a protected and suitable mitigation put in place were the buildings to be granted planning permission as proposed.

A commercial viability appraisal has been submitted and states that buildings such as this have failed to be let in other locations over recent years; office accommodation would not be suitable in this location nor would light industry. The report states that the buildings are unsuitable for any form of business or commercial use given the construction costs involved (8090 sq ft of floor space at £85 psf); attracting occupants of units would be difficult; significant financial outlay would pose too high a risk with doubts over finding potential occupiers.

SITE DESCRIPTION AND HISTORY

Northway Farm currently forms a low intensity, working agricultural unit located within a remote area of Halse parish. The site can be accessed via an unclassified network of highways, that are generally single track in their width with hedgerows and planting along banks either side. The site is located approximately 1.5km from the village centre of Halse and 7.3km from the centre of Taunton. The site is set on gentle sloping land that runs uphill along a north-south axis. The main farmhouse and buildings are served by an existing access onto/off the unclassified highway to the eastern boundary. A narrow single track provides access to land and buildings off of the parking area running northwards uphill.

The farm holding constitutes the main farm house, which is a two storey grade II listed building, with a rendered walls, slate roof, timber sash windows, timber 6 panel door and a flat roof portico. Attached to the northern elevation of the farmhouse is a linear set of agricultural barns, which are set over two storey's with stone walls with

brick detailing around the original openings, natural slate roofs and timber doors. The barns form a complex of buildings sited around a concrete yard area, enclosed along the eastern boundary by an open fronted single storey building. The site is set over split levels with the farmhouse, parking/turning areas and part of the barns to be converted (including part of Unit A) being approximately 2.4 metres below the main portion of the barns and formal yard area further to the north. To the north and west of the barns are more modern steel portal frame buildings clad in an array of profiled metal sheets; many of these buildings are open at the front and sides and screen the traditional buildings from views to the north and west of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Comments and recommendations:

- unsustainable location, new housing will foster growth in the need to travel by private vehicles, contrary to SP policies STR1 & STR6;
- if agricultural use ceases and vehicle movements replaced by those of the new dwellings it may be unreasonable to raise an objection, if it continues there will be additional movements and the proposal should be refused;
- approach road narrow and poorly aligned with no footways, or street lighting and limited passing places - would not want to increase traffic without justification;
- passing places could be created on land owned by applicant; sufficient on site parking and turning should be provided, commensurate with scale of dwellings. Parking should be in line with the Somerset Parking Strategy - 3 parking spaces would be required;
- Unit A garage is of insufficient scale - may result in additional parking over turning areas that would result in vehicles reversing onto highway; parking spaces should be denoted on the plans;
- existing access serving units A and C should be hard surfaced with drainage to prevent surface water discharge onto highway;
- highway requirements for the new access provided and should be met;
- visibility splay should be incorporated within red line.

HALSE PARISH COUNCIL - Object to the proposed development raising the following planning related issues:

- Questioned viability of selling site as one lot and not subdivided as this may be more viable;
- Increase in traffic volumes on lanes already dealing with levels greater than suitability; further delays and disruption likely;
- increase in the use of existing farm access (used as a passing place) will impact upon highway safety at this point; regular incidents on the lanes already and will only increase from the development especially with freezing surface water in winter months;
- new access is on farmland and contrary to similar requests by nearby residents who have had permission refused;
- splay required by SCC likely to be larger than that shown and this would have a greater impact on the environment and setting of the listed building;
- question demand for properties with detached studios; if permission is not refused request that restrictions are placed on studios to prevent being sold off separately, being used as holiday lets or stand alone dwellings due to further increase in traffic.

CONSERVATION OFFICERS - As per 18/11/0002LB - The farm buildings are listed by virtue of being physically attached to, and within the curtilage of, the grade II listed Northway Farmhouse. They appear to be contemporary with the farmhouse and date to the early and mid C19 – which is confirmed by the submitted historic building survey.

Although the farm is still operating, this group of historic buildings is under utilised and in poor condition. The best use for these buildings would be the one for which they were designed but it would appear that due to changes in agricultural practice they can no longer economically fulfil this function. An alternative 'low impact' use would be the next best thing. Conversion to domestic accommodation would have a 'high impact' on the fabric of the buildings and their setting and is therefore usually the least desirable option. In this instance, provided there is no other viable use for the buildings, domestic reuse would (in conservation terms) be acceptable to ensure the long-term future of this historically important group of farm buildings.

This application has been the subject of pre-application discussions and the material submitted has addressed my earlier concerns with the scheme. No objection subject to conditions.

LANDSCAPE LEAD - Acceptable subject to landscape details.

NATURE CONSERVATION & RESERVES OFFICERS - No objection. Confirmed that an EPS license required due to bat roosts. It is an offense under the Habitat Regulations to convert building 1 without an EPS license. Swallows should be accommodated within the new development. Any works that could disturb nesting birds should take place outside the nesting season. The building with a rabbit warren beneath should not be demolished until rabbits are excluded from the warren or humanely dispatched. Condition requiring protected species strategy recommended together with advisory notes.

DRAINAGE ENGINEER - Insufficient land for septic tanks and sub surface irrigation drainage. Assume proposal is for one shared septic tank? Additional information requested and received - confirmed that percolation tests can be conditioned and advised of need to gain Environment Agency consent to discharge.

NATURAL ENGLAND - Natural England note the contents of the County Contracts wildlife report dated Sept 2010 and fully support the comments made by Barbara Collier, TDBC's [nature] conservation officer, in particular her suggested conditions for the protected species present on site and the information note to the local authority.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No objection; contaminated land condition recommended given the nature of the site.

Representations

12 letters of objection received from members of the public raising the following planning related points:

- Given the nature of the roads any increase in traffic will substantially add to a difficult and hazardous situation for oncoming traffic and passing difficulties;
- Increase in traffic will pose a greater risk to humans and animals;
- Nearby applications turned down for access or had legal agreements entered into preventing selling off individual units;
- Proposals not consistent with councils approach and have disregard to rural and agricultural setting;
- Buildings cannot be classed as redundant as they are in use;
- Buildings should be retained together for agriculture in keeping with area of Northway; once gone the farm can never return;
- Barns should be ancillary to Northway Farm, as with other properties in the area; concern over size and scale of development;
- New access across agricultural land will demand large visibility splays for safe entry requiring the removal of large amounts of hedgerow changing the look of the area and disturbing wildlife;
- Surface water runoff will be exacerbated by new hardstanding;
- The road is single track with few passing places;
- Area is unsuitable for such development, which is too large for the location;
- Narrow roads and blind bends already results in frequent collisions; problems with passing, vehicles becoming stuck;
- Frequency of traffic is low compared to that of a village;
- No local amenities, public transport or employment and therefore occupiers will be reliant upon motor vehicles;
- Proposals do not comply with government guidance for sustainable development;
- Flooding and standing water is already an issue and existing highway drains are already unable to cope with water drainage during prolonged wet periods;
- Impervious surfaces will increase surface water in an area failing to cope already;
- New garage buildings not in keeping with original farm buildings or layout and could set a precedent for future developments;
- Development of the barns should retain as much of the original character as possible given farmhouse is listed;
- Occupancy levels should be reduced, new access altered and consider utilising existing outbuildings for garage/storage over new buildings;
- Conversion of historic buildings should not be to the degradation or loss of a view of countryside;
- Site not considered brownfield land as it is tenanted and used as a commercial farm; scale is insensitive to setting and double local population;
- Significant increase to local population and commensurate road use will pose risk to pedestrian, mounted and vehicular traffic;
- Proposals will create a multi-unit urban enclave incongruous to rural location and of disproportionate scale;
- Proposal will impact upon adjacent property;
- Outbuildings should be incorporated within existing barn footprint;
- New houses should be conditioned to remain in ownership of main house;
- Current use of property is sustainable.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

EN1 - Landscape and Biodiversity,
EN12 - TDBCLP - Landscape Character Areas,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
H7 - TDBCLP - Conversion of Rural Buildings,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
PPS1 - Delivering Sustainable Development,
PPS7 - Sustainable Development in Rural Areas,
PPG13 - Transport,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS9 - Biodiversity and Geological Conservation,
EN26 - TDBCLP - Water Resources,

DETERMINING ISSUES AND CONSIDERATIONS

Having regard to the proposed change of use of land and buildings and associated developments contained within submitted details, the pertinent issues that require consideration in determining the proposed development are:

- The principle of providing new residential developments within the open countryside;
- The impact upon the listed building(s) and their setting;
- The impact on the highway networks and highway safety;
- The layout and landscape impact;
- The impact upon wildlife and protected species.

Principle of the development

For the purposes of planning policy, Northway Farm is located within open countryside and approximately 1.5 km away from the nearest recognised settlement of Halse that provides some of the services generally required for day to day living. With regard to Halse as a settlement, it is thought that the only service remaining within the village is The New Inn public house. Local opportunities for employment are very limited and largely based upon a traditional rural economy. Further, the bus service that operates within the area is very infrequent throughout the day. The local highway network is such that no defined cycle lanes or pedestrian footpaths are provided, which is typical of the rural highway network within Taunton Deane. Whilst the road network is very moderately trafficked it is by virtue of its nature considered to be unsuitable for cyclists and pedestrians on safety grounds.

With regard to the above matters, it is considered that would be occupiers of the new dwellings, if permitted, are likely to be dependent upon the private motor vehicle to access daily services, employment and the like. Such would be contrary to the guiding principles of sustainable development and the need to reduce carbon emissions as set out by government guidance. The proposals therefore fail to accord with the identified development plan policies aimed at providing for new residential developments within sustainable locations.

Planning policy does provide that where the location is appropriate, the re-use of rural buildings is acceptable, however such should in the first instance explore the possibility of an economic re-use and not residential conversions unless it can be

proven that the former is not a viable proposition. Having regard to the location of the site, it is accepted that, as set out within the submitted viability report, the re-use of these buildings for economic or business purposes would be unlikely to be a viable option given the costs of conversion, the nature of the buildings and the local highway network. Notwithstanding this matter, it does not automatically follow that a residential conversion scheme would be acceptable in a location such as this, particularly given the sustainability issues identified above, that is unless there are any other material considerations that outweigh the harm associated with increasing unsustainable travel patterns and the reliance upon the private motor vehicle.

Heritage asset impact

The barns to which the application relates are grade II listed virtue of their association and physical link to Northway Farmhouse, which is itself a grade II listed building. As such it is important to have due regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that “in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.

Notwithstanding the more modern cattle housing and storage buildings to the west and north of the application buildings, Northway Farm, the adjoining barns together with the detached building to the east of the main buildings are considered to form a strong and intimate group of buildings formed around a formal raised cattle/livestock yard area. As a group of buildings viewed from the highway, the barns that the applications seeks to convert to dwellings make a positive contribution towards the setting of the main listed building and farm holding in general. Locally, the site is dominant within the street scene and provides for a good example of a historic farm unit. As defined within PPS5, the buildings are recognised as forming heritage assets; PPS5 states that there should be a presumption in favour of conservation of designated heritage assets. Having regard to the architectural and historic importance of the farm buildings and the main house, it is deemed necessary to find an alternative use for the buildings so as to ensure their long term future. As PPS5 states "once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact".

The application is supported by a heritage statement that sets out the significance of Northway Farm and its farm buildings. It is important to note that the Councils conservation specialist has not raised an objection to the proposed development and that generally the proposals are supported, despite recognition that residential conversion schemes often have the most impact upon the original fabric of the buildings. Notwithstanding this, the proposed scheme is considered to represent a sensitive conversion; indeed the only external alterations to the fabric of the building that will affect its general appearance are 4 new small windows and the enlargement of 4 existing openings to form doorways. Internally the buildings will require quite significant new features and subdivision, however this is not thought to harm the integrity of the buildings which is of only limited value with regard to internal architectural and structural features. New rooms will be formed via stud walls and virtue of existing openings, these can be provided without significant interruption to the original fabric of the buildings. The overall conversion of the barns will utilise materials that reflect the historic integrity of the buildings and will match the original where replacement is required.

The new double garage and store buildings that will serve units A, B and C are of a limited scale in comparison with the existing buildings that surround the barns. Representations have suggested that the buildings will harm the setting of the listed buildings however having regard to the existing situation and the removal of the much larger livestock/storage buildings, this is not thought to be the case. It is considered that the setting of the listed buildings will be enhanced by the proposed scheme, returning the site to a setting that is likely to represent a closer link to its past, which is demonstrated by tithe maps submitted in support of the application which show the site as being largely void of buildings to the west and north.

Highways and highway safety

The proposed development will result in the creation of three new dwelling houses within a remote rural location, which as stated above is absent of appropriate service provision and employment opportunities. As such, would be occupiers of the properties are likely to be heavily dependent upon the private motor vehicle. A number of objections have been made to the development on grounds that increased traffic on the narrow winding lanes will detrimentally affect highway safety and make passing oncoming vehicles difficult given the nature of the highway network.

The Highway Authority have provided a formal response to the proposals having regard to the adopted highway policies for the area. The sustainability of the site in terms of the location for residential development and the fostering in the need to travel have been discussed above, and it is accepted that the development site lies in a location where the LPA would not normally support applications for new residential development.

For the purposes of clarity, the vehicle movements associated with what was a sizeable agricultural holding and dwelling house will cease. The highway authority have commented on the possible disposal of land leading to further dwellings being required as a result and have also asked for information on land ownership to allow new passing places to be provided. The Parish Council and local residents are concerned with the possible impact that may arise from additional users upon highway safety and these points, together with the response from the highway authority have been considered. The highway authority have not objected to the proposal in general, but do request additional passing places as stated above. Whilst it is accepted that additional vehicle movements on the highway network will, at certain peak times, make passing problematic in places I would have concern with cutting numerous passing bays into hedgerow within the area due to the commutative effect that this would result upon the visual amenity and character of the area; I would also question whether such would be necessary when sporadic informal spaces exist, albeit at a low number. Further, such requirements have not been placed upon applicants where residential conversion schemes have occurred in remote locations seeking access off narrow highway networks. Notwithstanding this matter, it has been observed during a number of visits to the site and from passing through the area in general that vehicle movements on the lanes are infrequent and low in volume, a matter that is confirmed within one letter of objection. Generally vehicle movements are of a low speed between the application site and the villages of Halse to the southeast and Ash Priors (with Bishops Lydeard beyond) to the northeast. In locations such as this, it has to be accepted that on occasion vehicles may meet, be it with a domestic or agricultural vehicle. It is part and parcel of living

within a remote rural area. Being mindful of the fact that the LPA has previously permitted developments similar in both nature and the highway network to that now proposed, I am of the opinion that whilst the proposed development may result in a small degree of additional conflict between highway users, it is not considered to be a reason in itself to warrant refusal given that the overall number of vehicle trips will not significantly increase given that the farm holding vehicle movements will cease altogether.

