

Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 25 May 2011 at 17:00.

Agenda

- 1 Appointment of Chairman
- 2 Appointment of Vice-Chairman
- 3 Apologies.
- 4 Minutes of the meeting of the Planning Committee held on 20 April 2011 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 05/11/0010 – Variation of Condition 1 to Application No 05/10/0014 to amend the external facing materials for Plot 49 (showhome) at land west of Bishop's Hull Road, Bishop's Hull
- 8 05/11/0016 – Variation of Condition 1 pertaining to the Schedule of Approved Drawings to Application No 05/10/0014 for Phase 1, minor changes to layout, design and materials at land west of Bishop's Hull Road, Bishop's Hull
- 9 24/11/0009 – Erection of conservatory to the rear of Chestnut Farm Barn, Helland, North Curry
- 10 37/11/0001 – Erection of two detached dwellings and ancillary garages at Dairy House Farm, Stoke St Mary
- 11 38/10/0272 – Erection of two one bedroom flats at land off 99 Station Road, Taunton
- 12 42/11/0010 – Erection of rear and side single storey extension and conversion of garage to living accommodation at Dinham, Honiton Road, Trull
- 13 42/11/0012 – Erection of single and two storey rear extension and erection of boundary wall at Brookside, Amberd Lane, Trull

- 14 43/11/0024/REX – Conversion of mill building (former Haymans Coalyard warehouse) and extension to form 21 two bed apartments and formation of 32 car parking spaces and bike lockers for 42 bikes, Haymans Mill, Payton Road, Westford, Wellington (application to replace extant permission for 43/07/0087)
- 15 E/0013/49/11 - Occupation of mobile home at Fernicaps Park Farm, Langford Budville, Wellington
- 16 Planning Appeals - The latest appeals lodged and decision received (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 – 20 April 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Brooks, Coles, Denington, Gaines,
Miss James, Morrell, Mrs Stock-Williams, Stuart-Thorn, Watson

Officers:- Mr B Kitching (Development Management Lead), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager) and Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

31. Apologies/Substitutions

Apologies: Councillors Mrs Floyd, House, McMahon, Mrs Smith,
A Wedderkopp and D Wedderkopp

Substitutions: Councillor Mrs Stock-Williams for Councillor House
Councillor Stuart-Thorn for Councillor McMahon
Councillor Brooks for Councillor Mrs Smith

32. Minutes

The minutes of the meeting of the Planning Committee held on 23 March 2011 were taken as read and were signed subject to the reason for granting planning permission for application No 18/11/002LB being amended to read "Reason for granting Listed Building Consent".

33. Declarations of Interest

Councillor Brooks 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 declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor.

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

36/11/0004

Erection of agricultural building (cubicle house) at Dykes Farm, Stoke St Gregory

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.

Reason for granting planning permission:-

The proposal was not considered to have a detrimental impact upon visual amenity, landscape character or the setting of the listed farmhouse and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN12 (Landscape Character), Policy 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review and Planning Policy Statement 5 (Planning for the Historic Environment).

38/11/0092

Erection of single storey extension to the rear, erection of porch to the front and erection of detached garage at 26 Freemantle Road, Taunton (retention of works already undertaken in relation to garage)

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 and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason for granting planning permission:-

The proposed extensions were designed to reflect the style of the existing property and did not appear excessively dominating to it. The garage, although large, was not clearly visible in the street scene. The extensions and garage were therefore not deemed to result in detriment to the character of the property or to that of the street scene and would not result in material harm to the residential amenities of the occupiers of the adjacent properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

48/10/0046

Siting of a temporary agricultural workers mobile home for a period of three years at The Willows, Noahs Hill, West Monkton (retention of works already undertaken)

Conditions

- (a) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (b) The permission hereby granted shall be for a limited period expiring on 26 April 2014, on or before which date the mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the Local Planning Authority beforehand.

Reason for granting planning permission:-

The Committee considered that it had been demonstrated that there was an agricultural need for a dwelling to be positioned on site while the enterprise developed. The enterprise had been planned on a sound financial basis and the tests outlined in Planning Policy Statement 7, Annex A had been complied with. The proposal was, therefore, considered to be acceptable for a temporary period of three years and would not impact unreasonably upon the amenities of neighbouring residents, highway safety or the landscape character of the area, in accordance with Policies S1, EN12 and M4 of the Taunton Deane Local Plan.

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

Members considered that it had been demonstrated that there was a need for an agricultural workers dwelling on the site.

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

24/10/0023

Formation of hardstanding for the siting of a caravan in connection with the maintenance of the orchard, erection of storage building and creation of an access track at Daisy Alice Orchard, West Sedgemoor Road, Helland, North Curry

Reason

The proposal would be located within an open, low lying and sensitive landscape identified as the Levels Landscape Character Area in the Development Plan. In the opinion of the Local Planning Authority the creation of the extended access track, the hardstanding and tool store would be out of keeping with, and detrimental to, that open character and contrary to Taunton

Deane Local Plan Policy EN12. The Committee considered that there was insufficient functional need which would overcome this landscape objection.

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

Members were of the opinion that the development would have a detrimental visual impact on the open character of the site.

35. Various unauthorised signs at Courtlands Farm, Minehead Road, Norton Fitzwarren

Reported that it had come to the Council's attention that various signs had been displayed at Courtlands Farm, Minehead Road, Norton Fitzwarren without the necessary advertisement consent being granted.

A meeting with the owner of the site had taken place and he had been informed that, if an application for a corporate sign was submitted, it was likely that permission would be granted. An application for the necessary advertisement consent had been made and permission was granted in June 2010, together with a note advising that the unauthorised signs should be removed within three months.

The owner had been contacted again in September 2010 and January 2011 and requested to remove the unauthorised signs but, to date, the unauthorised signs remain in place.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised signs.

36. Tree Replacement Notice MC/R59/PD/22/833 issued 27 March 2009 in relation to land at Beauford Park, Norton Fitzwarren

Reported that this item was withdrawn from the agenda.

37. Appeals

Reported that one new appeal had been lodged, details of which were submitted.

(The meeting ended at 6.25 pm)

Declaration of Interests

Planning Committee

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

05/11/0010

PERSIMMON HOMES (SW) LTD

VARIATION OF CONDITION 1 TO APPLICATION 05/10/0014 TO AMEND THE EXTERNAL FACING MATERIALS FOR PLOT 49 (SHOWHOME) AT LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL

Grid Reference: 320298.124299

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposal is considered not to have a detrimental impact upon visual or residential amenity or to harm the street scene given materials used given the previously approved reconstituted stone and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule attached to e-mail dated 4 February and the following approved plans:

(A3) DrNo 1443-AD Addendum sheet 4 and Flint and brick unit with porch

(A3) DrNo 1443-P-S3 Plans and elevations style 3

(A3) DrNo SLP-02 Plot 49 Site location plan

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

2. The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority.

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

3. The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to and agreed in writing by the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to 5 years following the hedge translocation.

Reason: In order to maintain the character of the roadside hedge in the area in

accordance with Policy S2 of the Taunton Deane Local Plan.

4. Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to and agreed in writing by the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction.

Reason: To protect the hedge in the interests of the amenity of the area in accordance with Policy S2 of the Taunton Deane Local Plan.

5. Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained.

Reason: To ensure adequate cycle parking is provided on site in the interests of sustainability and in accordance with Policy M4 of the Taunton Deane Local Plan.

6. Details of the emergency access surfacing and bollard provision shall be submitted to and approved in writing by the Local Planning Authority prior to it being brought into use.

Reason: In the interests of the amenity of the area in accordance with Policy S2 of the Taunton Deane Local Plan.

7. 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 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent inappropriate walls and fencing across the site to protect the character of the area in accordance with Policy S1(D) of the Taunton Deane Local Plan

8. Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to and approved in writing prior to the work being carried out.

Reason: To ensure there is adequate drainage provision to the pond within the site in accordance with PPS9.

9. Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out and any replanting shall be maintained for a

period of up to 5 years.

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

Notes for compliance

PROPOSAL

The proposal is an amendment to the show home, plot 49 which has been built on site and so is retrospective. The approved wall materials for the property were a Yate grey reconstituted stone on all elevations. The proposed changes include a porch feature and the use of red brick on the side and rear elevations, plus quoins and detailing on the front together with the use of a natural stone, in this case flint on the front elevation. The roof is constructed of the approved slate.

SITE DESCRIPTION AND HISTORY

The site lies on the western side of Bishops Hull village and is bounded by residential development to the north and south and Bishops Hull Road and housing to the east with fields to the west.