Having regard to vehicular parking provision, each dwelling has two parking spaces within the new garages, with space for turning and limited additional parking also available within each plot. Unit A has a garage that is slightly short of highway standards for parking two vehicles, however there is sufficient space within the parking area for Unit A to allow additional parking whilst ensuring on site turning can be carried out; such is similar to the current arrangement on site over which occupants of Northway Farm can park and turn vehicles and essentially there would be no change to this arrangement. It is considered that the parking provision is acceptable and will not lead to any vehicles being displaced onto the adjoining highway. Further, with sufficient turning space, vehicles will be able to exit onto the public highway in a forward gear from all proposed units.

The proposed development will derive access to the new dwellings via two vehicular access points; Units A and C will make use of the existing farm access to the eastern site boundary whilst Unit B will utilise the new proposed access to be formed along the southern boundary of the application site. A number of objections have raised concern as to the intensification of the existing access and that a lack of visibility is provided by the new access. With regard to the former, the Highway Authority are satisfied with the proposed level of use and only recommend that it be hard surfaced over its first ten metres and properly drained to prevent surface water discharge onto the adjoining highway. The application provides for such improvements to the access; the new drainage will reduce runoff from the site which currently seeps onto the adjoining highway and this will overcome some of the concerns raised by objectors. I am therefore of the opinion that the use of the existing vehicular access is acceptable.

Having regard to the proposed new access, visibility splays of 2.4m x 43m have been set out on the amended plans and can be achieved over land within the ownership of the applicant to the edge of the carriageway to the west and to the centre of the single lane carriageway to the east. The Highway Authority require visibility splays to be measured to the edge of the carriageway so as to ensure that safe access and egress from the new dwellings can be achieved without detriment to highway safety. Ensuring the splays are provided will require the removal of a 12 metre length of hedgerow, which will be replanted backwards of the new splay. The splay to the east will be facilitated by removing and realigning a 12m length of stone wall slightly within the site. It would not be desirable to remove any more wall to allow visibility to the edge of the carriageway and it is considered that oncoming vehicles will be readily visibility with a sight line to the centre of the carriageway given that the highway is of a single lane only.

Having regard to the visual impact of providing the visibility splays, the landscape officer is satisfied that the new hedgerow planting is acceptable and similarly the Councils conservation officer does not object to realigning the stone wall. I am satisfied that other requirements for the new access in terms of width, gradient, surfacing and surface water drainage have been demonstrated to an acceptable

standard on the amended plans. Taking into account these matters, I am of the opinion that the new vehicular access will provide for an acceptable level of visibility so as to allow vehicles to see and be seen upon egress from the site. The access will have only a limited impact upon the visual amenity and once established, the proposed hard and soft landscaping mitigation will ensure that the access and track successfully assimilates into the surrounding landscape.

Layout and landscape impact

A number of objections raise issue with the layout of the scheme, the size of the outbuildings and that the proposed development will not reflect the rural setting of the area. The layout of the dwellings and associated curtilage areas are predominantly dictated by the existing building arrangement and boundaries around the built up area of the unit. The Council's Landscape Lead has not raised concern with regard to the proposals and does not object to the small section of land being incorporated within the garden of Northway Farm or being used for the new access. Each plot is to be served by a garden of a respectable scale and that will meet the needs of would be occupants of the proposed dwellings. The site boundary's to each curtilage area north and west of the barns follow what is a natural line that is currently formed by existing hedgerow, banks, fencing and the like. The garden areas, whilst being bound by native hedgerows and with stone walling in places, will retain an open plan feel which is respectful of the surrounding landscape character. Such is considered to be an important element in ensuring the proposed development does not result in a more urbanised feature within the rural landscape.

The new access will run along a north-south axis and over what is currently a small area of open agricultural land and a disused slurry store. The access will necessitate the removal of a small section of hedgerow 12 metres in length (approximately) for which the proposed mitigation is considered acceptable and therefore the impact upon the character of the street scene will, over time, be negligible. The new track will run tight to the existing curtilage boundary of the main listed building and will not overly encroach into the open countryside. The new garage and storage buildings to Units A, B and C will be sited on a north-south axis and will be generally parallel to the main barns to be converted. The new buildings are of a modest scale but in achieving an acceptable scale and design at this stage, it is thought that future pressure to allow additional buildings will be eased. Notwithstanding this matter, permitted development rights will be removed to prevent domestic paraphernalia and new curtilage buildings from being sited/erected without planning permission; this is considered reasonable given the likely detriment that would result to the character and appearance of both the development and visual amenity of the landscape.

Virtue of their location, orientation, finished materials and being set into the sloping ground, the new structures are not considered to significantly harm the landscape character of the area. Consideration was given to utilising the building now forming studios for Units B and C for garaging but its scale was not sufficient to achieve this. The buildings will be screened by new hedgerow and tree planting which will soften the new layout of the site within the locality. The scheme provides for an improvement to the visual amenity of the area, removing dilapidated buildings and planting new hedgerow and trees, which in all will provide for a development with a softened appearance locally that is restricted in it's scale. It is considered to enhance the character of the built farm unit and the area in general and is therefore is considered acceptable and in keeping with the rural setting.

Wildlife

The application is supported by an ecological survey of wildlife within the site and the report concludes that the proposed development will impact upon bats, birds and rabbits. It should be noted that bats are a European Protected Species and their habitat both within the barns and around the farm yard and associated buildings will be impacted upon as a result of the proposals. The ecological report found that day time bat roosts are located within the buildings to be converted; the application proposes to relocate bat roosts within the new garage and storage buildings and to remove all existing roosts from the original barns in their entirety. The new roosts will have the required 2.0m height.

As a result the proposed development will result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), such is an offence unless a license is obtained for the works from Natural England. The ecological report confirms that an EPS license will be required for the works to be carried out. Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions - inclusive of determining planning applications that impact upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The proposed development provide for an alternative re-use of a set of grade II listed buildings, that are designated as heritage assets in line with guidance contained within PPS5. The use of the agricultural holding is to cease and all land and buildings sold off. Such poses a significant threat to the listed buildings as continued maintenance and repair cannot be guaranteed. Therefore finding an alternative re-use for the buildings is considered to be in the public interest to ensure the buildings continue to represent an example of the built environment and heritage of the area for future generations. The considerations and conclusions to the other main issues of this report will show that the proposal is considered to be an acceptable use for the buildings that will ensure for a favourable conservation status of the bats.

(ii) That there is no satisfactory alternative

The application site is a one off complex of grade II listed buildings to which there is no alternative to provide mitigation for their loss were an alternative re-use not be found. As stated within PPS5 guidance, once lost, heritage assets cannot be replaced and therefore there can be no alternative site other than that set out within

the application. Such is demonstrated by other proposals for residential conversion schemes to rural buildings that would have a similar impact upon protected species.

(iii) That the Favourable Conservation Status FCS can be maintained

The Council's Nature Conservation and Reserves Officer supports the recommendations and actions set out within the submitted report by Country Contracts dated September 2010. Further, Natural England support the comments of the Council's Nature Conservation and Reserves Officer and no objection has been received from either party to the proposed development. I am satisfied that the proposed bat mitigation can be achieved within the new garage and storage buildings and that such will ensure that a FCS for bats can be maintained at the site.

The site is recognised as providing a habitat for nesting Barn Swallows, for which 21 nest cups were located within the buildings to be converted. The application provides new nesting cups within the open fronted storage building to serve Unit A. This conforms with para 6.8 of the ecological report recommendations and is therefore considered acceptable. The report also recognises the need to humanely deal with the rabbit warren beneath 'building 5' prior to it being demolished. I am satisfied that these matters can be dealt with by way of a wildlife method statement and are therefore acceptable.

Other matters

The main issues associated with the proposed development have been considered above. It is regrettable that the former County Council farm is to be sold off and its agricultural tenancy terminated, however issues such as these are not material considerations in determining planning applications. In addition to these matters, the application proposed to discharge foul and surface water from the development to a shared septic tank and soakaways respectively. The former can be conditioned for the submission of details and will also be controlled by building regulations and the councils Drainage Engineer is satisfied with these provisions subject to the porosity of the soil and sub-surface being acceptable. Further, it is considered appropriate to require the final submission of materials, hard and soft landscaping by way of condition. Concern has been raised as to the future use of the ancillary studio areas as separate dwellings or holiday let; such would require a further grant of permission due to a departure from their ancillary function to Units B and C and therefore the LPA retain a degree of control over their use. It is not therefore considered necessary to restrict their use by way of condition.

Conclusions

The application and future conversion of this group of buildings will ensure that appropriate wildlife habitats are provided and enhanced, which will secure the continuing conservation of the wildlife and protected species within the site. The development, which has been sensitively considered in its design and layout respects the local landscape character and its features. It has been demonstrated that safe access and egress can be provided for all three units and whilst a slight intensification in the use of the local highway network may result in the ability of vehicles to pass each other being slightly being problematic on occasion, this is not in this instance considered to be an issue so significant or detrimental to highway safety so as to warrant the refusal of planning permission.

The site is unsustainable in terms of its location for new residential development, which does not accord with the adopted transport policies contained within the development plan for the area. However, the proposed development will provide for a high quality conversion scheme that will ensure a longer term and viable re-use of the traditional agricultural buildings is secured. Such will make a positive contribution to conserving and enhancing the setting of the main listed building and the historic farmstead. Such is important to the built historic environment for the area and in the public interest, given the grade II listing of the site and its long standing heritage within the parish of Halse.

The associated benefits of providing for an appropriate re-use for the listed agricultural buildings are in this instance considered to outweigh the likely policy conflicts between the unsustainable location of the site and the provision of new residential developments. Taking all other matters into account, as set out above, it is recommended that planning permission be granted subject to conditions as set out.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

SOMERSET COUNTY COUNCIL

CONVERSION OF AGRICULTURAL BUILDINGS TO FORM THREE PERMANENT RESIDENTIAL DWELLINGS WITH ERECTION OF ANCILLARY GARAGING WITH STORES AT NORTHWAY FARM, HALSE (AS AMENDED)

Grid Reference: 313537.129027

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposed works will preserve and enhance the character and historic interests of the listed buildings and the setting of Northway Farm through the provision of an appropriate re-use for the traditional agricultural buildings. The proposal are therefore considered to be in line with guidance contained within PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review. Further, the listed building, its setting and any features of special architectural or historic interest will be preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

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

- (A3) DrNo 1811-1 Rev B Location plans
- (A3) DrNo 1811-2 Rev C Site plan
- (A3) DrNo 1811-3 Block and roof plan
- (A3) DrNo 1811-4 Rev A Access Plan
- (A3) DrNo 1811-5 Indicative site sections
- (A3) DrNo 1811-6 Unit A Proposed floor plans
- (A3) DrNo 1811-7 Units B and C Proposed ground floor plans
- (A3) DrNo 1811-7 Units B and C Proposed ground floor plans
- (A3) DrNo 1811-8 Units B and C Proposed first floor plans
- (A3) DrNo 1811-9 Units A, B and C Indicative cross sections
- (A3) DrNo 1811-10 Unit A Proposed elevations
- (A3) DrNo 1811-11 Unit B Proposed elevations
- (A3) DrNo 1811-12 Units B and C Proposed elevations
- (A3) DrNo 1811-13 Units B and C - ancillary office/studio Unit A - garage and store
- (A3) DrNo 1811-14 Unit C new build garage and store
- (A3) DrNo 1811-15 Unit C New build garage and store

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

2. No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved 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: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Statement 5.

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: details of tanking to Units A and C; external joinery details; finished treatment to external joinery; internal doors; architraves; windows/cills; skirtings; staircases; means of venting and terminal details (where appropriate) for: kitchens/showers/bathrooms/recovered roofs; mean of compliance with Part L of the Building Regulations.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Statement 5.

4. All guttering, downpipes and rainwater goods shall be constructed of cast iron and painted black and thereafter maintained as such unless an application for listed building consent is first submitted to and approved by the local planning authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Statement 5.

5. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork walls measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance

with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Statement 5.

6. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been submitted to and agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the listed building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. No works shall take place until a sample of the roofing materials to be used in the construction of the external surfaces of the works hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above..

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Statement 5.

8. Prior to the commencement of the works hereby approved, a schedule of all existing doors and shutters to be retained as part of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The approved works shall be carried out in complete accordance with the agreed details.

Reason: In the interests of preserving the listed buildings, their settings and any features of special historic or architectural interest that they possess, in accordance policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, advice contained in PPS5 and section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. No external lighting shall be installed without the prior written agreement of the Local Planning Authority. In the event that external lighting is installed the precise type, location and design shall be submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed in complete accordance with those agreed details and shall thereafter be retained as such.

Reason: In the interests of the protection of bat habitats, in accordance with Planning Policy Statement 9 and in the interests of preserving the listed buildings and their settings in accordance with policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, advice

contained in PPS5 and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

1. Your attention is drawn to the requirements and conditions attached to planning permission 18/11/0001 that also relates to this property.

PROPOSAL

The application, as amended, seeks listed building consent for the conversion of an agricultural buildings complex to form three independent dwelling houses together with ancillary office and studio accommodation at Northway Farm, Halse. The application includes proposals to form a new vehicular access along the southern site boundary off of the adjoining highway to serve both Northway Farmhouse and Unit B of the proposed development. This new access will require the removal of a 12 metre section of stone wall along the southern curtilage boundary of the main building, with the wall being realigned and rebuilt using the same materials. The existing vehicular access that currently serves the dwelling and farm yard will provide vehicular access to units A and C of the proposals.

Units A and B will provide for four bedroom dwellings set over two floors with associated living accommodation whilst Unit C will be a 5 bedroom property. An existing open fronted barn to the east of the complex is to be converted to two ancillary studios/ office spaces to serve units B and C. The studio serving Unit C will be fitted out with a new kitchenette, cupboard and WC.

The proposed development will require significant works to the internal fabric of the buildings and some re-arrangement to the existing layout of the barns. It is proposed to utilise new stud walls, plasterboard ceilings, timber doors and a combination of timber first floors and concrete ground floors with flagstone and bricks to be retained to the southern section. Externally, the buildings will remain relatively unaltered with the exception of new timber fenestration with timber boarding below being installed into existing openings within the buildings. 4 new small windows are proposed with 4 existing openings being enlarged to form doorways from windows. All replacement rainwater goods will be of cast iron. New stone walls, some connected to the buildings are proposed as are new hard surfaced areas within each curtilage.

The application is supported by a heritage statement as required by Planning Policy Statement (PPS) 5. Additional reports regarding wildlife, the structural stability of the building and design and access issues also accompany the application. However, the heritage statement provides for a detailed historical analysis of Northway Farm; the 1888 Ordnance Survey map clearly shows Northway Farm and the existing traditional barns to the north. Later maps show the buildings being unaltered in plan form until 1962 when the first of the detached modern buildings to the west with no change thereafter until 1988, after which it is thought that the remaining modern buildings to the north and west were erected.

SITE DESCRIPTION AND HISTORY

Northway Farm house is a two storey grade II listed building, with a rendered walls,

slate roof, timber sash windows, timber 6 panel door and a flat roof portico. Attached to the northern elevation of the farmhouse is a linear set of agricultural barns, which are set over two storeys with stone walls with brick detailing around the original openings, natural slate roofs and timber doors. These are thought to have been extended during the 19th century with little to no alterations having occurred between 1888 and 1962.

The barns form a complex of buildings sited around a concrete yard area, enclosed along the eastern boundary by an open fronted single storey building. This building has a stone tablet to the southern gable that reads "W.N Row ESQR 1872". The supporting heritage statement believes this to tie in with the conveyance of the farm at the time that it was transferred to Somerset County Council.

The site is set over split levels with the farmhouse, parking/turning areas and part of the barns to be converted (including part of Unit A) being approximately 2.4 metres below the main portion of the barns and formal yard area further to the north. To the north and west of the barns are more modern steel portal frame buildings clad in an array of profile metal sheets; many of these buildings are open at the front and sides and screen the traditional buildings from views to the north and west of the site. Internally, the barns have various rooms that are subdivided by brick, block and timber walls. The main slate roof is supported by a timber structure throughout which has been formed via various styles and construction methods. The buildings appear to have developed incrementally up until around 1888 and then dramatically with the modern buildings erected after 1962.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No comment

HALSE PARISH COUNCIL - Object to proposals. Numerous comments made, of which the only point pertinent to the determination of listed building consent is that the farm holding should be retained as a single unit without it being separated off into single plots.

CONSERVATION OFFICERS - No objection subject to conditions - The farm buildings are listed by virtue of being physically attached to, and within the curtilage of, the grade II listed Northway Farmhouse. They appear to be contemporary with the farmhouse and date to the early and mid C19 – which is confirmed by the submitted historic building survey.

Although the farm is still operating, this group of historic buildings is under utilised and in poor condition. The best use for these buildings would be the one for which they were designed but it would appear that due to changes in agricultural practice they can no longer economically fulfil this function. An alternative 'low impact' use would be the next best thing. Conversion to domestic accommodation would have a 'high impact' on the fabric of the buildings and their setting and is therefore usually the least desirable option. In this instance, provided there is no other viable use for the buildings, domestic reuse would (in conservation terms) be acceptable to ensure the long-term future of this historically important group of farm buildings.

This application has been the subject of pre-application discussions and the material submitted has addressed my earlier concerns with the scheme.

Representations

9 letters of objection received from members of the public, of which the following points are pertinent in determination of the application for listed building consent:

- new openings within listed buildings have been denied elsewhere locally,
- scale of development is inappropriate to its setting;
- property should be developed in line with its grade II listing;
- Northway should remain as one 'lot' and not sub-divided;
- scope of the development is inappropriate to the location and is ill-considered.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S&ENPP9 - S&ENP - The Built Historic Environment,

PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration are the impacts of the proposed conversion works upon the listed building(s), which is a heritage asset as set out within guidance contained within Planning Policy Statement 5 (Planning for the Historic Environment). In determining proposals for listed building consent, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The buildings are listed virtue of their physical and functional relationship to the main listed farm house at Northway Farm. The buildings are predominantly located around a raised central yard area and together with adjacent buildings form a close knit group that make a positive contribution to the setting of the farmstead. When approaching Northway Farm, the barns form a dominant feature within the narrow street scene, being set at a raised level above the adjoining highway. Their appearance is one of a traditional group of linear buildings constructed of natural stone walls and slate roof. Since being extended towards the end of the 19th century, the buildings appear to have been relatively unaltered, with only a small number of original openings having been blocked off. The supporting heritage statement provides a clear and detailed analysis of the buildings and clearly defines their importance with regard to their relationship with the listed farmhouse which dates back to the early 19th century. Having regard to these matters, the barns, whilst of interest in their own right, are a key facet to the main listed building, its historical importance and setting within the local area. Given the historical significance of the buildings it is deemed appropriate to find an alternative use for the buildings so as to ensure their long term future.

As noted by the Council's conservation specialist, residential conversion schemes generally have a high impact upon the historic fabric and interest of listed buildings, particularly where traditional agricultural barns are concerned. In this instance however, the proposed development will make very few alterations to the external fabric of the building, with only a small number of new and altered openings being

proposed. Externally, with the removal of the modern buildings to the north and west, the conversion scheme is considered to provide an opportunity to return the overall appearance of Northway Farm to a traditional one that may have been found in the early 19th century. The application will make use of materials that are sympathetic towards the original buildings and will in fact compliment the character of the barns. Such a low impact approach externally will ensure that the historic integrity of the building is maintained.

Internally, the barns are of limited merit and have clearly had various alterations made over the past 200 years or so. There are few original features of architectural merit that are being altered; those that do remain, such as the flagstone and brick work flooring to the lower section of Unit A will be retained. Many of the existing, modern partitions will be replaced with modern features, such is not considered to undermine the integrity of the building nor its importance as a heritage asset. Importantly the councils conservation officer is satisfied that the proposed scheme will not harm the listed building subject to the further agreement of materials and various other works and methods by way of condition.

The layout of the scheme is considered to be acceptable, providing for modest open garden areas with outbuildings orientated and positioned so not to detract from the setting of the buildings. The open plan garden areas are to be kept within a moderate distance from the buildings so not to intrude overly upon the surrounding landscape. It is accepted that on plan form the proposals appear slightly more domestic than agricultural, however the contribution that the barns make to the setting of the listed building will be retained for future generations to appreciate with the exclusion of any modern, urban features to the boundary. The new stone walls, both high and low level are reflective of existing boundary features within the site and will compliment the appearance of the site as proposed and aid the assimilation of the new curtilage areas within the context of the site. The proposed window design and treatment is sympathetic towards existing features within the lower level barn at Unit A and the western elevation of farm house. Works to the lower level storage buildings will also bring about a visual improvement. As such, when viewed from the highway to the east of the site, it is considered that the buildings will continue to exhibit a traditional agricultural appearance.

The proposals are considered to provide for a sympathetic conversion scheme of the buildings. The ancillary studios/office that will serve Units A and B, whilst not wholly necessary, will provide a suitable use for the building that is important both for its contribution within the street scene and in enclosing the formal courtyard area. The new access requires a 12 metre (approximate) length of stone boundary wall to be rebuilt slightly north within land being incorporated within the residential curtilage of the farm house. This wall is likely to form a curtilage feature covered by the listing of the property. Notwithstanding this, it is felt that the wall, if rebuilt with the original or matching materials will not materially harm the setting of the listed building or its features of historic interest.

To conclude, the subdivision of Northway Farm is not considered to harm the integrity of the listed buildings or their setting. It is considered that by allowing their conversion and re-use, the buildings, their setting and the historic interest of Northway Farm will be preserved. As such it is recommended that listed building consent be approved, subject to conditions.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

SOMERSET COUNTY COUNCIL

ERECTION OF DOUBLE GARAGE WITH STORE AND FORMATION OF VEHICULAR ACCESS AT NORTHWAY FARMHOUSE, HALSE (AS AMENDED)

Grid Reference: 313536.129009

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposal is considered not to have a detrimental impact upon the visual amenity or landscape character of the area and provides for a safe means of access and egress for Northway Farmhouse. The proposed development is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN12 (Landscape Character Area). Further the proposal is considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 1811-100 Rev B Location plan
(A3) DrNo 1811-101 REv B Site plan
(A3) DrNo 1811-102A Block and roof plan
(A3) DrNo 1811/103 Plan and Elevations
(A3) DrNo 1811/104 Indicative Sections

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

3. The visibility splays shown on the approved drawing no.1811-4A shall be constructed before the dwellings hereby permitted are first occupied. The visibility shall thereafter be maintained in accordance with the approved plans with no obstruction greater than 900mm in height above the level of the adjoining carriageway edge.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

4. No part of the access drive shall be laid out at a gradient steeper than 1 in 10 over its first 20 metres.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

5. Prior to the commencement of the development hereby permitted, detailed proposals for the disposal of surface water in relation to the vehicular access points and associated tracks shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

Reason: To prevent the disposal of surface water onto the adjoining highway in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

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

7.
 - (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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

8. No development, excluding site works, shall begin until a panel of the stone/brickwork wall measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

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

PROPOSAL

The application, as amended, seeks planning permission for the formation of a new vehicular access and erection of a detached building providing for a double garage and store to serve Northway Farmhouse.

The proposed access will be formed along the southern boundary of land within the ownership of Northway Farm; it will be of a concrete surface over the first thirty metres, and tapered at 45 degrees either side at the carriageway edge. The new access track will be five metres wide over its first ten metres with unrestricted visibility splays of 2.4m x 43m provided to the carriageway edge in the westerly direction and to the centre of the single lane carriageway to the east.

The proposed double garage and store building will be sited to the west of Northway Farmhouse within the existing residential curtilage. The building will measure 9.0m x 6.0m with a height to eaves and ridge of 2.5m and 5.0m respectively. The new building will be finished with natural stone walls, natural roofing slates, cast iron rainwater good and timber fenestration.

SITE DESCRIPTION AND HISTORY

Northway Farmhouse is a grade II listed building dating back to the early 19th century. The site is located within open countryside in the parish of Halse. The property comprises the main dwelling, a building that is finished externally with rendered walls, natural slate roof, timber sash windows, a timber 6 panel door and a flat roof portico. Attached to the northern elevation of the farmhouse is a linear set of agricultural barns, which are set over two storeys with stone walls and brick detailing around the original openings, natural slate roofs and timber doors.

The main dwelling is served by an existing access that leads to both the modern and traditional farm buildings within the site. It is proposed to sever this existing access from the dwelling so that it may be retained for use on the scheme for converting the adjoining barns to three dwellings. Northway Farm has a large garden to the south and west, which is bound by a combination of high level natural stone walls, native

hedgerows and mature trees.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Comments and recommendations made in relation to adjacent barn conversion proposal 18/11/0001, of which the following matters are relevant:

:

- Highway requirements for the new access provided and should be met;
- visibility splay should be incorporated within red line;
- Sufficient parking and turning area should be provided

HALSE PARISH COUNCIL - Object to the proposed development, raising the following planning related matters to this application:

- New access involves a change of use of land and such would be contrary to other requests nearby that have had planning permission refused;
- Necessary splay should be wider therefore having greater detrimental impact upon the environment

LANDSCAPE LEAD - No objection - subject to landscape details and grading of the access strip the proposals are acceptable. I strongly recommend re-enforcing the east to west offside roadside hedgerow with native species to provide a stronger hedgerow on higher ground.

Representations

10 letters of objection raising the following planning related matters:

- The new access is dangerously sited and would increase risk within the area;
- Garaging should be incorporated within buildings;
- New access contradicts other similar proposals turned down within the area;
- Drainage from the new impervious track will exacerbate flooding problems within the area
- Highway drains cannot cope with current surface water levels
- New garage not in keeping with original buildings
- Contradiction of information as hedgerow will be removed to form new access;

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

EN12 - TDBCLP - Landscape Character Areas,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining the proposed development are the impact of the new access and building upon the landscape character and visual amenity of the area, together with the impact of the new garage and store building upon the setting of the grade II listed building.

It should also be noted that applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.

Visual impact

The proposed new garage building will be located west of and within a close proximity to the main listed farm house. The building is to be finished of natural materials that are considered to reflect the general appearance of the traditional agricultural buildings to the north. Further, the building will be visible only from the highway to the south as screening will be provided to the west, east and south east by an existing stone wall, hedgerow, trees and the dwellinghouse itself. The building is of a modest scale and considerably subservient to the modern agricultural buildings that currently sit directly north of the site. It is considered that virtue of its siting, orientation, scale and design the proposed new garage and store building will not materially harm the landscape character or visual amenity of the area.

The formation of the new access is discussed below, however in order to provide the necessary visibility splays, it will be necessary to remove 12 metre length of hedgerow to the east, and to demolish realign and rebuild a 12 metre length of stone wall to the west. Such will have an impact upon the character and visual amenity of the street scene along the lane to the south. The Council's Landscape Lead is satisfied that the new access and associated track will have a limited impact subject to replacement planting. Such can be secured by way of a condition and I consider that a replacement hedge on higher land that links into the remaining section of hedgerow will overtime provide for acceptable landscape mitigation. With regard to the wall, it is proposed to rebuild it in stone slightly to the north. The realignment and uncovering of the wall from overgrown scrub will not materially harm the visual amenity of the street scene, nor would it be damaging to its historic interest given that it appears in need of some repair work.

Access

The proposed access has attracted objections concerned with the lack of visibility being provided and also that were the necessary visibility splays to be achieved the landscape character and visual amenity would be harmed. The amended application provides for visibility splays of 2.4m x 43m and these have been set out on the amended plans. Such splays can be achieved as it will involve development over land within the ownership of the applicant. The splays will provide unobstructed visibility lines to the edge of the carriageway to the west and to the centre of the single lane carriageway to the east. The Highway Authority require splays to be provided to the carriageway edge so as to ensure that safe access and egress from the new dwellings can be achieved without detriment to highway safety. In this instance, to the centre of the highway to the west is considered acceptable and not detrimental to highway safety given that the highway is of a single track lane where vehicles will be clearly visible upon egress from the site.

Given that the necessary splays can be provided, it is considered that safe access

and egress at the site is possible with vehicles being able to see and be seen when using the new access. In addition, I am satisfied that other requirements for the new access in terms of width, gradient, surfacing and surface water drainage have been demonstrated to an acceptable standard on the amended plans and can be controlled by way of conditions. Having regard to these matters I consider the proposed access to be acceptable in terms of highway safety.

Conclusions

Having regard to the above matters, it is considered that the proposed development provides for a safe means of access and egress with which to serve Northway Farmhouse that will not materially harm the visual amenity of the street scene. Further, the proposed new building is considered to be of an appropriate scale and finish and will not detract from the setting of the adjacent listed building(s). As such, it is recommended that planning permission be granted, subject to conditions.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

**ERECTION OF TWO STOREY SIDE EXTENSION AT 20 DRAKE CLOSE,
TAUNTON (AMENDED SCHEME 34/10/0033) (AMENDED TITLE)**

Grid Reference: 320930.125981

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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 0910/170/001 Existing Plans
(A4) DrNo 0910/170/005 Existing Location Plan
(A3) DrNo 0910/170/010 Rev B Proposed Plans
(A4) DrNo 0910/170/012 Proposed East Elevation
(A3) DrNo 0910/170/002 Existing elevations Rev A
(A3) DrNo 0910/170/011 Rev C Proposed elevations
(A3) DrNo 0910/170/020 Rev A Proposed location plan
(A3) DrNo 0910/170/021 Rev A Proposed block plan

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the East elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

The proposal comprises the erection of a two storey extension within the rear garden of 20 Drake Close. The extension measures 4.4m x 3m (at ground floor), 2.5m (at first floor) x 6m (ridge height). The proposed extension has been moved away from the boundary of the property to prevent the guttering from encroaching on the neighbouring property.