Outline permission 05/07/0057 was approved subject to a Section 106 legal agreement in May 2010. The access into the site from Bishops Hull Road was not a reserved matter and was approved as part of the outline.

Reserved matters 05/10/0014 was approved by Members earlier this year in February 2011 and was for the erection of 171 dwellings and included details of the materials for the plots.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make.

BISHOPS HULL PARISH COUNCIL - I know that you are aware of local concerns about the facing which has been put on the show home at the Persimmon/Charles Church development on Bishop's Hull Road. Our planning panel went to visit the show home (and were very impressed!) but are less happy about the flint finish which they feel should be more in keeping with the local area. Flint is not a local mineral.

Representations

Cllr Williams objects as imitation flint walling more suited to Salisbury or Kent and not vernacular to the area. While the Blackdown Hills has a lot of flint walling it looks nothing like the artificial finish on the front of the show home and in my view is not

acceptable as it does not comply with the previously approved finishes to the site.

8 objections received on grounds of

- Materials not in keeping with surrounding dwellings and needs to be as original application
- The 'flint effect' face elevation is out of character with the architecture of this area of Somerset
- The facing materials are a grim unwelcoming façade in a dominant position that has no relationship to surrounding houses.
- The roofing also needs to be changed
- The frontage is badly finished with a patch up of two different types of stone
- The use of flint is incongruous to the area and there is no precedent for its use. The dwelling is prominent close to the road and the use of materials not local to the area makes it look more out of place.
- It is at odds with the originally submitted design statement.
- The claimed use of natural stone is disingenuous as the material is blocks with flint stuck to it so it gives the appearance of pre-cast panels, with more cement showing than flint and with banding affects as opposed to a more natural random coursing that would be normally found in a flint wall.
- The porch is also out of keeping with the 'cottage style' and the appearance has lost its integrity and become over fussy with the mix of brick and 'stone' and the quoin detailing.
- The developer has gone ahead with advance construction work prior to the application and has allowed no debate or observation but has produced "fait accompli" in the mind of the developer which is wrong.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

STR1 - Sustainable Development,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The main issue for consideration is the impact on the area given the change in design and materials. The roof slate and porch feature are considered acceptable additions to the character of the property and the main issue is the change from a reconstituted stone to a natural stone and brick. The brick used accords with the approved brick for the site and therefore there would be no objection if this property were to be a wholly red brick unit rather than one in reconstituted stone. In addition to the brick however a natural stone, in this case flint, has been used on the front of the property.

The issue therefore is whether the use of flint on the front elevation as opposed to the approved reconstituted stone or an alternative stone is appropriate in this location. Objections have been received on the basis that flint is not an appropriate stone here. There is limited range of natural stone used across the borough as a whole and the majority of properties tend to be brick or render. The use of flint occurs in the southern part of the district where it tends to form an element in the natural chert stone. It is not therefore totally alien to the area. In Bishops Hull village

there is very little natural stone, the main building being the church which consists of a variety of stone types. On the basis that the use of the flint is limited on the building and can be found in the district and is better than a reconstituted stone area the proposal is 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 G Clifford Tel: 01823 356398

PERSIMMON HOMES (SW) LTD

VARIATION OF CONDITION 1 PERTAINING TO THE SCHEDULE OF APPROVED DRAWINGS TO APPLICATION 05/10/0014 FOR PHASE 1, MINOR CHANGES TO LAYOUT, DESIGN AND MATERIALS, AT LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL

Grid Reference: 320219.124286

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal for the following reason:

- 1 The proposed design changes by reason of the half hipped roofs and half timbered dwellings are out of character with the area and do not add to local distinctiveness and are therefore contrary to policy STR1 of the Somerset and Exmoor Park Joint Structure Plan Review, Policy S2 of the Taunton Deane Local Plan and advice within the Taunton Deane Design Guide.

RECOMMENDED CONDITION(S) (if applicable)

Not Applicable

PROPOSAL

The proposal is a material amendment to Phase 1 of the development which includes plots 1-54. The approved materials for the site were a cream render, a buff brick, a red brick and a Yate grey reconstituted stone for the walls and either a Redland double roman tile or an Eternit slate for the roofs.

The proposed changes include an alternative Grovebury farmhouse red tile and a rustic red plain tile for the roofs. In terms of walls the intention is to introduce the flint and red brick to 5 plots, painted brick to two plots, hanging tiles to 7 plots, half hips to 3 plots, increase in roof pitch to 6 plots, bay windows to 6 plots and porticos to 16 plots. The garages will be faced in materials to match the property they serve, other than plot 16. A number of garages along the southern boundary have been moved away from the hedge and 3 plots moved to improve visibility.

An amendment to the submission changes the mix of dwellings further by adding a herringbone brick and timber detailing to 3 plots and reducing the extent of tile hanging on the dwellings as well as reducing the number from 9 to 6. The changes will result in 5 stone fronted, 8 red brick, 12 render, 19 buff brick, 6 with tile hanging, 1 painted brick and 3 with half timber detailing.

SITE DESCRIPTION AND HISTORY

The site lies on the western side of Bishops Hull village and is bounded by residential development to the north and south and Bishops Hull Road and housing to the east with fields to the west.

Outline permission 05/07/0057 was approved subject to a Section 106 legal agreement in May 2010. The access into the site from Bishops Hull Road was not a reserved matter and was approved as part of the outline.

Reserved matters 05/10/0014 was approved by Members earlier this year in February 2011 and was for the erection of 171 dwellings and included details of the materials for the plots.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - The Parish Council objects to the use of non-local materials in the building of the houses on this development, in particular the use of flint which is not indigenous to the area, and tile hanging is also out of character.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make.

Representations

3 letters of objection on grounds of:

- Show house out of character with the road,
- Half hips are out of character with the area and would not be in keeping with hipped roofs in the area.
- Roofs should be full gable or full hip.
- The steepening of roof pitch on some plots to 45 degrees will result in a very 'top heavy' building with the expanse of roof when viewed full on being almost as great as the walling.
- This and half hip roofs is flagged as bad practice in the Council's Design Guide.
- The use of further flint blocks to the front of dwellings is inappropriate.
- Tile hanging on some plots is also out of character with the local vernacular.
- To use examples of tile hanging on cheeks of dormer windows and on curtain wall of dwellings nearby is inappropriate and flies in the face of the Developer's original design statement.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
STR1 - Sustainable Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
TDDG - Taunton Deane Design Guide,

DETERMINING ISSUES AND CONSIDERATIONS

The issue for consideration with the changes to the house types and materials is one of design. The detailed application for housing on this site was accompanied by a design statement and this identified 4 separate materials for house walls and two roofing materials. The limited palette of materials was identified as helping to create an area of identifiable character. While it is considered that certain individual changes to the limited palette of materials could be acceptable the question is whether the proposed changes go too far and would adversely affect the character and distinctiveness of the area.

The proposal introduces a natural flint stone to the frontages of 5 plots and given the previously identified reconstituted stone that this is intended to replace, the principle of a natural stone in place of an artificial one is to be welcomed. There is limited use of natural stone across the town and the use of flint, which can be found in the Blackdowns to the south, is proposed to a limited degree. The use of the stone as proposed is therefore considered to be an acceptable change.

A further proposed change is the introduction of tile hanging on a number of plots. This has been amended since the initial submission and now involves a red rustic plain tile above ground floor window level and largely on the frontage only with a small side return. On the larger plots the change relates to the projecting gables. Examples of tile hanging on the side of dormers are quoted by the developer, however these are not representative of what is proposed. There are limited examples of tile hanging in the area such as at Farrant Close and across the town on limited number of buildings. The use is not therefore totally out of character and only 6 units are proposed on phase 1. The impact of this has to be weighed in light of the other changes proposed.

The introduction of timber detailing on the upper floor of 3 plots with a red herringbone infill is not a local vernacular feature. While there are some painted timber detailing within the gables of older dwellings at Stonegallows on the A38, this does not extend the whole of the upper floor. A group of 4 properties at Haydon Close have timber detailing to the first floor, however that is a modern development not in keeping with the area and is not considered grounds to introduce further examples. The Taunton Deane Design Guide advises against the display of a pot-pourri of past architectural styles. In light of this the proposed timber/brick detailing is not considered acceptable. The change to introduce a half hipped roof design is also not one that can be supported. While it is accepted that there are a number of hipped roof properties in the area there are very few half hips, the nearest example being on Bishops Hull Road. Half hips are not characteristic of the area and the Design Guide states 'clipped' gabled ends should be "avoided as they visually weaken the dominant form of the gable".