The extension will be constructed in brick and concrete tiles to match the existing dwelling.

This is amended scheme to permission 34/10/0033 that was refused in 2010. This amended scheme has reduced the first floor element of the extension from 3m to 2.5m.

SITE DESCRIPTION AND HISTORY

The property is sited within a residential estate in Taunton, within the parish of Staplegrove. The property forms one of four dwellings built in a block, back to back and side to side. There is a small rear garden with a 1.8m high boundary fence. Car parking areas are sited within a cul-de-sac close to the site.

Planning history

34/10/0033 – Erection of two storey extension and repositioning of bedroom window at 20 Drake Close. Permission was refused on 15th December 2010 for the following reason:

The proposed rear extension, by reason of its size and close proximity to the boundary of the neighbouring property, is considered overbearing in relation to the adjoining property, No 16 Drake Close, causing (1) loss of outlook; (2) loss of light; (3) loss of amenity for the occupiers, resulting in an undesirable and unneighbourly development. The proposal is therefore contrary to Taunton Deane Local Plan Policies S2 (F) and H17 (A).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

STAPLEGROVE PARISH COUNCIL - Objects: -

- Slight reduction of first floor section of the proposed extension, does not appear to overcome objections that resulted in refusal to original application.

Representations

NINE LETTERS OF OBJECTION: - Two letters from Drake Close and the others from within the Taunton area and from outside of Taunton Deane.

- Loss of light to conservatory, kitchen and dining room from conservatory.
- Loss of light to garden; plants would not grow.
- Overbearing, extension would block view and would only see brick wall from upstairs windows.
- Impact on home and environment.
- Not in keeping with size of main dwelling; disproportionate.
- Not in keeping with surrounding houses.
- No other houses have similar extensions.
- Slight reduction to first floor not significant enough; still too overbearing for couple at No 16; original objections not overcome.
- Starter homes not suitable for extending.
- Impact on house value and in selling house one day.
- Loss of light will cause increase in CO2 emissions due to extra artificial lighting

ONE FURTHER LETTER COMMENTING ON SUN STUDY REPORT FROM NEIGHBOURING PROPERTY: -

- Find report highly intrusive; no relevance towards planning permission decision; did not give consent for photos to be taken nor published.
- We can choose when to open or close our blinds; blinds closed for security

THREE LETTERS OF SUPPORT: -

- No objection.
- No problems with two storey extension.
- Not close to where we live.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact on the character and appearance of the building and on the amenity of the neighbouring property and loss of light.

Design

The extension has a similar design to the main dwelling; with a similar pitched roof and matching materials. The extension is also subservient to the main dwelling with

a lower ridge height.

There are no windows within the west (side) elevation of the extension, making the elevation bland and potentially overbearing when viewed from the public footpath. The elevation could be greatly improved by the introduction of windows or other detailing. It is noted that the impact has been lessened by the reduction of the first floor element of the extension. It is also understood that the limited size of the bedroom does not allow for additional windows. It is not considered the impact on the street scene is to such a degree to warrant refusal.

Amenity/loss of light

There are no windows within the first floor elevation facing the neighbouring property, as such, there is not considered to be any overlooking

The main consideration is loss of light to the adjoining neighbouring property. The proposed extension would project 3m from the rear of the dwelling at ground floor level and would be almost the full width of the dwelling. The extension projects beyond the conservatory on the neighbouring property. The first floor element of the extension projects 2.5m, 0.3m beyond the neighbouring conservatory. The neighbouring conservatory has clear roof with glazing in the rear elevation (onto the garden) and a window within the side elevation.

A detailed 'Sun Study Report' has been submitted to accompany the application. The report highlights that there will be some additional shadowing on part of the neighbouring conservatory during the Summer months, as well as shadowing to the first floor bathroom window. The additional shadows created by the proposed extension would occur between 16:00 – 21:00. Though there will be some loss of light to the conservatory, half of the glazing and roof of the conservatory would not be affected. On balance, the proposed extensions are not considered to be detrimental as to warrant refusal.

Other matters

Other extensions have been allowed within Drake Close and each one was assessed on its own merits. The extension at 44 Drake Close is sited to the east of the neighbouring property, not causing loss of light or shadowing throughout the day. The extension at 8 Drake Close was amended, reducing the projection of the first floor to 2m. The extension granted at 14 Drake Close does not have a significant impact as it adjoins the extension granted at 8 Drake Close. As such, these are not considered to set any form of precedent.

Conclusion

The extension is subservient and in keeping with the existing dwelling. As amplified by the submitted 'Sun Study Report', the extension is not considered to cause a detrimental loss of light and is considered to be acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

REDLAND HOUSING ASSOCIATION

**ERECTION OF 6 DWELLINGS WITH ASSOCIATED PARKING SPACES,
ERECTION OF GARAGE AND RELOCATION OF 3 PARKING SPACES
FOLLOWING DEMOLITION OF GARAGES AT PRIORSWOOD PLACE,
DORCHESTER ROAD, TAUNTON AS AMENDED**

Grid Reference: 323364.126541

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicant entering into a Section 106 Legal Agreement to secure leisure and recreation contributions.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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 08025-100 Location Plan
(A4) DrNo 08025-101 Block Plan
(A1) DrNo 08025-102 Proposed Site Layout
(A1) DrNo 08025-103 First, Second & Roof Plans
(A1) DrNo 08025-104 Proposed Elevations & Typical Sections
(A1) DrNo 08025-105 North, South & Garage Elevations
(A1) DrNo 18953 Location of Underground Services
(A1) DrNo RHA/004/01 Rev A Topographic Survey
(A1) DrNo 08025-106 Tracking diagram and part parking layout

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan and to ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
 - (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may

be present on the site.

- (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

- 7. Details of the external safety barrier between the rear footway and service yard shall be submitted to and approved in writing by the Local Planning Authority prior to completion of the dwellings and shall be provided as agreed prior to occupation and thereafter maintained.

Reason: In the interests of the safety of occupiers in accordance with policy S1 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

The proposal is to erect 6 affordable dwellings following the demolition of 14 garages and the erection of a new garage on land to the rear of Priorswood Place, Taunton. The housing will consist of a terrace with 2 x 2-bedroomed units, 2 x 3-bedroomed units and 2 x 4-bedroomed units. A new access onto Lyngford Lane will be provided to a parking court. 18 parking spaces are also provided together with 6 retained garages (providing 7 garages in total). Access and turning to the service yard are to be maintained.

SITE DESCRIPTION AND HISTORY

The site consists of a parking area and garage court with 20 garages (a row of 12 and a row of 8) set to the rear of flats and shops at Priorswood Place. To the south lies a service yard for the rear of the shops and a group of flats.

Previous permission for the same developer was granted for 8 flats on the former petrol service station facing Dorchester Road, Priorswood Place in May 2006 (ref. 38/05/0390).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP –

The development will see the creation of a new access on Lyngford Lane. The access will provide a width of 6m which increases to 11m, with junction radii, at the point where it meets the adopted highway. From my site visit it was noted that there is a lighting column in close proximity to the proposed access. The applicant should understand that they are responsible for any costs resulting in the lighting column being relocated. Also they are responsible for identifying a suitable site for it to be relocated to.

At the point of access the applicant has indicated a splay of 2.4m x 60m can be achieved to the left hand side of the access. Manual for Streets indicates that in an urban area within a 30mph speed limit the minimum splay should be 2.4m x 43m. As a consequence the proposed splay is considered to be acceptable. Although it is noted that no details have been provided in regards to the achievable visibility to the north of the access. The applicant should submit further details in respect of this matter. The access will serve a parking area of 8 spaces and these would be required to be properly consolidated and surfaced with suitable drainage. A 6m gap has been provided between each set of parking bays, this is considered to be acceptable as it will allow a vehicle to turn and leave in forward gear. In addition to these 8 spaces a further 9 are being provided within the application site. This is a total of 17 spaces for the whole site. The Local Transport Plan standards state that two bedroomed units should make provision for two spaces per unit. This would account for 12 of the spaces within the site. However this does not equate for the additional 5 spaces. The applicant makes no reference to the parking provision within the submitted documents. It should be noted that pre-application discussions were held with the applicant in regards to this project. The applicant was advised at that stage that this proposal would be considered an over provision of parking.

9 spaces would be accessed via the junction of Priorswood Place with Lyngford Lane. This access is shared with commercial delivery vehicles for the parade of shops which front onto Eastwick Road and Dorchester Road. The applicant has shown a standard turning head diagram within the site. I presume this is to allow delivery vehicles to turn and leave the site in forward gear. Although I do believe the applicant has taken every opportunity to try and alleviate the issue of this proposal impacting on delivery vehicles serving the site. I would suggest that a tracking diagram is submitted to show that it is possible for a delivery vehicle to enter and turn within the site.

In conclusion although the proposed access from Lyngford Lane is considered to be acceptable further details are required in regards to the visibility splay to the north of the proposed access. Whilst further evidence would be required in relation to the ability of delivery vehicles to turn within the site. In addition to this further justification is required in relation to parking provision associated with this proposal.

LANDSCAPE LEAD - Subject to more tree and shrub planting along Lyngford Lane and details of the other landscaping the proposals are acceptable.

HOUSING ENABLING MANAGER - I fully support this application. These family homes will make good use of an existing garage site and provide good efficient housing for people in need in an area where few family homes become vacant for housing applicants and people who need transferring into more suitable accommodation who are registered on Homefinder Somerset.

LEISURE DEVELOPMENT MANAGER - In accordance with Policy C4 provision for play and active outdoor recreation should be made. A contribution of £1100 for each dwelling should be made towards facilities for active outdoor recreation and a contribution of £2200 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

Representations

Objections from 9 local residents on grounds of:

- level of commercial vehicles serving the shops and lack of lorry parking,
- conflict between children and service traffic,
- loss of resident parking,
- high risk area with fear of loss of vehicles,
- no need, no local support,
- fear of losing shops,
- car park at front used like a park and ride,
- concern over blocking drain,
- loss of light,
- disturbance due to youngsters climbing fences and roofs and will increase problems of area.
- Residents have never been in favour of building here.
- New tenants given preference over Council tenants.
- Previous 225 signature petition.
- Parking not safe.
- Local views disregarded.
- 4 garages would be better than the last house proposed.

A petition against of 112 signatures has been received.

Ward Member Cllr James: I am writing in support of residents who are objecting to this application. My reasons are as follows:

Traffic - a number of commercial vehicles, including large articulated lorries, deliver goods to the shops at Priorswood Place on a regular basis. Currently they drive into the car park at the rear of the shops and then forward onto the garage forecourt where many unload goods if they require a level surface to do so, or reverse around to the right to unload. To exit the site the lorries reverse around, as they would to unload, thus allowing them to turn around. It seems from the plans that a couple of the proposed houses will take up the current garage forecourt space. I am concerned that this will stop lorries from pulling forward enough to allow a turning

circle in order to turn around and exit. By blocking up this area it may become difficult for some companies to deliver essential supplies to the shops. I think it is important that the movements of articulated lorries on this site are observed before considering granting permission for this application,

Loss of garages and parking for current residents of Priorswood Place - residents will be losing garages and parking spaces and understandably are unhappy about this. I note that a letter from Lesley Webb to Jeremy Browne MP on 16 December 2010 states that three new garages will be built yet only one is shown on the plan. Three new parking spaces (marked as 14, 15 and 16) will be created at the entrance to the site, bordering Lyngford Lane. Residents inform me that they will be reluctant to use these spaces as Priorswood Place has a problem with vandalism and these spaces are at a remote corner of the site and are not overlooked (obscure-glazed windows on the side of Dorchester House only). It would appear that 14 garages are to be lost, including 5 currently used by residents, I also calculate that 10 parking spaces will be lost, to be replaced by 7 spaces for general use (with no. 17 seemingly difficult to access) and 2 spaces for disabled use.

Consultation - residents have been opposed to this development for sometime and a petition of 225 signatures was gathered and presented to Lesley Webb, I am told around the time of the public meeting in the nearby St Peter's Church. Despite this, 1.3 in the 'Statement of Community Involvement' states 'We understand that current garage users are happy with the proposed arrangements'. Residents do not feel that they have been sufficiently consulted or their views considered. I think that there is an opportunity to provide housing on this site but with a smaller footprint and with greater consideration to access, parking and garaging for current residents.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPG13 - Transport,
PPS23 - Planning and Pollution Control,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with this proposal are the suitability of the site, impacts on amenity, privacy, parking/turning and safety and the need for affordable housing.

Principle of Development

The development proposes the demolition of 14 garages and erection of a terrace of 2,3 and 4 bedroomed dwellings for rent through a Housing Association. The site lies

within the settlement limits of Taunton and in principle is considered suitable for residential use. It is in a sustainable location adjacent to a local shopping centre and thus is considered to comply with requirements in PPS1 and PPS3.

Design and Amenity

The terrace of 6 dwellings is designed to reflect the design of the flats building fronting Dorchester Road. The properties will step down in height away from the back of the shops towards Lyngford Lane. The dwellings will also be set into the ground by up to 700mm and have a ramped access for any disabled. The dwellings will also have their own defined rear gardens and are not considered to adversely impact on the amenity of the existing properties. There is over 30m window to window distance from the rear of the dwellings to the flats opposite and this distance is an acceptable one. A distance of 4.7m is retained between the end of the existing and new terrace and the only window in the new gable is a ground floor secondary window to a living room. This relationship is considered to be an acceptable one given the orientation of the site. The rear of the new dwellings will be overlooked to a degree by the existing flats, however this is not considered unusual in an urban location and is considered to be acceptable.

Parking

The site currently has 20 garage spaces plus an additional 6 parking spaces available, although none of the parking spaces are formally marked out. The garages are leased and not all are fully utilised by local residents. The scheme retains 6 garages and erects a seventh. Parking for 18 cars are also provided, including 8 off a new access from Lyngford Lane. The policy for parking in the Local Plan would require a maximum of 9 spaces for the new housing and this leaves 9 spaces for existing resident parking plus the 7 garages. The applicant intends 10 spaces for the new houses plus 8 spaces for existing residents. While some spaces are less directly overlooked than others the proposed provision on this site adjacent to the local centre is considered to be an acceptable one.

Access

The access to the site also acts as entrance/exit to the service area at the rear of the existing shops. This access is to be maintained as is a standard size turning head for lorries. A tracking diagram to illustrate turning for articulated vehicles has been submitted for approval by the Highway Authority. A response to this is currently awaited. The scheme also will include a safety barrier adjacent to the service yard between the rear garden boundaries and edge of the footway. Details of this are subject to condition. A condition for potential contamination is also recommended by the Environmental Health Officer given the proximity of this site to the former petrol service station.

Leisure and Recreation

The development proposes six new dwellings and this level of development meets the threshold for leisure and recreation provision under policy C4 of the Local Plan. As there is no space for on site provision the needs of the occupiers will need to be met through an off site contribution and this will need to be secured through a legal agreement and this forms part of the recommendation.