Part of the changes alter the roof pitch of a 6 properties from 40 to 45 degrees. This increases the ridge height of these dwellings by just over a metre. Design Guide advice is that roofs should not be less than 40 degrees and the increase proposed is not considered out of character with the area. The provision of bay windows and porticos to certain plots are considered to add a variety to the elevation treatment of the dwellings and this adds character and is not unacceptable. The use of painted brick is limited to one plot and there are examples of this material finish on traditional properties within the village. As such this minor change in itself is considered

acceptable.

The changes to the roof tile from a Redland Breckland to a Grovebury is a like for like change that is acceptable. The introduction of a plain rustic red tile is an alternative roof material that is considered as an acceptable addition, with 3 roof materials over the size of the site not being excessive.

The minor changes to the site layout in terms of positioning of plots to pull garages away from the boundaries and setting back a dwelling to improve visibility are improvements that are also considered acceptable.

In conclusion the application introduces a number of changes to the design and materials of the dwellings on phase 1. The extent of these changes detract from the appearance and limited palette of materials originally proposed, particularly due to the provision of half hipped and half timber properties. In light of these changes the application is recommended for refusal.

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

**ERECTION OF CONSERVATORY TO THE REAR AT CHESTNUT FARM BARN,
HELLAND, NORTH CURRY**

Grid Reference: 332842.124851

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon the character of the existing dwelling, visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17(Extensions to Dwellings). In addition the impact of the conservatory on the historic asset is not considered to be significant and the proposal is considered to be in accordance with Planning Policy Statement 5 Planning for the Historic Environment.

RECOMMENDED CONDITION(S) (if applicable)

- . The window(s) in the [e.g., north south etc] elevation shall be glazed with obscure glass to be 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 H17(A).

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 001 Rev 01 Elevations
(A3) DrNo 002 Rev 01 Floor 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. The window(s) on the south elevation, facing Chestnut Farm, shall be glazed with obscure glass and non opening to be agreed in writing by the Local Planning Authority. 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 H17(A).

Notes for compliance

PROPOSAL

The proposal is for the erection of a conservatory to the rear (south-west) of a barn conversion known as Chestnut Farm Barn. The conservatory would measure 2.6m deep by 4.25m wide. It has a simple monopitch form with a stone and brick plinth to match the barn and hardwood timber window frames. The windows on the south eastern elevation would be obscure glazed and fixed non opening. In order to keep the conservatory as low as possible there would be a step down from the kitchen into the conservatory.

SITE DESCRIPTION AND HISTORY

The site is located to the south east of the settlement of North Curry in a hamlet known as Helland. It is situated to the north of the original farmhouse, which is in separate ownership. Access to the dwelling is via a separate access to the east of the farmhouse. The barn conversion is at right angles to the farmhouse and the conservatory would be situated to the north of the farmhouse approximately 1-2m from the fence between the properties. There is another dwelling to the north-west of the barn conversion and this is approximately 21m away (9m to the fence boundary and lying up slope).

- 24/10/0049 Installation of door and window at Chestnut Farm. Permission granted.
- 24/06/0002 Retention of access drive to barn at Chestnut Farm, Helland. Permission refused and appeal dismissed.
- 24/06/0017 Conversion of barn into dwelling incorporating the formation of a first floor extension to Chestnut Farm, Helland. Permission refused and appeal dismissed.
- 24/05/0065 Retention of double garage to the north of Chestnut Farm.

Permission refused.

- 24/05/0037 Conversion of barn to 5 bed roomed dwelling with detached double garage at Chestnut Farm, Helland. Permission refused and appeal dismissed.
- 24/04/0026 Conversion of barn to dwelling and erection of ancillary garage, construction of new vehicular access and change of use of outbuilding to domestic garage for the existing farmhouse. Conditional approval August 2004
- The land to the north and northeast of the barn conversion has various planning permissions linked with a private equestrian use of the land but these are not considered to be relevant.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No comment

NORTH CURRY PARISH COUNCIL - Council raise objection as they consider that the conservatory would be detrimental to the character of the original building and would have a negative impact when viewed from the road.

Representations

Representations have been received from 5 residents of 5 properties raising the following objections:-

- The extension would be detrimental to the traditional character of the property and would be visible from the road;
- the use of obscure glazing will be more noticeable and incongruous to the barn from the road;
- the proposal must be considered under the advice given in PPS5 Planning for the Historic Environment in particular paragraphs 178 and 186;
- the proposal would be to the detriment of the immediate neighbours;
- the conservatory would detract from the rural character of the area and would be contrary to TDBC policies S1, S2, H17 and H7;
- the red line plan does not reflect the domestic curtilage associated with the barn;
- at an earlier appeal the Inspector noted that the original barn had a utilitarian character

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H17 - TDBCLP - Extensions to Dwellings,

EN12 - TDBCLP - Landscape Character Areas,

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

PPS7 - Sustainable Development in Rural Areas,

PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

Planning permission was granted in 2004 for the conversion of the barn into a

dwelling. It is a simple linear barn built with a mix of stone and brick and that simplistic structure has been retained in the conversion. This proposal is for a modest sized conservatory, with a simple lean-to design which, to some extent, reflects the character of the barn. Whilst the plinth of the structure would be of brick and stone to match the barn, the upper portion would be hardwood timber and glazing allowing the original barn structure to be seen behind the conservatory. Given the modest size of the conservatory I do not consider that it detracts from the form or character of the existing dwelling.

Chestnut Farm Barn is situated in a small group of dwellings that make up a hamlet known as Helland. In this area its rural character has been compromised by the loss of road side hedge and its replacement with wall and fencing. The barn is in a backland situation and is viewed, beyond a timber fence and within a street scene where there are dwellings of differing ages and design. In my opinion the addition of a conservatory into the area would not significantly detract from the existing rural character of the area.

The conservatory has been sited to the rear of the barn approximately 1-2m from the boundary with its closest neighbour, Chestnut farmhouse. There is a timber boundary fence approx 1.8m in height (1.5m solid with 0.3m trellis on top) between the application site and the rear of the farmhouse. The proposed conservatory would be 2.3m in height, and project approx 0.8m above the solid portion of the fence. The applicant has agreed to fit obscure glazing to the southern end elevation to ensure that there is no overlooking of the neighbour. Occupants of the property to the north east would be situated 21m from the conservatory (9m from the boundary of the site) and I do not consider that the conservatory would materially impact on their amenity.

Objectors have rightly referred to Taunton Deane Local Plan policy H17 in order to assess this proposal. This states:

Extensions to dwellings will be permitted provided they do not harm:

- (A) the residential amenity of other dwellings;
- (B) the future amenities, parking, turning space and other services of the dwelling to be extended;
- (C) the form and character of the dwelling and are subservient to it in scale and design

I consider that the proposal is in accordance with the above requirements.

The barn is not a listed building. PPS5 refers to Historic Assets, "A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing)."

The original barn conversion was accepted in order to retain the traditional building within the landscape and therefore can be described as a historic asset. The assessment of the proposal must therefore look at the significance of the asset in the environment. In this case the significance of the barn is limited for the following reasons:- It is not a listed building or within a Conservation Area; It does not affect the setting of a LB or CA and its function has been altered from agricultural to a

dwelling. The proposed conservatory has retained a simple form with plinth materials and timber glazing bars in keeping with the main barn. The barn can be viewed through the glazed structure and the original form of the building is therefore retained. It is my opinion that, in this case the conservatory would not be significantly detrimental, to the historic asset, to warrant a refusal of this application and I consider the proposal acceptable.

The proposal 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: Mrs J Moore Tel: 01823 356467

MR D, R & T PARSONS

ERECTION OF TWO DETACHED TWO STOREY DWELLINGS AND ANCILLARY GARAGES AT DAIRY HOUSE FARM, STOKE ST MARY AS AMENDED BY EMAIL AND PLANS REF 1823-3A AND 1823-2C RECEIVED ON 08/03/11 AND EMAIL DATED 26/04/11.

Grid Reference: 326311.122376

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 continued use of the existing access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties. The revised illustrative plan with the re-orientation of the dwellings, together with the reduction to one and a half storeys, contributes to the character of the village. It is not considered that there would be any overlooking to neighbouring properties and the new dwellings are considered to be an appropriate use of already developed land within the village. It is not considered that the loss of the existing parking area will result in detriment to the character of the village or local roads, and the retention of the existing landscape business is a benefit to the locality. The proposal is therefore considered to be in accordance with PPS3, PPS7, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of **three** years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 1823-1 Location Plan

(A3) DrNo 1823-2C Illustrative Site Plan

(A3) DrNo 1823-3A Identification of existing uses

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

3. As part of the details to be submitted, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority, and there shall be no variance to the agreed levels unless otherwise agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give proper consideration to the scale and height of the new dwellings in relation to the existing dwellings in the area in accordance with Policy S1 and S2 of Taunton Deane Local Plan.