Conclusion

The proposed site lies within a residential area and adjacent to a local shopping centre. As such it is considered a sustainable location. The dwellings are to be built to Code 3 standard and solar technology will be utilised on south facing roof areas. The site provides an additional 6 dwellings that will be affordable for people in need and the scheme is supported by the Housing Enabling Manager. The provision of affordable housing is one of the Council's corporate priorities and the need for such provision is widely recognised. The provision of such housing has to be weighed against other material considerations. In this instance there are not considered to be any material considerations to outweigh the need and permission is recommended subject to conditions and a Section 106 agreement to secure leisure and recreation contributions.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

ST MODWEN DEVELOPMENTS LTD

APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR APPLICATION 38/10/0214 FOR THE ERECTION OF 2711 SQ.M. OF OFFICE (B1) FLOORSPACE TOGETHER WITH ASSOCIATED CAR AND CYCLE PARKING, LANDSCAPING, PLANT, REFUSE STORE AND INFRASTRUCTURE WORKS AT PRIORY BRIDGE ROAD CAR PARK FIREPOOL AND 84-94 PRIORY BRIDGE ROAD, TAUNTON

Grid Reference: 323019.125119

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason subject to the observations of the County Highways Authority

The development is on an allocated site in the Taunton Town Centre Area Action Plan and proposed an appropriate mix of uses to secure a strategic office site that has good sustainable access links, provides a high quality layout with public realm improvements and would not harm the amenity of the area. The proposal accords with policies FP1, FP2, IM1, IM2, TR2, TR3, TR4, TR5, F1, F2, and ED1 of the Taunton Town Centre Area Action Plan, Policies S1, S2 EN4 and T3 OF the adopted Taunton Deane Local Plan, Policies STR1 and STR4 of the Somerset and Exmoor National Park Structure Plan, and the advice and guidance contained in PPS4

RECOMMENDED CONDITION(S) (if applicable)

1. No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

This is the first of the reserved matters applications for office development at

Firepool which and would provide 2,711 square metres and at least 28 car parking spaces. The application has been submitted by St Modwen and the building is to be occupied by Virdor. It is intended that the building will provided a new bespoke headquarter office building , accommodating in excess of 100 members of staff. Should consent by granted it is expected that building work will commence in the forthcoming months with completion in 2012.

The proposed building complies with the outline planning permission parameters plan and will be 6 storeys in height (the top storey being set back). Materials will be brick with the top floor clad in aluminium panels. This would be the tallest building on the Bridge Road Car Park site with building heights stepping down towards the existing residential dwellings that immediately border the site.

The building has been designed to achieve a BREEAM Excellent rating.

SITE DESCRIPTION AND HISTORY

Outline Planning Consent was granted last year for the redevelopment of Priory Bridge Road Car Park element of the larger Firepool site. The outline permission was for a mixed use development of offices and residential with an option for hotel accommodation in lieu of office space. All matters were reserved other than access into the site which would be derived from Priory Bridge Road. The maximum total amount of floorspace for the commercial development would be 11,200 sq m (gross external) with 112 car parking spaces and 65 cycle parking spaces.

The overall site is 1.54 hectares and is triangular in shape. It is bordered by Priory Bridge Road to the South, the River Tone to the North West and the residential development of Priory Park and Winters Field to the East.

The site was allocated for redevelopment in the adopted Taunton Deane Local Plan, has formed a key part in the Taunton Vision and forms part of a larger riverside allocation in the Taunton Town Centre Area Action Plan (TTCAAP). The riverside allocation includes the surface car park, the former livestock market and railway siding sheds between Canal Road and the Station. Policies FP1 and FP2 of the TTCAAP state:

Policy FP1

Riverside - Development Content

The Riverside development will provide:

- a. at least 47,000 sq m (net) office space
- b. approximately 8,000 sq m gross of additional retail and leisure floorspace, of which 4,000 sq m gross should be convenience retailing
- c. approximately 400 dwellings, including 25% affordable housing
- d. a 500 space multi-storey car park (screened with single aspect development where it adjoins public space)
- e. a 3- or 4-star hotel with at least 100 bedroom
- f. primary healthcare facilities
- g. the relocation of the Produce Market within the town centre
- h. a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road

- i. public conveniences close to public parking and the River Tone, to replace the existing facilities at Canal Road and Priory Bridge Road
- j. potential for active street level uses at locations shown on the Proposals Map
- k. high quality riverside promenades
- l. a contribution towards public art at 0.3% of construction costs

Policy FP2

Riverside - Transport Measures

The Riverside development will provide the following transport measures:

- a. travel plans on the basis identified in Policy Tr4 and agreed with the County Council
- b. car and cycle parking within developments in accordance with the Somerset Parking Strategy
- c. a minimum of 200 public parking spaces during construction and on completion of the development
- d. a priority bus and cycle route from the railway station via the boulevard to Priory Bridge Road, including high-quality provision for waiting passengers
- e. initiatives to encourage rail and bus use by employees and visitors
- f. high-quality pedestrian and segregated cycle routes along each bank of the River Tone
- g. shared pedestrian and cycle bridges across the River Tone
- h. an internal layout that facilitates improved pedestrian and cycle links to North Taunton and Taunton East

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – comments awaited

BRITISH WATERWAYS – comment:

- Elevations are bland require additional articulation – suggests additional materials or different brick bonds.
- Materials are acceptable as brick can be a very appropriate, tactile material to use providing a high quality finish.
- Interactions between the building and the waterside should be actively encouraged.
- Suggests field maple instead of hawthorn at the entrance.

SOMERSET WATERWAYS ADVISORY COMMITTEE – no response received

POLICE ARCHITECTURAL LIAISON OFFICER – comment:

- The Design & Access Statement, at para. 3.0 Sustainability states that the 'Building, pedestrian routes and external landscaped areas will seek to gain Secured by Design accreditation'. I look forward to working with the developer to achieve this police approved award.

SCC - ECOLOGY – no response received

SOMERSET WATERWAYS ADVISORY COMMITTEE – no response received

SOMERSET WILDLIFE TRUST – no response received

WESTERN POWER DISTRIBUTION – no response received

WESSEX WATER – refer to comments on outline application

- The drainage strategy is in accordance with Wessex Water's discussion with the applicant.
- Require continuous access to the siphon chamber and no building should be within 3 metres of the chamber.
- It should be noted that there is likely to be an odour nuisance when the chamber is maintained.

CONSERVATION OFFICERS – no response received

DRAINAGE ENGINEER – comments awaited

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – no response received

ECONOMIC DEVELOPMENT MANAGER – supports

"The need to attract larger firms with a more developed corporate and international network is central to the Economic Development Strategy, as is the need to deploy improved technologies to ensure that buildings are much more energy efficient."

LANDSCAPE LEAD – comments:

Subject to details of plant specifications and densities the proposals acceptable

BIODIVERSITY OFFICER – comments awaited.

ENVIRONMENT AGENCY – no objection

Representations

Four letters of observation/comment received which raise the following issues:

- The building will be too high.
- If other buildings on the site (nearer the residential properties) are going to be the same height then objections would follow.
- Potential for loss of views.
- Car access should be behind the building and not over the riverside public domain.
- The development could be a disaster and on residential should be on the car park site. – Big offices should be at Blackbrook or away from the river on the market part of the site.
- Concern at noise from the plant room.
- Believed that the properties at 84-94 Priory Bridge Road were to be used for

retail.

- Local builders should be used to construct the building.
- Concerned about noise from the development during the build.
- Very positive towards change but considered that there should be some compensation to those living next to a building site.
- Questions what provision has been made for alternative car parking once construction work commences.
- Questions where the proposed eastern entrance is.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H10 - TDBCLP - Affordable Housing Targets,
EC23 - TDBCLP - Tourist Accommodation,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,
EN25 - TDBCLP - The Water Environment,
EN33 - TDBCLP - Building Waste,
EN34 - TDBCLP - Control of External Lighting,
T3 - TDBCLP - Firepool Major Development Site,
STR1 - Sustainable Development,
STR4 - Development in Towns,
FP1 - TTCAAP - Riverside - Development Content,
FP2 - TTCAAP - Riverside - Transport Measures,
IM1 - TTCAAP - Priorities for Developer Funding,
IM2 - TTCAAP - Approach to Viability,
TR2 - TTCAAP - Parking in New Development,
TR3 - TTCAAP - Smarter Choices,
TR4 - TTCAAP - Travel Plans,
TR5 - TTCAAP - Car Sharing,
TR6 - TTCAAP - Developer Contributions to Transport,
F1 - TTCAAP - Developments within the Floodplain,
F2 - TTCAAP - Developer Contributions to Waterways and Flooding,
ED1 - TTCAAP - Design,
ED2 - TTCAAP - Public Art,
ED3 - TTCAAP - Mixed Use,
ED4 - TTCAAP - Density,
ED5 - TTCAAP - Combating Climate Change through New Development,
ED6 - TTCAAP - Off-site Public Realm Enhancements,
TS1 - TTCAAP - Training and Skills,
UNQ - Unique Policy Code,
PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPS4 - Planning for Sustainable Economic Growth,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS25 - Development and Flood Risk,

DETERMINING ISSUES AND CONSIDERATIONS

Outline planning permission has been granted for development on this site in accordance with the policies contained in the Taunton Town Centre Area Action

Plan. This is the first of the reserved matters applications for the tallest building on the site.

The outline planning permission considered and fixed building zones with maximum heights. This application complies with the parameters that were previously agreed. The proposed building forms the corner plot where a maximum building height of 24 metres was agreed. It will be clearly prominent from the road and the river and as the first phase of development, it will appear isolated. The outline planning permission and Masterplan authorise further attached buildings which will step down towards the existing built form. This proposal should therefore be considered with the expectation of future development. Illustrative visuals have been submitted with the application to help visualise the proposals against this future development.

The building is simple in form and materials with no unnecessary detailing or additions. The design has a 'rhythm' of fenestration that respects the character of building form in Taunton without slavishly replicating historic detailing. With a building of this height, it will be very important to select the right colour and texture of brick. A condition requiring a sample panel of brickwork and pointing is proposed.

It is important to appreciate that the development of this site will be phased. It is likely that some building will be occupied prior to other being constructed. The overall Masterplan shows that the access to the commercial car parking will be to the east of this building with the western access being for the public realm and residential. In order for this building to be occupied early, vehicles will have to use the western access and as the site develops further, this will switch to a newly constructed eastern access.

Although not forming any part of this application, the Public Realm works that were permitted under application 38/09/400 will be constructed at the same time. This is essential to ensure that the proposed building has an active relationship with the river and has adequate flood protection. This is already controlled through conditions on the outline planning permission.

This is considered to be an acceptable scheme that will be the first phase of office development on the Firepool site. The building has been designed to achieve a BREEAM Excellent rating and provide office accommodation for over 100 staff. The proposal is in accordance with existing policies and previous planning decisions. It is therefore recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

WEST STAR LAND LLP

DEMOLITION OF THE SPORTSMAN INN PUBLIC HOUSE AND ERECTION OF SEVEN DWELLINGS AND ASSOCIATED PARKING AT 46 WATERLOO ROAD WELLINGTON

Grid Reference: 313251.120862

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicant entering into a Section 106 Legal Agreement to secure leisure and recreation contributions.

The proposed development is acceptably designed and will successfully integrate into the area. There is adequate on-site parking provision and the proposal would not be detrimental to highway safety in the locality. There would be an acceptable impact upon neighbouring residents and the impact on off-site recreation facilities will be mitigated by financial contributions. The proposal, therefore, accords with Policies S1 (General Requirements), S2 (Design), C4 (Provision of Recreational Open Space), M4 (Residential Parking Provision) and M5 (Cycling) of the Taunton Deane Local Plan and policies STR1 (Sustainable Development) and 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) Location Plan

(A1) DrNo 10110.P.32 Rev C Houses: Block of Four - Plans, Elevations & Sections

(A1) DrNo 10110.P.33 Rev A Houses: Block of Three - Plans, Elevations & Sections

(A1) DrNo 10110.P.35 Rev A Street Elevation & Coloured 3D Sketches

(A1) DrNo 10110.P.05 Rev J Site Plan/Block Plan

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

3. No demolition shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition of the existing buildings.

Reason: To help record the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.

4. Prior to their installation, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy S2 of the Taunton Deane Local Plan.

5. The first and second floor windows to be installed in the east elevation of plot 1 shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be retained as such.

Reason: To protect the amenities of neighbouring dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

6.
 - (i) Prior to its implementation a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Prior to its construction, a scheme of hard landscaping showing the layout

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policy S2.

8. Prior to the occupation of the dwellings hereby permitted, the parking and turning areas indicated on drawing 10110.P.05 rev J shall be fully provided in accordance with the details submitted and agreed in respect of condition (7). The areas shall thereafter be maintained free from obstruction and available for the use for the parking of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking facilities are available for the vehicles likely to be attracted to the site, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. Prior to the occupation of the dwellings hereby permitted, cycle storage facilities indicated on drawing 10110.P.05 rev J shall be fully provided. The areas shall thereafter be maintained free from obstruction and available for the use for the parking of cycles in connection with the development hereby permitted.

Reason: To ensure that adequate parking facilities are available for cycles, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy M5 of the Taunton Deane Local Plan.

10. Prior to its implementation, full details of the proposed alterations to the boundary walls, including the overall heights and method of capping shall be submitted to and approved in writing by the Local Planning Authority. The wall along the Waterloo Road frontage shall thereafter be maintained in accordance with the approved details and shall not exceed 900mm in height above the adjoining carriageway levels at any time.

Reason: To ensure that the detail of the wall is acceptable within the street scene and to ensure that adequate visibility is maintained from and of vehicles emerging from the site, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S2 of the Taunton Deane Local Plan.

11. Before the dwellings hereby permitted are occupied, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway in accordance with details of which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. Prior to the occupation of the dwellings hereby permitted, the parking area indicated on drawing 10110.P.05 revision J shall be delineated into 6 spaces.

Reason: To ensure orderly parking on the site and, thereby decrease the likelihood of parking on the highway in the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

13. No entrance gates shall be installed at the site access onto Waterloo Road.

Reason: To ensure that vehicles can freely enter and manoeuvre within the site, in the interests of maintaining the free flow of traffic, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or new windows shall be added to the dwellings hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of the neighbouring residents in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway, as a result of this development is to be remedied by the developer before occupation of the development. It is recommended that contact be made with the Highway Service Manager (Taunton Deane Area) 0845 3459155 to arrange for such a survey to be undertaken.
2. There may be private sewers and service supplies to neighbouring property running through the site. Care will be required to ensure that the services to nearby properties are adequately maintained during and following development.