4. 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 maybe 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.

5. Prior to commencement of the development, details of a strategy for dealing with foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a full operation and maintenance strategy. The drainage strategy shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained.

Reason: To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy EN26 and guidance contained within PPS25.

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, 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.

7.
 - (i) The landscaping scheme submitted as part of the reserved matters 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.
 - (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 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 and to provide screening to/from adjoining residential properties in accordance with Policy S1.

8. The proposed dwellings shall be constructed as one and a half storey buildings with the main eaves line approximately level with the ground-floor window heads.

Reason: In the interests of the character of the locality in accordance with Taunton Deane Local Plan Policy S2(A) and to be in accord with the Stoke St Mary Village Design Statement.

9. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

10. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the dwellings.

- (a) 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)].
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified 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.

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. 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 or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

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

12. No service trenches shall be dug within the canopy of any existing tree within

the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

13. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

14. The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated September 2010, and provide mitigation for bats in accordance with the recommendations; and in accordance with a timetable which should be submitted to and approved in writing by the Local Planning Authority.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and enhance the site for wildlife in accordance with PPS9.

15. The parking and turning areas shown on the plans submitted as reserved matters shall be laid out prior to occupation of the dwellings and thereafter be kept clear of obstruction and not used other than for the parking/turning of vehicles.

Reason: 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 and in order to prevent obstruction to the certified caravan site.

1. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. 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. The developer is advised to have regard to the Stoke St Mary Parish Council Design Statement when designing the dwellings.
5. In respect to the illustrative plan, it is considered that the proposed dwellings being at an angle to the access tend to overcome potential overlooking issues, but the amount of hard standing/parking area shown appears excessive, and should be reduced in the detailed submission.
6. No planters should be placed within the highway limits at any time and the existing planters should be removed with immediate effect.
7. The landscaping scheme should include a line of trees on the western side of the site, and hedges in other locations as shown on plan ref 1823-2C.

PROPOSAL

The proposal is in outline and is for the erection of two detached dwellings with associated garages. The original plans had the properties facing west towards Winters Orchard. Revised plans have the dwellings facing southwest, with two double garages side by side in the middle of the site, but the plans are still for illustrative purposes only. Originally the dwellings were two storey; the revised illustrative plans show 1.5 storey (with dormers/rooflights). Several trees will be retained around the edge of the site, most of the others within the site will be removed.

The wildlife survey indicates that one of the buildings to be demolished has been used as a feeding perch by long-eared bats, there is no large bat roost, barn swallows have nested in one building and badgers are active in the area. Mitigation including provision of areas for bat roosts and at least one bat box is recommended.

The agents have advised that there will still be parking provision for Barn Owl

Cottage and Dairy House Farm as well as parking for staff and visitors just to the rear of Harvest Cottage and Dairy House Farm. The staff in the office are family members, welfare facilities for the staff are either provided on site or in portaloos if on contract. There is no intention for the operatives of Parsons Landscaping to drive through the caravan site to reach the storage working and parking areas to the north. Adequate means of communication between the office and the site can be provided through mobile phones and other means. There is no proper hardcore access and no intention to provide such. It is not envisaged that there would be any increase in vehicle movements as a result of this development. The office development does not need to be directly linked with the storage, working and parking areas to the north.

In response to concerns raised by residents, the agents have stated that the proposed development will involve the removal of the semi pervious surface and this will be replaced by garden lawns, the surface water from roofs would be provided with adequate soakaways, thus there should be no resultant run off onto third party land or highway. In terms of the foul water drainage, the intention is to connect to the existing public sewer, and pipework will comply with current Building Regulations.

SITE DESCRIPTION AND HISTORY

The site is located in Stoke St Mary, on the northern side of the road. The application site is to the rear of the Dairy House Farm, and is currently used as carparking for Parsons Landscaping business. Dairy House Farm itself is on the opposite side of the road to the Half Moon Public House. Winters Orchard, a close of 6 properties, lies to the west/southwest of the site. There is a certified caravan site located to the rear of the application site, accessed from the same point of access. Several storage buildings will be removed from the site. Other storage buildings remain sited to the north of the site, and the office for the gardening business will remain in an outbuilding to the Farm House, together with associated parking area.

- 37/01/003 two storey extension, granny annex and porch at Dairy House Farm, approved on 04/05/01.
- 37/94/002 two storey offices for landscaping business at Dairy House Farm, approved 24/03/94, not constructed.
- 37/93/011 garage to rear, approved 01/11/93.
- A series of temporary permissions for the siting of a caravan (rear of Mayfield), refusal of permission for continued siting of caravan (1977) and enforcement action authorised for removal of same.
- 37/74/014 (land currently certified caravan site and land to its east) residential development refused on basis of not required for agricultural purposes, undesirable extension of development beyond existing development, village not suitable for such development and insufficient frontage for road access (29/10/74).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The Agent has set out the existing/ongoing welfare facilities in connection with the existing business use

(Parsons Landscapes Ltd) in the email dated 12 April 2011. It would appear that an element of the business use will continue in its current position and will utilise the same access as the proposed new dwellings, with the main working and parking areas being utilised from an existing access to the north.

It is not particularly ideal to have the landscaping business effectively split particularly as there would be no physical barrier to prevent vehicles accessing the offices and/or the storage area to the north so they could effectively derive access into the to the rear of Dairy House Farm. In addition it would appear that there would be nothing to prevent vehicles from continuing to use the existing access and driving past the proposed new dwellings to access the land to the north.

It maybe unreasonable to raise a highway objection if effectively there is no increase in traffic over what currently, particularly as the Agent is claiming that it will actually be a decrease. However the LPA need to be sure that this is the case and that the traffic cannot be re-introduced through an internal route. The existing access between Dairy House Farm and Harvest Cottage does not benefit for visibility splays commensurate with traffic speeds therefore I would not welcome any increase/intensification in use of this access.

In addition (it was noted at one of my previous site visits) that the Applicant has placed decorative planters within the highway limits which restricts visibility and restricted the width of the footway for pedestrians directly outside of Dairy House Farm. The red line of the application site has also included part of the highway, and I am not aware that notice has been served on the Highway Authority.

Whilst it is understood that the access to the north could be utilised at any time, this development would clearly result in an intensification of its use, as 35 vehicular movements will be relocated to this access on a permanent basis. Therefore I would seek that this is improved in the interest of highway safety for all road users, by repositioning it perpendicular to the highway and incorporating visibility splays.

Taking all of the issues into consideration it must be a matter for the LPA to decide if this proposal is acceptable and that appropriate conditions can be imposed to ensure access onto the adjoining public highway is not intensified to the detriment of highway safety for the users of the site and or those utilising the adjoining public highway.

STOKE ST MARY PARISH COUNCIL - (summarised), Part of the site is outside settlement limits; overlooking to some properties, the properties could be slightly turned; ridge and eaves' heights above others in the area; issue with the main sewer, and questions whether it can cope with heavy rain; the Parish Design Statement seems to have been ignored, with 'executive' type houses proposed. (Stoke St Mary PC Design Statement published)

On revised illustrative plan:- the amended plan seems to have addressed two of the concerns, the orientation and the roof height decreased to one and a half stories. However as the ground level has not been fixed, the final height cannot be measured. There is still no report in respect to the drainage, no report from CHA re access or splays. Concern that this is only outline and problems will still remain.

LANDSCAPE LEAD - subject to retention of trees as proposed, protection during construction and details of landscaping the proposals are acceptable.

re amended plan:- main concern is the proximity of the more westerly garage to the existing tree, however as the land is already well compacted, it should be possible to build the garage without damaging tree roots subject to foundation type and depth ie. a raft foundation of 300mm rather than trench foundations to 500mm would be better and less damaging.

CONSERVATION OFFICERS - no observations.

NATURE CONSERVATION & RESERVES OFFICERS - results of survey noted, condition suggested.

DRAINAGE ENGINEER - note that surface water to be discharged to soakaways, these should be constructed to BDG 365. No details of how foul sewerage is to be treated, details required prior to any approval.

ENVIRONMENTAL HEALTH OFFICER - contaminated land condition suggested.

Representations

2 letters of no objection, 1 letter of comment - no objection in principle to the proposed houses, but request substantial fence or fence with hedge to help overcome overlooking. Suggests additional trees to help screening from upper floor.

4 letters of objection -

- overlooking from the new dwellings, suggests a change in aspect; that they should be single storey as in the Parish plan. (The PC say this document is in draft form only at this stage, and has not been published.)
- the proposal extends beyond the settlement limit (where one garage is proposed), this will invite further encroachment on non residential land;
- rooflines very high, with designs styles and sizes not in keeping with the Parish Council Design Statement in the Village plan;
- Overlooking to rear facing bedrooms, living rooms and gardens;
- Overlooking and loss of privacy to adjacent garden;
- Loss of views;
- The proposed access road is closer to properties than the existing route, this will result in an increase in noise and nuisance, affecting current tranquillity;
- There should be a limit on traffic using this route to the new occupiers;
- If permission is granted the landscaping must be provided as a boundary to the access route;
- Concerns about the increase in flow of storm drains;
- Concerns about sewage back ups;
- Loss of village character;
- Concerns that this will lead to a further extension of the commercial activity onto the land at the rear of the site;
- If houses have to be built, they should be smaller;
- Object to the row of trees which will provide screening as these will further block light to property;
- Concern about structural damage if more trees are planted.

Comments in respect to the amended site plan:

1 letter of objection:

- A greater reduction in privacy;

1 letter reiterating previous comments:

- object to bringing the proposed road access closer to dwelling than existing route and need to ensure planting is carried out and maintained;
- suggests conditions to ensure the landscaping is carried out and the workers do not go through the site.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

M4 - TDBCLP - Residential Parking Provision,

EN8 - TDBCLP - Trees in and around Settlements,

EC25 - TDBCLP - Touring Caravans and Camping Sites,

EC9 - TDBCLP - Loss of Employment Land,

EN8 - TDBCLP - Trees in and around Settlements,

EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The amended plans show all the site to be within the settlement boundaries, previously one of the garages had been outside this boundary line. The amended plan also indicates that the proposed dwellings could be one and a half storey, thus are more compact in overall height and more akin to the cottages in the vicinity. There are however larger dwellings as well in the area, but given the immediate surroundings, the lower roof line would be more appropriate.

Whilst the plans are for illustrative purposes only, the plans do give an idea of the distances between dwellings. The nearest point of dwelling A is at least 34m from the rear face of no 6 Winters Orchard, and the nearest point of dwelling B is about 21m from the north-eastern corner of no 5 Winters Orchard. In respect to the objection on the amended plans to overlooking; this objector is over 50m away, thus is not considered to be unduly affected.

The dwellings, being shown at an angle to the access would not directly overlook Dairy House Farm, Barn Owl Cottage, Mayfield, The Croft or Fyrse Cottage. The rearmost part of dwelling A would be about 40m from the rear studio of Fyrse Cottage. With the existing trees and proposed landscaping it is not considered that there would be loss of privacy or overlooking from the proposed dwellings to the existing dwellings, any overlooking to gardens is minimal given the distances involved and the orientation of the dwellings. In addition new fencing/hedging to the site would overcome any potential overlooking at ground floor level, and the orientation of the upper floor windows will restrict upper floor overlooking.

Loss of view is not a planning matter. The proposed access to the dwellings and to the certified caravan site beyond, is closer to the properties in Winters Orchard than the existing, which is located to the east of existing storage buildings. However use of such access is not considered to be detrimental to the amenities of the existing occupiers of Winters Orchard nor to the new occupiers, given the existing use as car park for the landscaping contractors, and the associated comings and goings.

The scheme is in outline so no detailed landscape plans have been submitted. However, a landscaped strip is shown on the plans to be sited between the proposed new access and the western boundary. This area is about 6m in width and is shown to have a line of trees. This could be a hedge or other landscaping in order to provide screening. There are two contrary issues, in that one neighbour wishes to have a good tree screen to screen the site, and a different neighbour is objecting to further trees along the boundary. This area of screening would be to the east/north-east of no 6 and on the other side of the ownership boundary, and be approx 7m away. It is usual to require screening along boundaries and where there is opportunity to request landscaping rather than just fencing. It is considered that given substantial storage buildings are being removed, a shrub and/or tree screen should be provided.

Other landscape features include indicative hedges on part of the site to screen the new dwellings from the access to the certified caravan site, and to/from Dairy House Farm. The agents have commented that the drainage details can be resolved satisfactorily within the site, there will be less hard standing in the new layout than the current situation and foul water will be connected into the public sewer.

There are comments that the scheme does not accord with the Village Statement; this statement has now been finalised and published. It provides the historical and character basis for the village and gives guidance to new developments. It suggests inter alia, that brick elevations should be avoided, that the scale be limited to one and a half stories, tall fences and open plan frontages be avoided, and parking/garaging should not be at the front of properties. The amended plans indicate a change from two storey to one and a half storey, although the agent states that two storey is also appropriate; they are set behind a hedge, and although the garages are in front of the dwellings, they will not be seen from the main road. In general the plans, although in outline only, generally appear to accord with the main elements of the Statement. An informative will point the developer to the Village Statement for inclusion of the finer elements.

The County Highway Authority has some concerns, in respect to impact of the loss of the parking area associated with the use of the site for the landscaping business. The Office for the business is retained on the existing site, together with sufficient parking for staff and visitors. The main business takes place out at other people's sites/locations, and an area to the northwest of the application site is used by the business for storage, working and parking areas. It is not considered to be appropriate or satisfactory for the lorries associated with the landscape business to drive through the caravan site and past the new dwellings. However the agent has stated that, there is no intention for this to take place; but there is no physical barrier to prevent such a route, although a new bridge would have to be constructed. The construction of this bridge will require planning permission, and thus another condition is not required.

In respect to the County Highway Authority's suggestion for a revised access to the existing access to the storage area, this is not considered to be acceptable in rural planning terms as such a new widened access at 90 degrees to the lane, is considered to be excessively large and would be unacceptable in such a narrow lane. The existing access is considered to be sufficiently large enough to accommodate the workers vehicles. Given the Local Authority's general support for businesses in rural areas, it is not considered necessary to place these particular conditions on this permission.

It is considered that the erection of two dwellings on land rear of Daisy House Farm will not have a detrimental impact on the amenities of the neighbouring properties nor on the character of the village itself. The land is previously developed land, being a parking area with storage, and its development for residential purposes is a suitable use of the site. Employment will not be lost, as the office for the landscaping company will be retained in its current location. The company has an area of land currently used for storage of materials used in the landscape business some 360m directly to the north (approx 700m by road). Any vehicles not going to sites can be left at this site. There is no intention for the workers to access the northern site from the office area through the certified caravan site. It is not considered to be reasonable nor enforceable to prevent workers from accessing the other part of the site.

In conclusion, the proposal is a suitable use and the illustrative plans are an appropriate form of development for the site. It is not considered that there will be any detriment to the character of the village from this scheme.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

KINGSTON ROAD CAR SALES

ERECTION OF TWO, ONE BEDROOM FLATS AT LAND OFF 99 STATION ROAD, TAUNTON

Grid Reference: 322677.125286

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. 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 B4990_01A Site Location Plan
(A1) DrNo B4990_02 Existing Block Plan & Elevations
(A1) DrNo.B4990_A Proposed Block Plan, Plans & Elevations

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. No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for 1 bicycle per dwelling to be parked.

Reason: 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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the east or north elevations 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.

5. None of the dwellings shall be occupied until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority and all agreed drainage works completed in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

6. Prior to the occupation of the dwellings hereby permitted a plan showing the details of a safe access route into and out of the site, and details of a sign to inform residents of the route, shall be submitted to and approved in writing by the Local Planning Authority and provided on site. The safe access route shall thereafter be retained in accordance with the plan.

Reason: To ensure a safe access route for future occupants in accordance with the requirements of PPS 25 Development and Flood Risk

7. Finished floor levels shall be no lower than 15.3m AOD.

Reason: In order to ensure that the development is set above the 1 in 100 year plus climate change levels in accordance with the requirements of PPS25 Development and Flood Risk

Notes for compliance

- . As the site is located within flood zone 2 and 3 areas you should consider the incorporation of flood resistant techniques in the construction of the flats examples of which include:- Concrete floor with waterproof membranes; Sealed service ducts; electrical and other plant to be located at a raised level; high level electrical sockets.
- . The developer is advised of the need to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water.