PROPOSAL

This application seeks full planning permission for the erection of 7 dwellings on the site of The Sportsman's Arms public house. The existing buildings would be demolished and dwellings would be erected in two terraces of 3 and 4. The dwellings would be positioned on site such that the block of 3 would be sited broadly on the site of the existing main pub building, with only a small setback from the back of the footway on the north eastern part of the site. On the western part of the site, 4 dwellings would be sited set back behind a car parking area.

Amended plans during consideration of the application making several changes to the elevation treatment. The proposed dwellings would all be 2.5 storey with forward facing gables. They would be constructed with red brick with the second floor areas of the front elevations being finished with render and timber boarding. Porch canopies would be provided over the entrance doors. A dark grey tile or slate roof covering would be provided.

Private garden areas would be provided to the rear, with dedicated bicycle storage facilities within each of the rear gardens. Vehicular access would be via the existing entrance points, with one parking space being provided at the western access and 6 spaces being provided in the general parking area to the east. As such, 1 parking space per dwelling is proposed.

SITE DESCRIPTION AND HISTORY

The site comprises an existing public house and its grounds/beer garden. The main building, a handsome two-storey mid-Victorian building occupies a prominent position on the site frontage, the rendered gable end being clearly visible on approach along Waterloo Road from the east, whilst the large (boarded) bay window and brick front façade is clearly visible from approach from the northwest.

The site is on the corner of Waterloo Road, Corams Lane and Beech Grove. Access to the site is available in two places – firstly the main pub car park direct from Waterloo Road and second via a small service yard on the western corner of the site onto Corams Lane.

In addition to the main public house, there is a range of attached buildings to the rear, including a skittle alley along the rear (south eastern) boundary. The car park is currently bounded by a low brick wall to Waterloo Road and a high brick wall runs around the western and south western site boundaries with Corams Lane and Beech Grove. To the west is a two storey dwelling and the southwest is a bungalow behind a timber fence and brick wall respectively.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Initially requested that additional parking was provided, citing the Somerset Parking Strategy which sets out provision requiring 3 car spaces per 4 bedroom dwelling. When no additional parking was proposed, an recommendation of refusal was received for the following reason:

Sufficient parking provision has not been made on the site, which would be likely to encourage the parking of vehicles on the adjoining public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point.

WELLINGTON TOWN COUNCIL – Recommend that permission be granted and action be taken to reduce vehicle speeds and improve visibility at the junction of Corams Lane and Beech Grove. Consideration should be given to how the development could affect on-street parking and the impact on the nearby bus stop.

CONSERVATION OFFICERS – This application includes the demolition of the public house which is a building of historic interest which makes a positive contribution to its surroundings. It is likely to date to the mid 19th Century. I cannot support its demolition. In line with PPS5, the significance of this asset needs to be established pre-determination, building recording to English Heritage level 3 should be carried out and the report submitted to TDBC for consideration.

LEISURE DEVELOPMENT MANAGER – A contribution of £1,100 should be made towards the provision of facilities for active outdoor recreation and a contribution of £2,200 for each additional 2 bed+ dwelling towards children's play provision. The contributions should be index linked.

Representations

4 Local Ward Members have raised objection to this scheme:

Cllr Andrew & Mrs Govier: "...Although the Town Council supported the principle of residential development on this site they had significant concerns about the highway and parking issues in the locality. [At the point of their decision, the Town Council had] not seen the report from SCC highways or any letters of objection. We believe that had the Town Council had sight of the SCC highways report, it may well have taken a slightly different position. We particularly note that the SCC report recommends that there should be three on-site parking spaces provided for each 4 bedroomed property. In addition, it is clear that residents who live in the area have now made representations which support the Town Council's view and concerns about traffic and parking issues. Again, these views were not known to the councillors when they were discussing the proposals. We personally believe that the Town Council may wish to discuss this matter again, in light of the new information. We, ourselves, believe that the site should be redeveloped but on a smaller scale and with additional parking. We are also concerned that the highways issues in the area need further assessment as the concerns of both the Town Council, SCC highways and most importantly local residents, have not been addressed".

Cllr Nicola Wilson: "...I have several concerns, the first being the small number of allocated parking spaces, 7 spaces for 7 properties is not adequate. This will result in a number of cars becoming a parking nuisance for residents in Waterloo Road, the Gables and Beech Grove. I am also concerned that this is a route school children use to access the two schools in the area. Finally, I am concerned at the scale and design of the proposed development. I fear it is not in keeping with existing architecture of current buildings in Waterloo Road. I share concerns that the height of the proposed building may be higher than the existing sky line of established properties in the area.

Cllr Vivienne Stock-Williams: "This proposed redevelopment was discussed at the December meeting of Wellington Town Council, when Councillors supported the principle of redevelopment. We were, however, very concerned about the highways and parking issues in the vicinity. Some local residents have now contacted Wellington councillors because they are very concerned about the impact of the proposal on them and the parking in the area. It is clear from the planning website

that SCC highways have objected to the lack of parking and some other highways issues. SCC believe that there should be three on-site parking spaces for each of the four bedroomed properties and the developers are planning far fewer. The highways report and comments from residents were not available to Wellington Town Councillors when we made our recommendation. If I had known that highways and residents were objecting I may have taken a different view at the meeting...”.

Cllr R Bowrah: “I will be objecting to the lack of parking at the proposed development of the Sportsman Inn Wellington”.

In respect of general principles and the proposal as originally submitted, 7 letters of objection have been received raising the following points:

- The proposal is out of character. The design is a pastiche which ignores the quality of existing materials and detailing as well as the nature of the streetscape and existing context. It would appear that as many local design features as possible were included in the design as token gestures. Continuous porches are not a feature of the area and the horizontal bulk of the buildings is emphasised.
- The argument that conversion of the existing public house is unviable due to level changes would appear to be entirely irrelevant given the scale of proposed changes to the site.
- The existing building is a local landmark, distinct from the surrounding housing at the west end of the town. It has strong local connections to the sports centre, rugby club, bowling club and other local amenities.
- There would be a loss of community leisure space, including a pub garden with children’s playground.
- The proposal ignores the role of the green space in its curtilage in enabling it to be a focal-point.
- The perceived openness of the site will not be maintained by recessing the buildings back from the road, rather it infills the vista beyond to create an enclosed space.
- The proposal ignores the scale and proportion of other existing buildings along Waterloo Road. Dwellings in this area of the road are semi-detached without exception.
- There is no affordable housing, so the scale of development appears to be based upon greed on the part of the developer.
- The design is suited to the future conversion to flats should the properties not sell.
- The proposal extends well beyond the existing footprint, significantly increasing its proximity to the existing townhouses to the east, affecting quality of light to the neighbouring properties and their gardens.
- The privacy of nearby neighbours is compromised.
- The site access is adjacent to an existing bus stop, at the entrance to a busy junction, already congested by on-street parking. Query whether the bus stop will be relocated and if so, where to.
- The junction is particularly dangerous due to the volume of traffic which travels at speed to and from the Sports Centre and Rugby Club.
- Waterloo Road is extremely busy. It is a main route to the schools.
- All residential properties along Waterloo Road are recessed back behind a small front garden. The pub was a singular exception due to its function, but there is no justification for the proposed dwellings to imitate this model.

Rather it adds to the imposing nature.

- There are 2 houses in multiple occupation opposite, which have no off-street parking. There is also the Baptist church which is in constant use all day.
- 1 parking space per car is unrealistic and additional cars would have a negative impact on an already overcrowded street and junction. There is no safe on-street parking available near the site.
- All private residential parking along Waterloo Road has provision for vehicles running perpendicular to the building's main façade. The proposal to retain the current location of the pub's parking bays is a token gesture which in no way maintains a balance between existing and new.
- High volume development has been undertaken on the edge of the town. It would be better if the type of development proposed were confined to such locations and did not leave the historic fabric of the town intact.
- Two blocks of semi-detached dwellings would seem to be a more sensitive proposal.
- The sewerage and other services to 6 & 7 Beech Grove run through the proposed development site into Waterloo Road. Continuity of supply must not be disrupted or damaged by the building works and access for repair and maintenance of the pipes must be incorporated.
- Views from dwellings opposite the site will be lost.
- 6 Beech Grove will be completely overlooked.

Two letters of comment have suggested that development of the site is preferable to leaving the site in its current state, but still raises concerns over parking provision and the lack of space between the buildings.

In respect of the amended plans, 1 further representation has been received, making the following additional points:

- The amendments are superficial and have not addressed local concern.
- The objections could be overcome by a reduction in the number of units proposed on the site.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Wellington and is considered to be acceptable in principle. The main issues in the determination of this application are the impact on the character of the area, the impact on the highway network and the impact on neighbouring properties.

Character of the area

The site is situated within residential area surrounded by a variety of dwellings. Housing types are Victorian, with some later Edwardian and inter-war development in a mix of terraces and semi-detached dwellings. There is a much more recent block of flats to the north of Corams Lane and bungalows along Beech Grove.

However, it is the Victorian character that prevails and these are generally red brick under slate roofs and are 2 – 2.5 storeys in height.

As noted in the representations, many of the surrounding properties are semi-detached, but this is not exclusively the case and short terraces of 3 or 4 dwellings do exist in reasonably close proximity to the site. It is not, considered, therefore, that the proposed development of terraced dwellings is out of character with the grain of development in the area. The proposed parking area to front is not an ideal solution in terms of its contribution to the street scene, however, there is already a car park for the pub in this location and in this context, it is considered to be acceptable.

In terms of the scale of development, although the adjoining properties to the immediate east are only 2 storey, there are many examples of 2.5 storey dwellings in the immediate locality. The development will be higher than the existing public house, but very similar (in terms of overall height) to the adjoining dwelling to the east. Given the scale of other surrounding development, the proposed building heights are considered to be acceptable.

The detailed design picks up on certain key details within the locality, particularly in terms of materials and forward facing gables to the main elevations. The amended plans are a great improvement in terms of unifying design across the development, and improving the vertical emphasis, which is certainly characteristic of the area. The provision of timber panelling within the gable ends is also representative of some of the local dwellings and it is considered that the detailed design is now acceptable.

The loss of the public house to facilitate development is regrettable. It is certainly an attractive building and could be considered a heritage asset under Planning Policy Statement 5. A brief assessment of heritage asset value has been submitted with the application, which suggests that additions and alterations to the building over time, together with its poor condition has reduced its value, not making a significant positive contribution to the reading of the historic development in the area. Whilst your officers do not necessarily agree that the value of the building is so limited – its contribution to the townscape for instance is considered to be significant – the site is not within a conservation area and its demolition is, therefore, ultimately outside the control of the Local Planning Authority. It is understood that the public house has ceased to trade periodically in recent times and it seems unlikely that now it is closed once more, it would successfully trade again. Without any specific conservation status, it is not considered that the loss of the building can be resisted. However, it is recommended that a full recording of the property is made for submission to the records office prior to its demolition.

In light of the above, the proposals are considered to have an acceptable impact upon the character of the area.

Highway network

The main point of access is proposed at the point of the existing access to the car park, with a secondary access to serve one property from Corams Lane. Given the established use of the site, the Highway Authority do not consider that amount of traffic using these access points would be detrimental to highway safety. Their concern, and that of many local residents is one of the level of parking proposed on

the site, which would equate to one space per dwelling.

Policy M4 of the Taunton Deane Local Plan imposes a maximum car parking standard of 1.5 spaces per dwelling across a development. The proposal, therefore, complies with this policy whereas the Highway Authority's request for 3 spaces does not. The site is relatively centrally located within easy walking distance of local schools. In addition, dedicated cycle storage facilities are proposed within the curtilage of each dwelling, which should encourage occupiers to consider cycling for local trips. Whilst Waterloo Road is busy and parking is limited, in the above context, and given that there is already significant on-street parking in the area, it is not considered that would be significant additional disruption to the free flow of traffic above and beyond the existing situation. Accordingly it is not considered that sufficient weight could be attributed to this matter to justify refusing permission on a lack of parking provision, contrary to policy M4.

Some concern has been raised regarding the bus stop outside the site, but this would be unaffected by the proposed development. It has also been suggested that there could be improvements to the alignment of junction of Corams Lane and Waterloo Road or to the junction of Beech Grove and Corams Lane. However, it is not clear how the development could achieve this and, in any case, there would be no intensification of the use of these junctions as a result of the development proposal so any such requirement would be unreasonable.

The Local Highway Authority have recommended that conditions are attached to any permission requiring the maintenance of visibility splays above 900mm in height, the provision of parking areas prior to occupation and that no entrance gates are erected at any time. It is considered reasonable to prevent the installation of gates on the Waterloo Road access, however the access from Corams Lane is already gated and, accordingly, it is not considered reasonable to add new restrictions to it. The wall in this location is high, which contributes to the character of the area, and the gates help to maintain the continuity of the enclosure. The Highway Authority has also recommended conditions that the surface water is adequately disposed of and that the parking areas are delineated prior to occupation. These requests are considered reasonable.

Neighbouring properties

The site is surrounded by neighbouring residential property. The least affected of these would be the flats to the north of Corams Lane, which would not be significantly impacted by the proposals. On the opposite side of Waterloo Road the outlook of from the dwellings would change, but the proposed dwellings would be of a similar scale to their own and it is not considered that they would be overbearing upon them.

To the east and southeast of the site are the two storey dwellings of 45 Waterloo Road and the bungalow of 6 Beech Grove. These properties would be the most affected by the proposed development. The closest unit to the eastern boundary would sit slightly behind the main elevation of 45 Waterloo Road, the main entrance door to which is on the side facing the site, with two small windows above. The largest of these facing windows is obscure glazed, so it is presumed not to be a significant habitable room, most likely a bathroom. The neighbouring dwelling also has a single storey projection to the rear. The proposed dwellings would be 2m from the site boundary and 11.5m from the side of the single storey element, which

encloses the neighbours private garden (there is a drive alongside the dwelling between the building and the site) and, given the remaining open outlook from this garden to the south and southwest, it is not considered that the relationship would be overbearing upon 45 Waterloo Road. Bathroom windows in the gable end of the proposed development, facing the neighbour, would be obscure glazed, so there would be no overlooking.

The bungalow of 6 Beech Grove sits just off the southeastern site boundary. The bungalow is some 9m from the site boundary and 13m at its closest from the proposed building. The only meaningful amenity space of this neighbour is on its western side, between the bungalow and site boundary. As with 45 Waterloo Road, the site will remain generally open to the south and west with the proposed building sitting off the northwestern corner of the curtilage and, accordingly, it is not considered to be overbearing on the dwelling or its amenity space. It is possible that the garden of 6 Beech Grove could be slightly overlooked by the first and second floor bedroom windows of the proposed dwelling. However, the proposed plot 1 is not in a direct line with the neighbouring property and, accordingly, any overlooking is not considered to be significant, especially given the existing relationship to 45 Waterloo Road to its immediate north.

Other Matters

Concern has been raised regarding the impact on private sewers that run across the site. This is a civil matter to be resolved between the parties and is not material to this decision. The application indicates that foul water would be disposed of to the mains sewer and this is acceptable. Surface water would be disposed of to soakaway, which is also acceptable.