PROPOSAL

The initial proposal was for the erection of a three storey building for the provision of 6 flats. This has now been revised and the application is now for the erection of a building for the provision of two flats on land to the rear of 99 Station Road (similar scheme to that approved in 1995). The site measures 8.3m x 23.5m (approx) and the building would be a minimum of 10m from the rear boundary with 99 Station Road. The building would be a traditional two storey brick and slate construction with the gable facing the access road which lies to the west of the site. The access road is single width and serves the rear of a number of properties as well as a number of business premises that front onto the access. Each unit would have secure cycle storage at the rear with a shared amenity area adjacent to the rear of 99 Station Road. The front doors to the flats would be located to the south of the building in order to avoid opening onto the access road.

SITE DESCRIPTION AND HISTORY

The site is located to the rear of 99 Station Road. The single width access road runs to the west of the site. It is a no through road which comes off from Whitehall to the north. Planning permission was granted for a similar scheme in 1995 and expired in August 2010 (after the submission of this current application).

38/2005/0248 Erection of two dwellings on land to the rear of 99/101 Station Road Taunton.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is located in a highly accessible location and is in close proximity to town centre and the services and facilities provided therein and a car free development would therefore be acceptable. No objection subject to the provision of cycle parking

DRAINAGE ENGINEER - no objection subject to the submission and approval of surface water drainage works.

ENVIRONMENT AGENCY - the development must be carried out in strict accordance with the submitted Flood Risk Assessment

WESSEX WATER - Foul and surface water sewers are available and connections thereto will need to be agreed with WW prior to the commencement of works on site. Records indicate that a sewer crosses the site. A three meter easement is normally required on either side of the pipe the developer has indicated and diversion or protection works may need to be agreed. The developer has indicated the use of a sustainable drainage system.

LEISURE DEVELOPMENT MANAGER - no comments

Representations

Cllr Mrs Sue Lees objects:

This area of Station Road is already congested and in my opinion this would only aggravate the situation. There are problems with parking in Whitehall and to have further traffic wishing to park there would be unreasonable for the residents.

I am pleased, however, to see that the application is now for 2 flats instead of the original 6 but still am of the opinion that this is overcrowding.

Cllr Horsley objects:

I am pleased that the applicant has backed down from endeavouring to squeeze 6 1-bedroom flats into this congested space and gone back to providing 2 flats only. However I am still opposed to the application as the local councillor for the 2 main reasons

a) congestion on a site that will diminish the space and impinge on neighbours especially the occupants of Pennys Cottage and

b) for the additional vehicular movement it will bring with the extra problem of exacerbating the already almost intolerable parking in Whitehall. Members of Planning Committee should be aware that extra stress will occur when the NIDR is being built and even when it is completed there will be big problems of access to and from Whitehall to Station Road. For these reasons I oppose this

In total 17 letters of objection have been received raising the following objections to the amended proposal:-

- The additional dwellings will result in increased demand for the limited parking available in the area causing chaos for existing residents
- The rear access road has a commercial character unsuitable for additional residential properties
- The proposal would result in more traffic using the rear access road likely to result in the emergency access to properties being blocked and cause chaos for existing businesses that rely on the unimpeded use of their rear access
- The rear access is used for loading and unloading for shops and businesses located on Station Road and as access for flats above the shops. Parking is already under heavy demand and additional dwellings will make this worse
- The lane is in near constant use by delivery lorries, refuse lorries, motorbikes and cycles being delivered to the repair shop by car and trailer and it is an

- unsuitable position for any more residential properties
- There are no footpaths along the road and if the residents do not have cars they will have to use the highway which is in near constant use by heavy vehicles and it will not be safe
- The land should be used to provide parking for the area
- Whilst the proposal offers cycle storage for residents where will visitors park?
- Although the Transport comments suggest this is an ideal location for car free development, the Taunton Strategy Review recognises that there is a high propensity to make short trips to the town centre by car the and this development is likely to result in occupants with cars, adding to the demand for the limited parking in the area
- Whitehall is a no through road and vehicles have to turn at various times day and night to leave the road
- Construction traffic will increase CO2 emissions in the area
- The use of the access road by heavy vehicles will result in more potholes at a cost of repair to the tax payer
- The turning area in Windsor Place is heavily used by delivery vehicles and cars and additional vehicles in the area will exacerbate the existing, unsatisfactory, situation further
- If approved the permission would act as a precedent for similar developments exacerbating the existing problems of the area
- The noise and dust from construction will have a detrimental impact on the amenity of existing residents
- The proposed dwellings would be too close to existing commercial properties and would result in a negative impact on those businesses as well as poor amenity for residents
- Overdevelopment of the site
- The drainage to the front of Whitehall is already under duress and there is a constant smell in the road especially in the summer months,
- The site has no lighting
- It may attract unsavoury people from pubs and takeaways late at night, reducing the security of the area and downgrading Whitehall

Additional comments received for 6 flat scheme

- The proposed three storey building is too high and would be dwarf most of the surrounding buildings and create overlooking that would remove all privacy for those neighbours
- At least 10 parking spaces should be provide to cater for 6 flats

In addition a petition of 17 signatures from Whitehall has been submitted (5 of which have written in separately and are referred to above).

PLANNING POLICIES

F1 - TTCAAP - Developments within the Floodplain,
 T1 - TDBCLP - Extent of Taunton,
 STR2 - Towns,
 STR4 - Development in Towns,
 M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
 M4 - TDBCLP - Residential Parking Provision,
 EN28 - TDBCLP - Development and Flood Risk,
 PPS25 - Development and Flood Risk,

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

Planning permission was granted in 1995 for the erection of a two storey building to provide two flats with associated cycle parking. This proposal has been amended and is now for a similar scale of development. The scheme has been designed so that all windows face the road to the west of to the south with no openings on the north or east in order to avoid any overlooking of residential properties. The building has a traditional design and would use brick and slate in keeping with the area. The front entrances to the flats would be located to the south of the buildings where there would be a pathway proving pedestrian access for flats to the rear and avoiding opening directly onto the roadway, which could be dangerous.

The scheme includes the provision of cycle parking, in accordance with the parking requirements for a site in such close proximity to the town centre and a shared amenity area for shared use by the residents of the flats. There is no policy requirement for the provision of off street car parking to serve the units.

The area has a mixed residential and commercial character with another residential property further to the south, on the same side of the access as the current proposal and a range of commercial properties fronting onto the access. The roadway is also used as rear access to properties fronting Station Road and provides rear access to some of the properties in Albermarle Road.

The main objection to the proposal relates to the possible increase in demand, generated by the occupants of the flats, for the limited residents' parking spaces that are available in Whitehall. The site is located in close proximity to the town centre where a range of facilities and services are available. In such locations it is not considered necessary for residents to have cars in order to travel as they may walk or use public transport. As a result Taunton Deane Local Plan policy M4 merely requires the provision of secure cycle parking to encourage residents to adopt a more sustainable mode of travel. Regarding the level and type of use of the rear access way this is mostly of a commercial nature and whilst busy in the day is much less so in the evening when the main occupation of the flats is most likely. I accept that the traffic may result in high levels of noise and activity along the lane but the requirement for a noise report and mitigation scheme should ensure adequate amenity for occupants.

Taking into account the history of the site and the Taunton Deane Local Plan policies I consider that the proposal is acceptable.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

MR S SCHLEMMER

**ERECTION OF REAR AND SIDE SINGLE STOREY EXTENSION AND
CONVERSION OF GARAGE TO LIVING ACCOMMODATION AT DINHAM,
HONITON ROAD, TRULL**

Grid Reference: 321551.122731

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposed extensions are not considered to dominate the bungalow or result in harm to it's character or that of the appearance of the surrounding area. There will be no adverse impact upon the amenities of the neighbouring properties or highway safety. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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 0611/01 Existing Plans & Elevations
(A1) DrNo 0611/02 Rev A Proposed Plans & Elevations
(A4) DrNo 0611/03 Location Plan
(A4) DrNo 0611/04 Block Plan

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

Notes for compliance

PROPOSAL

Dinham is a brick and tile bungalow set back from the road and on a higher level. It lies between Sherford and Trull, with residential properties to the sides and rear and agricultural fields opposite.

This application seeks planning permission for a side and rear single storey extension, to provide a garage, utility room and to convert the existing garage into an en-suite bedroom. The extensions would be largely flat roof and include a lantern light.

This application comes before the planning committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

TRULL PARISH COUNCIL - The development causes no nuisance to neighbours.

Representations

Two letters received from neighbouring properties stating no planning related observations.

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

From the front, the property will remain largely as at present, with the addition of the partially visible lantern light. The large element of flat roof over the car port is already present and whilst additional flat roofing is proposed, this will lie between the existing car port/garage and main dwelling, and partially replace an element of polycarbonate roofing. The proposed extensions are not considered to result in harm to the overall character of the property and are not visible in the street scene. Despite the conversion of the garage, sufficient parking remains through the second garage and hardstanding to the front of the bungalow.

The extensions will not alter any part of the property near any boundaries, but are set well within the site and largely between existing structures. As such, there will be no adverse impact upon neighbouring amenities.

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

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468

42/11/0012

MR & MRS WOOD

ERECTION OF SINGLE AND TWO STOREY REAR EXTENSION AND ERECTION OF BOUNDARY WALL AT BROOKSIDE, AMBERD LANE, TRULL

Grid Reference: 321471.121671

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason:

The proposed extensions have been designed to appear subordinate to the property and whilst these will alter its character, they are not considered to result in material harm to its appearance or to that of the surrounding area and there will be no adverse impact upon the amenities of the neighbouring properties. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

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 2710_02 Proposed Plans & Elevations
(A4) DrNo 2710_03 Location Plan
(A4) DrNo 2710_04 Site Plan

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

Notes for compliance

PROPOSAL

Brookside is a part render/part brick and slate detached property, with a two storey flat roof element to the rear, extending the width of the property. It is set on a slope at the end of a row of properties facing Amberd Lane, opposite Spearcey Lane. A public footpath abuts the side boundary to the east.

This application seeks permission to erect a part two-storey, part single storey extension to provide a new kitchen, utility room, garage and wood store at ground floor level with an en-suite bedroom above. The proposal also seeks to replace an element of flat roof to the rear with a pitched roof; and install a pitched roof over two flat roof bay windows to the front. The eastern boundary would also be replaced with a 1.8 metre high rendered wall, which would abut the public footpath.

This application comes before the planning committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NB At the time of writing the report, the consultation period is still running. No comments have yet been received from the County Highways Authority, which will be important as the scheme relates to a garage/parking space. Members will be updated of their comments and any further representations received at the committee meeting.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments awaited

TRULL PARISH COUNCIL - Comments awaited

SCC - RIGHTS OF WAY - Comments awaited

Representations

None at time of writing report.

PLANNING POLICIES

ROW - Rights of Way,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The front elevation will remain largely the same as at present, with a pitched roof added to the two bay windows, which would result in a positive impact on the property. The garage will be sited partly on the footprint of the existing garage, but will be set back further, leaving a greater area for parking to the front. The garage will be visible to the side and whilst it will be significantly higher than the existing garage, being set back, it will not appear prominent in the street scene.

Whilst the two storey rear extension appears large, this is exacerbated by the addition of the pitched roof over part of the flat roof element. This has resulted in a welcome improvement to the property, which, although large, is set on a lower ridge level and is not considered to result in a dominating impact on the property.

The design of the extension results in a catslide roof extending over the garage to the side, which results in a high eaves level abutting the public footpath. The side wall of the existing garage is a concrete block wall to 2.2 metres in height, which runs along the footpath for approximately 11 metres. The side wall of the proposed garage, will be approximately 400mm higher but will be shorter in length. As such, this is not considered to result in a material overbearing impact upon the users of the adjacent public footpath. The replacement of the existing timber fence with a 1.8 metre high rendered wall is similarly not considered to change the character of the footpath or make it any less commodious to footpath users.

The rear single storey extension will protrude to the same depth as the former WC/sunroom element it will replace, but will in fact be lower in height. This will therefore reduce any impact on the neighbouring property. Whilst there would be two ground floor side windows facing towards the adjacent property, Westbrook, these will face the blank gable end and a timber fence separates the two properties. The two storey extension is set a sufficient distance from the boundary with Westbrook to avoid any impact upon their amenities.

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

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468

CONVERSION OF MILL BUILDING (FORMER HAYMANS COALYARD WAREHOUSE) AND EXTENSION TO FORM 21 TWO BED APARTMENTS AND FORMATION OF 32 CAR PARKING SPACES AND BIKE LOCKERS FOR 42 BIKES, HAYMANS MILL, PAYTON ROAD, WESTFORD, WELLINGTON (APPLICATION TO REPLACE EXTANT PERMISSION FOR 43/07/0087)

Grid Reference: 312043.120287

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the applicant entering into a Section 106 agreement to secure 4 units of affordable housing as discount homes for purchase; and contributions to leisure and recreation: Conditional Approval

There has been no material change in circumstances since the previous grant of planning permission for this development (43/11/0024) when it was considered that the proposal would not have a detrimental impact upon visual or residential amenity. Highway safety is not considered to be affected to any greater extent than when previously permitted and the impact on wildlife interests can be mitigated through the imposition of conditions. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Developments) and guidance contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation).

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 05040-110 Rev A Proposed Floor Plan
(A1) DrNo 05040-111 Rev B Proposed Floor Plans
(A2) DrNo 05040-112 Rev B Proposed Floor Plan
(A1) DrNo 05040-113 Rev B Elevations & Sections
(A1) DrNo 05040-116 Sightlines from Gable Window
(A1) DrNo 05040-117 Sightlines from 3rd Floor

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

3. Prior to the commencement of the development hereby permitted, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, including the point of connection and route to the public sewers (where necessary), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate surface and foul water drainage is installed, in the interests of preventing flooding to the local area, in accordance with Planning Policy Statement 25.

4. Prior to their installation, full details of all guttering, downpipes and other external features for the disposal of rainwater shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: In the interests of the character and appearance of the building and to reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(d) and S2(a).

5.
 - (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.

6. Prior to their construction, details of all boundary walls or fences forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall or fence so approved shall be erected

before any part of the development 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 Policy S2.

7. Prior to its implementation, 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. The scheme shall show the method of demarcation of parking spaces. The scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as such.

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. There shall be no obstruction to visibility greater than 900 mm above adjoining road level, forward of a line drawn 2.4 m back from Rackfield on the centre line of the access, extending to the southwest corner of the existing building to the north of the access at the nearside carriageway edge, and 2.4 m back an parallel to Rackfield to the south of the access for the extent of the site frontage. Such visibility shall be fully provided before the dwellings hereby permitted are first occupied, and shall thereafter be maintained at all times.

Reason: To ensure that adequate visibility is provided from and of vehicles emerging from the proposed access in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. Before the dwellings hereby permitted are first occupied, the surface of Rackfield shall be consolidated and surfaced between the site access and the existing highway, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to their installation, 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. The agreed details shall be implemented prior to the occupation of any of the dwellings hereby permitted.

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

11. The fenestration details on the north and east elevations, comprising obscure glazing and louvres, shall be implemented strictly in accordance with the approved plans prior to the occupation of any of the dwellings hereby permitted and thereafter shall be retained as such. There shall be no alteration or additional windows in these elevations without the grant of a further planning permission.

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

12. 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 the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy S2(a).

13. 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 Sunflower Ecological Consultancy's submitted report, dated April 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. 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained

Reason: To protect wildlife and their habitats from damage and to retain biodiversity interests on site in accordance with Planning Policy Statement 9.

14. Prior to any of the apartments being occupied, the gravelled area to the north of the existing building shall be hard surfaced in accordance with details submitted in respect of condition (7) and thereafter retained in accordance with such details as a passing place.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site, in the interests of highway safety in accordance with

15. Prior to the commencement of the development hereby permitted, a programme of building recording and analysis shall be 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 commencement of development.

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

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

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

achieved.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

17. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan, incorporating pollution prevention measures has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Planning Policy Statement 23.

18. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources in accordance with Planning Policy Statement 1.

Notes for compliance

1. The details required in respect of condition (3) relating to foul and surface water disposal will require a full survey of the local water infrastructure including the culvert crossing the site and should give preference to a design reliant on Sustainable Urban Drainage principles. A CCTV survey will be required to assess the standard of the existing infrastructure. The point of connection of foul drainage to the public sewer shall be clearly shown and agreed as part of the condition.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

SITE DESCRIPTION AND HISTORY

The site comprises a disused former mill building in relatively poor condition – it no longer has any windows and the roof structure is largely missing. The building is

accessed from Payton Road via Rackfield – a private road that winds around the north and west faces of the Mill Building. Rackfield serves a number of dwellings, the closest of which are Westford House and The Manse – grade II listed buildings which sit to the north of the building. Beyond the Mill are a number of further dwellings and Brook Farm.

To the north and northwest of the site is the recent housing development of Westford Grange. Whilst this development gains vehicular access directly from Payton Road, there are pedestrian access points directly onto Rackfield, including directly opposite the northwest corner of the application site where there are also 5 rear gates to the three storey dwellings opposite the site. To the south of the Mill Building, within the application site, is an area of rough ground at a slightly lower level to the adjoining highway.