The development is of a scale that is required by policy C4 of the Taunton Deane Local Plan to provide for adequate public open space. The site is of insufficient size to warrant on-site provision so, in accordance with the Leisure Development Manager's comments, the applicant has agreed to make contributions to off-site provision of children's play and active recreation facilities. A Section 106 agreement is currently being prepared to secure these contributions.

Conclusions

It is considered that the proposed development is acceptably designed and, subject to careful consideration of the final materials, will successfully integrate into the area.

It is considered that, given the location of the site, there is adequate on-site parking provision, such that the proposal would not be detrimental to highway safety in the locality. There would be an acceptable impact upon neighbouring residents and the impact on off-site recreation facilities will be mitigated by the payments that have been agreed with the developer.

With regard to these matters, the proposal 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 1988.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

THE MOUNT VETERINARY HOSPITAL

CHANGE OF USE FROM A1 RETAIL TO MIXED USE A1 RETAIL AND D1 VETERINARY SURGERY AT 4-6 NORTH STREET, WIVELISCOMBE (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 308066.127858

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposal is considered to be an acceptable use in this central location not impacting unreasonably upon the vitality and viability of the town centre, local highway network or character and appearance of the conservation area. It is, therefore, considered to be in accordance with Planning Policy Statement 4, Planning Policy Statement 5, Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development); and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

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

(A4) Location Plan
(A4) Existing Ground Floor Plan
(A4) Plan of Internal Layout

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

Notes for compliance

PROPOSAL

This application seeks full planning permission for the change of use of an existing retail unit to a mixed use veterinary surgery and shop. No physical changes to the external appearance of the building are proposed. The change of use has already occurred.

SITE DESCRIPTION AND HISTORY

The site is situated in the centre of Wiveliscombe, on North Street, just to the north of the Square. It adjoins The Bear public house to the north and the NatWest bank to the south. Access to White Horse Mews and a shared parking area to the rear exists to the south via a tunnel under the first floor of the building.

The premises were historically an A1 retail unit, in recent years having been the 'North Street Garden Shop'.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE PARISH COUNCIL – Objects – the Parish Council understands that there needs to be two dedicated parking spaces for this type of business, therefore until the planning application has this added, the P.C. objects.

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make.

Representations

6 letters of objection have been received raising the following issues:

- This is an inappropriate location for a vet.
- There is no on-site parking – customers will monopolise the four spaces outside the premises which are only available for 30 minute slots and are heavily used; deceased animals and rubbish will have to be carried around the town to the collecting vehicle.
- The expectation that people will carry sick pets from the North Street car park is extremely unrealistic.
- Wiveliscombe already has a perfectly good vet, there is no need for another.
- A more useful business could be found for the premises.
- The parking space noted on the application form does not exist, it belongs to 'The Bear' public house – there are only 4 on street parking spaces which are generally full.
- There is a shortage of on-street parking in the centre of Wiveliscombe. More traffic will lead to more chaos on North Street – the 'school run' is already difficult and North Street is treacherous for children and parents.
- Surgery is already being carried out at the premises so there will have to be deliveries of oxygen cylinders etc.
- The use should not have been allowed to start without planning permission. Applying retrospectively puts the Council in a difficult position, daring it to close down an existing business.

1 Letter raising no objection has been received making the following comments:

- This is a good position for a veterinary surgery and can only benefit other retailers in the town.

1 letter has been received from the site owner confirming that she does own a parking space and has granted a right of access to it.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
S4 - TDBCLP - Rural Centres,
S1 - TDBCLP - General Requirements,
STR1 - Sustainable Development,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S&ENPP9 - S&ENP - The Built Historic Environment,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS4 - Planning for Sustainable Economic Growth,
EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, highways and parking, and impact on the character and appearance of the conservation area.

Principle

The site is within settlement limit and defined 'central area' of Wiveliscombe. Policy EC15 of the Taunton Deane Local Plan indicates that proposals to provide new rural services, including surgeries will be permitted within the defined settlement limits, with the caveat that proposals which would result in the loss of shops will not be permitted where this would damage the viability of the settlement.

Planning Policy Statement 4 is the national policy for economic development and town centre proposals. It does not include surgeries as 'town centre uses' as such, rather focussing on retail, leisure, office and arts/cultural development. However, it does explain that existing centres should aim to offer a wide range of services to communities in an attractive and safe environment, and encourage competition between retailers and enhanced customer choice. Policy EC2 of PPS4 promotes a mix of uses and encourages new uses for vacant buildings. Policy EC4 of the PPS states that customer choice should be promoted by supporting a diverse range of uses

In considering the relevant policies and guidance, it is considered that the provision of a veterinary surgery within the town centre is an acceptable use provided that the loss of the A1 retail use does not affect the vitality and viability of the town centre. In this case, the site sits between a public house and bank and, accordingly, there would be a significant length of non-retail units on this stretch of frontage. However, this tends to be more of a problem when it would significantly discourage footfall beyond the non-shop uses. In this case, there is only one further retail unit along North Street, with the main retail premises in Wiveliscombe concentrated around The Square to the south which would be unaffected by the proposals. Rather, it is considered that the use would add to the mix of uses within the Town Centre, providing an additional facility that could draw people into the centre. Furthermore, an element of retail use would remain within the premises, so there would not be a total loss of such a use.

Also weighing in favour of the proposal is the proximity of the site to the bus stop. Whilst it is unlikely that many customers would visit a vet by public transport, the facility would, nevertheless, be accessible to those who did not have access to

private transport. It may also be attractive to those who live centrally and could walk.

Taking the above into account, it is considered that the development is acceptable in principle.

Highways and parking

Members of the public and the Parish Council have objected to the application on the basis that no parking has been provided. It is also contested that the space declared by the applicant to the rear of the building is not available to them.

In terms of the space to the rear, the owner of the premises (who is leasing to the applicant) has written to confirm that she does have ownership of the space and that it is available. In any case, the applicants are not reliant on this space, with staff parking in the nearby public car park. They have confirmed that this is a branch surgery – the main hospital being in Wellington – and that the visiting consultant would take supplies with him/her as necessary, rather than specific deliveries being made to the Wiveliscombe branch. It should be noted that the Local Highway Authority have raised no objection to the proposal, raising no question over the availability of the parking space and, instead, assuming that there will be reliance on on-street parking and the public car parks. Whilst road space outside the premises may be precious, the veterinary surgery would not have the absolute right to use them and would have to assume that many of its customers would have to use the car parks. Given the town centre location, such a reliance on car parks is considered to be acceptable. In light of the Highway Authority's comments, it is considered that the proposal would be acceptable in this location with no parking so the availability, or not, of the private space to the rear is not considered relevant. Accordingly, the proposal is considered to be acceptable on highway grounds.

Conservation Area

The site is within the conservation area of Wiveliscombe. Accordingly, in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have regard to whether the character and appearance of the conservation area would be preserved or enhanced through the grant of planning permission. As noted, there would be no external changes to the premises and an active frontage would remain with an element of retail onto North Street. Accordingly, it is considered that the character and appearance of the area would be preserved.

Conclusions

With regard to the foregoing, it is considered that the proposal is acceptable in principle and would not harm highway safety or the character and appearance of the conservation area. 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 1988.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

Planning Committee – 23 March 2011

Report of the Legal and Democratic Services Manager

Enforcement item

Drakes Lodge Wellington

Background

In December 2006 it came to the Council's attention that all the windows and doors at Drakes Lodge Taunton Road Wellington had been replaced with uPVC units. This would have required listed building consent as the property is listed Grade 11. The owner was advised of the position but said he had been unaware that the property was listed.

On the 28 March 2007 the matter was reported to the Planning Committee, along with representations from the then owner, but the Committee resolved to take enforcement action. The owner was at that stage on the point of exchanging contracts for the sale of the property. The purchasers, Mr and Mrs Mather, were fully aware of the position and the Council's officers agreed to defer the service of the Enforcement Notice for 12 months to allow them to rectify the problem. It is understood that the sale price reflected the works that would need to be done.

However, an application to carry out the remedial works was not received and when the Enforcement Officer called at the premises in February 2008, no works had been done and she was advised that the monies allowed against the purchase price had been used to carry out other repair work on the property.

Following further discussions the Mathers applied to English Heritage to have the property de-listed but this application was refused in October 2008. A meeting with the owners followed and it was agreed that a Listed Building Notice would be issued against which the owners could appeal.

The notice was issued requiring the doors and windows to be replaced with timber units by the 29 June 2009. An appeal was lodged. The appeal was dismissed in November 2009. with a nine month compliance period allowed.

The present position

Since September 2010, when the works should have been completed, the Council has tried to secure compliance with the notice without the need for formal enforcement action, as both the present owners are elderly and in poor health. However, despite suggestions that the Council could deal with a relative or friend, the owners continue to prevaricate with suggestions of “going to the Ombudsman”. The Enforcement Officer called at the premises recently when she was told that the owners believed the Council were out of time to take any action and therefore did not feel they needed to do anything to address the problem.

Meanwhile, the former owner who says he sold the property at a considerable discount, is concerned that the matter remains unresolved and the works undone. He confirms that at the time of the sale the owners’ children were active in the negotiations.

Assessment

The owners have had the opportunity to test the Council’s enforcement notice at appeal and have had the benefit of the additional time for compliance allowed by the Inspector on appeal. They have refused to allow a family member or friend to deal with the matter and although their age and ill health are factors that have to be considered, the Council must also be seen to be dealing consistently as between parties. It should also be noted that they purchased in full knowledge that the works needed to be done and at a price that reflected the costs of such works.

The options

There are therefore the following options to secure the works;

1. Members could agree that no further action to secure compliance with the Notice is taken until both the current owners leave the property.
2. Members could resolve to take prosecution action against one or both of the owners, subject to such proceedings not being issued for a period of three months to allow a third party to become involved and take satisfactory steps to resolve the matter.
3. The Council does have the power to carry out works in default and charge the costs against the property. There would however be logistical problems in doing so if the owners were not co-operative and there is no money budgeted for such works.

Recommendation

It is therefore recommended;

1. That the Solicitor to the Council be authorised to issue prosecution proceedings against Geoffrey Mather and Alison Mather for failure to comply with the Listed Building Enforcement Notice served on the 22 May 2009 and upheld on appeal on the 1 December 2009.
2. That such proceedings are not issued for a period of three months during which time Mr and Mrs Mather be encouraged to engage with the Council in order to secure compliance with the Notice or appoint a representative to do so on their behalf.

Tonya Meers
Legal and Democratic Services Manager

Contact officer; Judith Jackson 01823 356409 or
j.jackson@tauntondeane.gov.uk

Planning Committee – 23 March 2011

1. **File/Complaint Number** E0181/46/2010
2. **Location of Site** Alebar Farm, Bussells Farm Lane, West Buckland, Wellington, TA21 9LJ
3. **Names of Owners** Mrs A Routley, Alebar Farm, Bussells Farm Lane, West Buckland, Wellington, TA21 9LJ
4. **Names of Occupiers** Mrs A Routley
5. **Nature of Contravention**

CHANGE OF USE OF LAND TO SITE MOBILE HOME AS
AGRICULTURAL WORKERS DWELLING AND USE OF STABLES
FOR RESIDENTIAL PURPOSES AT

6. Planning History

Complaints were received in July 2010 that stables granted Planning permission in 2008 were being used as a dwelling. A visit was made where it was found that the owner was living in the timber stables with an area set up as a kitchen and a lounge area. She was in the process of planting additional trees and proposing to use the land to rear goats, keep a number of ducks and horses.

The owner was advised that Planning permission was required in order to reside on the land and any application must be supported by an agricultural appraisal. No application was received so a further visit made in October 2010 following reports that major earthworks were being carried out. The visit revealed that a large hole ready to receive a septic tank had been dug and a Mobile home had been brought onto site. An application was finally submitted on 4th January 2011 and was subsequently refused under delegated powers on 1st March 2011 for the following reason:

“The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. The proposed dwelling will serve an agricultural enterprise for which there is no essential functional need for a worker to be readily available on hand at most times. Insufficient information has been submitted to demonstrate that the business has been planned on a sound financial basis or that the prospect of being financially profitable over a three year period is achievable. The proposed development fails the tests set out in Planning Policy Statement 7, Annex A and therefore represents an unjustified dwelling in open countryside, contrary to Taunton

Deane Local Plan Policies S1 and S7, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).”

7. Reasons for taking Action

The use of the buildings represent an unjustified residential use in open countryside that is not supported by a justified agricultural or special need. The residential use is contrary to Taunton Deane Local Plan Policies S1 and S7, Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice to ensure that the mobile home and the timber stables are not used for residential purposes and take prosecution proceedings, subject to satisfactory evidence being obtained that the notice has not been complied with.

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

CONTACT OFFICER: Mr John A W Hardy Tel: 356466

Planning Committee – 23 March 2011

1. **File/Complaint Number** E0164/48/2010
2. **Location of Site** Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield. Taunton.
3. **Names of Owners** Unknown
4. **Names of Occupiers** Twenty4Seven Residential Care, Suite 4, 2 Church Street, CREWKERNE, Somerset. TA18 7HR

5. **Nature of Contravention**

USE OF RESIDENTIAL DWELLING AS CHILDREN'S CARE HOME

6. **Planning History**

Complaints were received 21st June 2010 that the above property was being rented to Twenty4Seven Care and used to look after two or three children. Chamarel is a large five bedroomed property and located in a relatively small residential development of similar sized properties.

The company was approached and it appeared that they were using the dwelling as a single family house with two carers. On the information provided it was considered that no change of use had occurred.

Further complaints were received that between 8 to 9 cars are parked on the drive as well as on the highway on any particular day causing disruption to other residents. The company was contacted about the way the property was being used and why there were so many cars at the property. Information was received from Twenty4Seven, which suggests that the way the home now operates a change of use has occurred. The staff work on a shift basis and there is a resident Manager as well as other support staff visiting the property on a daily basis. There is also organisational transport for the children to be taken to school etc. The company accepts that the property may not now be being used as a single family dwelling and that a change of use Planning application is required.

A letter has been received from the company that the matter is being dealt with but to date no application has been received.

7. **Reasons for taking Action**

It is considered that the property is being used as a residential care home and not a single family dwelling falling within Class C3. The amount of vehicles visiting the site for staff (and ancillary vehicles) are

far greater than what would normally be expected at a single dwelling. This use is likely to cause noise and disturbance which (without control) is considered to be detrimental to the amenities of the occupiers of the other residential properties in this small select development. Therefore contrary to Taunton Deane Local Planning Policies S1(E).

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement notice to secure the cessation of the use of the property as a care home and to take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

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

CONTACT OFFICER: Mr John A W Hardy Tel: 356466

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 23 MARCH 2011

Proposal	Start Date	Application/Enforcement Number
OUTLINE APPLICATION FOR THE ERECTION OF DETACHED DWELLING WITH PRIMARY ACCESS OFF THE B3227 AT DENE VIEW, WEST ROAD, WIVELISCOMBE	23 FEBRUARY 2011	49/10/0037
ERECTION OF SINGLE STOREY GARDEN ROOM TO THE REAR OF WEST VIEW, MINEHEAD ROAD, BISHOPS LYDEARD	14 MARCH 2011	06/10/0041LB

Planning Committee – 23 March 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Brooks, Coles, Denington, Gaines,
C Hill, House, Miss James, McMahon, Morrell, Mrs Smith,
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillors Beaven and Mrs Lewin-Harris in connection with application No 05/10/0042; Councillor Guerrier in connection with application No 34/11/0001; Councillor Farbahi in connection with application No 38/11/0022; Councillors Govier, Henley and Mrs Wilson in connection with application No 43/10/0130; Councillor Cavill in connection with agenda item No 18 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

22. Apologies/Substitutions

Apologies: Councillors Bowrah and Mrs Floyd

Substitutions: Councillor Stuart-Thorn for Councillor Bowrah
Councillor Brooks for Councillor Mrs Floyd

23. Minutes

The minutes of the meeting of the Planning Committee held on 2 March 2011 were taken as read and were signed.

24. Public Question Time

Councillor Mrs Herbert asked for the current position regarding the enforcement action in relation to 31 Shoreditch Road, Taunton.

Mrs Jackson replied that she would provide a written response to Councillor Mrs Herbert. The response would also be circulated to all Members of the Planning Committee.

25. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon declared a personal interest as a Director of Southwest One. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Councillor Mrs Smith declared personal interests as

employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Allgrove declared a personal interest in application No 05/10/0042 as she knew the applicant. Councillor Miss James declared that she had “fettered her discretion” in connection with application No 38/11/0022 and she stood down from the Committee during the consideration of this item. She also declared a personal interest in application Nos 05/10/0042 and 05/10/0044 as she knew a member of the public speaking against the application. Councillor Stuart-Thorn declared that he had previously spoken in connection with application No 05/11/0002 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Councillor Gaines declared that he had previously spoken in connection with application No 49/11/0003 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Mr Kitching declared that he knew the applicant in connection with application No 05/11/0002 and left the meeting during the discussion of this item.

26. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That the **reserved matters be approved** for the under-mentioned development:-

38/11/0029

Application for the approval of reserved matters for application 38/10/0214 for the erection of 2711 sq.m of office (B1) floorspace together with associated car and cycle parking, landscaping, plant, refuse store and infrastructure works at Priory Bridge Road Car Park, Firepool and 82-94 Priory Bridge Road, Taunton

Condition

No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason for granting planning permission:-

The development was on an allocated site in the Taunton Town Centre Area Action Plan and proposed an appropriate mix of uses to secure a strategic office site that had good sustainable access links, provided a high quality layout with public realm improvements and would not harm the amenity of the area. The proposal accorded with Policies FP1, FP2, IM1, IM2, TR2, TR3, TR4, TR5, F1, F2, and ED1 of the Taunton Town Centre Area Action Plan,

Policies S1, S2 EN4 and T3 OF the adopted Taunton Deane Local Plan, Policies STR1 and STR4 of the Somerset and Exmoor National Park Structure Plan and the advice and guidance contained in Planning Policy Statement 4.

- (2) That **planning permission be granted** for the under-mentioned developments:-

05/10/0042

Demolition of bungalow and erection of replacement dwelling and garage at 28 Mountway Road, Bishops Hull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) (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;
- (e) The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material, not loose stone or gravel, or, alternatively, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling hereby approved, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) The area allocated for access, parking and turning on the submitted plan (Drawing 199/L2 and L3) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning in connection with the development hereby permitted;
- (g) The windows in the north elevation shall be glazed with obscure glass in accordance with details that shall first have been agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall

be no alteration or additional windows in this elevation without the further grant of planning permission;

- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed in the north and south elevations of the development hereby permitted without the further grant of planning permission;
- (i) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or outbuilding, including alterations to the roof, other than that expressly authorised by this permission, without the further grant of planning permission;
- (j) 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 David F Wills' submitted report dated February 2011 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. 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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

(Note to applicant:- Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and to ensure that any activity undertaken on the site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation)

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

05/10/0044

**Demolition of dwelling and garage and erection of four dwellings,
garages and associated external works at Milanwil, Mountway Close,
Bishops Hull**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) 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 buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (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;
- (f) The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted are occupied. It shall be properly consolidated and surfaced in a porous material, not loose stone or gravel, or, alternatively, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) The area allocated for access, parking and turning on the submitted plan (Drawing: 17 Rev B) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted;
- (h) The garage doors shall be of a roller shutter type and permanently retained as such;
- (i) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or outbuilding, including

alterations to the roof, and no incorporation of the garage into the dwelling house carried out without the further grant of planning permission;

- (j) 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 Country Contracts' submitted report dated January 2011 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species.

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (2) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

05/11/0002

Erection of 2 No dwellings and garages with associated access at land to rear of 50 Stonegallows, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-

enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed at first floor level on the west or east elevations of the dwellings;

- (d) Prior to the occupation of the dwellings, the windows in the west and east elevations at first floor level shall be glazed with obscure glass and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, in accordance with details which shall first be submitted to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the occupation of the dwelling and shall thereafter be so retained;
- (e) Notwithstanding the provisions of Article 3, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order, with or without modification), no extensions shall be carried out without the further grant of planning permission;
- (f) Prior to the commencement of the development, details or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) (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;
- (h) The hedgerow and trees along the west and east boundaries of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by trees and species of a similar size to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season;
- (i) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to the eastern extremity of the site frontage. Such visibility splay shall be fully provided before works commence on the construction of the dwellings hereby permitted and shall thereafter be retained at all times;

- (j) Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access and turning area shall be constructed, not loose stone or gravel, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter maintained as such.

(Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the County Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that the application states that surface water is to be discharged to a soakaway. The soakaway should be constructed in accordance with BRD365 (Sep 91)).

Reason for granting planning permission:-

The proposal for residential development was located within the defined settlement limits of Taunton where new housing was encouraged and it was considered would not adversely affect the character or appearance of the area or the residential amenities of nearby dwellings. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4 and Policy 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

18/11/0002/LB

Conversion of agricultural buildings to form three permanent residential dwellings with erection of ancillary garaging with stores at Northway Farm, Halse

Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works and thereafter so maintained unless any variation thereto is first agreed in writing by the Local Planning Authority:- details of the proposed tanking to Units A and C; finished treatment to all joinery; doors; architraves; windows and cills; skirtings; staircases; means of venting and terminal details, where appropriate, for kitchens, showers, bathrooms, recovered roofs; means of compliance with Part L of the Building Regulations and floors;

- (e) All guttering, downpipes and rainwater goods shall be constructed of cast iron and painted black and thereafter maintained as such unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority;
- (f) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork walls measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such;
- (g) Prior to the commencement of the works hereby approved, a schedule of all existing doors and shutters to be retained as part of the development hereby approved shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved works shall be carried out in complete accordance with the agreed details and thereafter so maintained unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority;
- (h) No external lighting shall be installed without the prior written agreement of the Local Planning Authority. In the event that external lighting is requested to be installed the precise type, location and design shall be submitted to, and agreed in writing by, the Local Planning Authority. The lighting shall be installed in complete accordance with those agreed details and shall thereafter be retained as such.

Reason for granting planning permission:-

The proposed works would preserve and enhance the character and historic interests of the listed buildings and the setting of Northway Farm through the provision of an appropriate re-use for the traditional agricultural buildings. The proposal was therefore considered to be in line with guidance contained within Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review. Further, the listed building and its setting and any features of special architectural or historic interest would be preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

34/11/0001

**Erection of two storey side extension at 20 Drake Close, Taunton
(amended scheme 34/10/0033)**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order")

(or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed in the east elevation of the development hereby permitted without the further grant of planning permission.

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

38/11/0022

Erection of 6 dwellings with associated parking spaces, erection of garage and relocation of 3 parking spaces following demolition of garages at Priorswood Place, Dorchester Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) (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;
- (e) 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 buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to

any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority; (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;

- (g) Details of the external safety barrier between the rear footway and service yard shall be submitted to, and approved in writing by, the Local Planning Authority prior to completion of the dwellings and shall be provided as agreed prior to occupation and thereafter maintained.

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

49/11/0003

Change of use from A1 retail to mixed use A1 retail and D1 veterinary surgery at 4-6 North Street, Wiveliscombe (retention of works already undertaken)

Condition

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

- (A4) Location Plan
- (A4) Existing ground floor plan
- (A4) Plan of internal layout

Reason for granting planning permission:-

The proposal was considered to be an acceptable use in this central location not impacting unreasonably upon the vitality and viability of the town centre, local highway network or character and appearance of the Conservation Area. It was, therefore, considered to be in accordance with Planning Policy Statement 4, Planning Policy Statement 5, Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development); and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(3) That **planning permission be refused** for the under-mentioned developments:-

18/11/0001

Conversion of agricultural buildings to form three permanent residential dwellings, erection of ancillary garaging and stores and formation of vehicular access at Northway Farm, Halse

Reason

By reason of there having been no marketing of the buildings for employment use, it had not been demonstrated that the premises were unlikely to attract a suitable business re-use. The proposal was, therefore, contrary to Policy H7 of the Taunton Deane Local Plan and represented unjustified and unsustainable residential development in the open countryside, contrary to Policy S7 of the Taunton Deane Local Plan.

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that, as the premises had not been marketed for employment use, it was unlikely that a suitable business would be attracted.

18/11/0003

Erection of double garage with store and formation of vehicular access at Northway Farmhouse, Halse

Reason

The proposed development by reason of its siting and design failed to preserve the setting of the adjoining listed building. It was, therefore, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that the proposed development was inappropriate within the curtilage of a listed building.

43/10/0130

Demolition of The Sportsman Inn Public House and erection of seven dwellings and associated parking at 46 Waterloo Road, Wellington

Reason

The proposed development made insufficient parking provision on the site which would be likely to encourage the parking of vehicles on the adjoining public highway and would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal was, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that an insufficient number of parking places had been provided for the proposed development.

27. Drakes Lodge, Wellington

Reported that over four years ago, all the windows and external doors at Drakes Lodge, Wellington had been replaced with uPVC units without listed building consent being obtained.

On 28 March 2007 the Committee had resolved to take listed building enforcement action against the owners (Minute No 49/2007 refers). At this time, the owners of Drakes Lodge were at the point of exchanging contracts for the sale of the property to purchasers who had been made aware of the position regarding the window and doors.

It was therefore agreed to defer the serving of the enforcement notice for 12 months to enable the new owners to rectify the situation. However, to date no application to carry out the remedial works had been received and the new owners had stated that the monies that had been allowed against the purchase price of the property had been used to carry out other repair works.

Following further discussions, the owners had applied to English Heritage to have the property de-listed but this application was refused in October 2008.

A listed building enforcement notice was subsequently served requiring the doors and windows to be replaced with timber units. An appeal against this notice was dismissed in November 2009 with a nine month compliance period allowed.

Since September 2010, when the works should have been completed, the Council had tried to secure compliance with the notice without the need for formal prosecution action, in view of the age and health of both owners.

However, despite suggestions that the Council could deal with a relative or friend, the owners had continued to prevaricate and now believed the Council was out of time to take any further action.

Reported that the former owner of Drakes Lodge who had sold the property at a considerable discount, had expressed concerned that the matter remained unresolved and the works undone. He had confirmed that at the time of the sale the owners' children were active in the negotiations.

Further reported that there appeared to be the following options open to the Committee to secure the works:-

- (1) Members could agree that no further action to secure compliance with the Notice was taken until both the current owners had left the property;
- (2) Members could resolve to take prosecution action against one or both of the owners, subject to such proceedings not being issued for a period of three months to allow a third party to become involved and take satisfactory steps to resolve the matter; or
- (3) The Council did have the power to carry out works in default and charge the costs against the property. There would however be logistical problems in doing so if the owners were not co-operative and there was no money budgeted for such works.

The owners of Drakes Lodge had had the opportunity to test the Council's enforcement notice at appeal and had had the benefit of the additional time for compliance allowed by the Inspector on appeal. They had refused to allow a family member or friend to deal with the matter and although their ages and ill health were factors that had to be considered, the Council had also to be seen to be dealing with such cases in a consistent manner.

Resolved that:-

- (a) The Solicitor to the Council be authorised to issue prosecution proceedings against the current owners of Drakes Lodge, Wellington for failure to comply with the Listed Building Enforcement Notice served on the 22 May 2009 and upheld on appeal on the 1 December 2009; and
- (b) Such proceedings be not issued for a period of three months during which time the owners would be encouraged to engage with the Council in order to secure compliance with the Notice or appoint a representative to do so on their behalf.

28. Change of use of land to site mobile home as agricultural workers dwelling and use of stables for residential purposes at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington

It had come to the Council's attention that stables at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington that had been granted planning permission in 2008, were currently being used as a dwelling.

A visit had been made to the site where it was found that the owner was living in the timber stables with an area set up as a kitchen and a lounge area. She was in the process of planting additional trees and proposed to use the land to rear goats and keep a number of ducks and horses.

A subsequent visit had revealed that a large hole had been dug on the land ready to receive a septic tank and that a mobile home had also been brought onto the site.

The owner was advised that planning permission was required in order to reside on the land and any application had to be supported by an agricultural appraisal.

An application was submitted at the beginning of the year which was refused under delegated powers on 1 March 2011 for the reasons set out in the report.

It was clear that the application had not been supported by a justified agricultural or special need and Members enquired what the owner of the barn could now do in an attempt to regularise the situation.

The Legal Services Manager stated that an appeal against the refusal of permission could be submitted or a further application could be made with a supporting agricultural appraisal. The organisation Planning Aid could also be contacted for advice.

Resolved that the item be deferred for three months to enable the owner of land at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington to obtain appropriate advice.

29. Use of residential dwelling as a children's care home at Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield

Reported that a number of complaints had been received that the property Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield was currently being used as a children's care home without the necessary planning consent.

Initially when the complaints were investigated, it appeared that the dwelling was being used as a single family house with two carers and it was therefore considered that no change of use had occurred.

However, further complaints were subsequently received that between 8 to 9 cars were being parked on the drive as well as on the highway on any particular day causing disruption to other residents.

The occupiers were once again contacted about the way the property was

being used and from the information supplied it appeared that a change of use to the property had been made.

Although a planning application had been requested from the occupiers to regularise the situation, no such application had been received to date and the unauthorised change of use of the dwelling continued.

Resolved that:-

- (1) Enforcement action be authorised to ensure the cessation of the use of Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield as a care home; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to institute legal proceedings should the enforcement notice not be complied with.

30. Appeals

Reported that two new appeals had been lodged, details of which were submitted.

(The meeting ended at 9.50 pm)