PROPOSAL

This application seeks to extend the timescale for implementing a previous planning permission for the conversion and extension of the former ‘Hayman’s Mill’ building to form 21 two-bedroom flats.

Given the type of application, the proposal is identical to that previously permitted in terms of detail and those plans are relied upon for the determination of this proposal.

In short, the development proposes to add a three-storey extension to the south of the existing building and convert the existing building to form 21 two-bedroom apartments. Parking for 32 cars would be provided on land to the south of the building, within the ground-floor of part of the existing building and a small area to the north. Secure lockers would also be provided for 42 bicycles. The existing vehicular entrance directly into the building in the north elevation would be closed and access to the site would be from Rackfield Lane to the south.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL – Object for the following reasons:

- The proposal is an overdevelopment of the site.
- Development in this area taken together with other development that had now taken place would result in road safety hazards.

The views of the transport group were noted, however, the Town Council urge that the site was revisited as the building that had taken place in recent years had exacerbated an already poor highways situation.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

SOMERSET FIRE & RESCUE SERVICE – The means of escape and access facilities for the emergency services must comply with the building regulations.

SCC - TRANSPORT DEVELOPMENT GROUP – It would appear that since the consideration of the original application little if anything has changed that would impact on the Highway Authority comments when considering the Policy context for this scheme.

I understand that there are local concerns regarding access via Rackfield which are recognised. It is however the case that this site and the bitumen site adjacent were considered simultaneously at the time that this scheme considered as application 43/07/0087.

It is not therefore appropriate to amend or alter the Highway Authority concerns which were made previously, as they remain technically accurate and should be considered equally applicable at this time.

I am however concerned that at the time of considering 43/07/0087 the dwellings which were permitted under planning applications 43/1998/007 and 43/2004/052 were under construction. These should have provided an improvement to visibility at the junction of Rackfield with Payton Road, which does not appear to have been implemented or maintained. Further, the visibility from these dwellings onto Rackfield has not been provided/maintained which may prove problematic when/if this scheme is progressed.

As such, I confirm that all comments made with regard to the previous application on this site, apply equally at this time. There is however concern that the anticipated visibility at the junction of Rackfield with Payton Road does not appear to have been provided. It must therefore be a matter for TDBC as LPA to determine a course of action.

If enforcement action can not be taken to secure this visibility, then there may be a highway safety concern with regard to visibility at this junction.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The site has a past history of commercial use and the proposal is for residential use. Therefore, I would recommend that the standard contaminated land condition be attached to this application.

I note that site investigation reports have been submitted for previous applications for this site. These could be used to provide most of the information needed to meet the condition, although they should be reviewed to ensure that they are up to date and the developer would need to provide some additional information detail regarding proposed remedial works.

The developer should be aware that in accordance with PPS23, the responsibility for ensuring that the development is safe and suitable for the use lies with the developer.

COMMUNITY LEISURE – Based on the current contributions, a contribution of £1,100 per dwelling is required for outdoor play and £2,200 per dwelling for active recreation. Accordingly, £69,300 is required from this development.

SCC - RIGHTS OF WAY – No comments received.

LANDSCAPE – Subject to suitable landscape detailing, it should be possible to provide landscape mitigation.

NATURAL ENGLAND – Initially commented that a wildlife report was required. Have not commented since the submission of such a report.

BIODIVERSITY – Sunflower Ecological Consultancy carried out a wildlife survey of the site in April 2011. Findings were as follows

Birds - The building has previously been used by swifts and swallows prior to stripping of the roof. The surveyor found nesting sparrows at the time of survey. Works should be timed to avoid the bird nesting season. I support the enhancement proposals for birds suggested by the surveyor.

Bats – Systematic bat exclusion work has been carried out in the building and a dedicated bat roost has been created nearby. Bats are now no longer a constraint in this application

Reptiles and amphibians – The surveyor found no standing water on site but noted that a small stream- presumably in a culvert - runs under the site before emerging in a deep ditch near the SE end of the site. There is damp grassland nearby. One toad was noted by the surveyor.

Herpetiles were laid by the surveyor which will be inspected for reptiles during the summer. Subject to the results of the reptile survey I agree that there are few ecological constraints on this site.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development. I suggest a condition to ensure that this occurs.

WESSEX WATER – No comments received.

ENVIRONMENT AGENCY – No objection, note that the existing mains sewerage system runs through the embankment of the reservoir to the south of the site which is owned and maintained by the EA. Previous discussions have indicated that the new connection point of the development is proposed to be located at the left toe of this embankment and our position on this matter still applies: we do not wish to see any excavations or new pipe connections to the mains through or near the embankment because it is likely to impact on the structural integrity of the reservoir dam. Given that we own this embankment, we are unlikely to agree to any works of this nature on any part of our land.

A detailed drawing showing drainage network for water supply, foul and surface water drainage must be provided to ensure that there is no impact on the reservoir. Any connections to the mains must be downstream of the reservoir.

There is a minor watercourse which is culverted through the site. This is shown indicatively on plan ref 05040-110 Rev A, however, it is unclear how accurate this is. The application also indicates that surface water flows will be directed to this culvert. The developer should carry out a CCTV survey of the culvert to ascertain it's route and capacity. This is likely to be required to ensure that there is no load bearing on the culvert from the development footprint, that the culvert is capable of taking any additional surface flows and that maintenance of the culvert can still be achieved post development, which would be the responsibility of the riparian owner. The culverted watercourse must not be interrupted in any form as a result of the extension footprint or loading.

Surface water proposals should be assessed against the SuDs hierarchy and those further up this hierarchy be used in preference to traditional piped solutions where

possible. This can achieve wider sustainability benefits for water quality, amenity and biodiversity if planned properly.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings must be passed through an oil interceptor designed and constructed to have an appropriate capacity. Roof water should not pass through the interceptor.

Recommend conditions requiring details of a foul and surface water drainage scheme; a scheme for the improvement and/or extension of the existing sewage disposal works; a Construction Environmental Management Plan should be submitted and agreed; a scheme for water efficiency should be submitted and agreed.

DRAINAGE OFFICER – No drainage details of how surface and foul water is to be treated have been submitted. I believe that there are existing culverts that traverse this property. Ideally, full details of a drainage plan should be forwarded and agreed before any planning permission is granted. However, Most of my concerns are picked up by the conditions and notes attached to permission 43/07/0087 and still apply.

The only slight concern is that there is no direct reference to the existing culvert that passes through the site as outlined in my original observations dated 22/8/2007. Queries whether this can now be addressed.

Representations

Ward Member (at time of representation) Cllr N Wilson – Objects strongly to the number of dwellings proposed within this development. The traffic within this area of Westford and Rockwell Green has increased enormously due to the development of Westford Grange with 70 houses. The corner of Rackfield Lane is already dangerous without the proposed addition of 21 dwellings. This development will impact on the lives of the community of Westford and Rockwell Green and the well being of the residents of Rackfield. I would like to see another highways report being conducted due to the change of the environment before this comes to planning.

A representation from Somerset Industrial Archaeological Society has made the following comments:

- We are pleased that the application seeks to convert rather than demolish the existing buildings. The society has consistently supported proposals for conversion and objected to those for demolition.
- There is a need for a successful outcome in order to bring a halt to the deterioration of the building which has occurred since the cessation of the coal business.
- The current application retains the essential features of the building in terms of size and shape. We hope that changes to fenestration are kept to a minimum.
- The society believes it is important to retain some visible evidence of such a significant local development. We are therefore in favour of the current scheme and have no objection to the addition of the new building if that makes retention of the historic buildings more viable.
- The original permission included provision for archaeological recording and

this should be re-imposed.

10 Representations, including one from a Parish Councillor, have been received raising the following points:

- Maps being used do not show Westford Grange – including the wildlife survey, which appears to rely on out of date information.
- There is insufficient infrastructure in the area to accommodate the development, despite past promises that this would be provided. The additional development in Westford has created serious traffic problems in both Westford and Rockwell Green.
- There has been a considerable increase in traffic since the development of Westford Grange and the roads are not suitable for such heavy usage and speeds. Any further development would not be appropriate.
- There is a blind corner between Westford Grange and the Coal Yard building on Rackfield, worsened by the Midas development, which provide a pedestrian link through here and has rear accesses directly out onto the lane. Many children now play in this area and in the road generally.
- Rackfield is a busy, private road, serving 25 dwellings plus a farm, and becomes a footpath to Sampford Arundel and Holywell Lake.
- The single track river and rail bridges present additional hazards to highway safety. There are no footways and now considerable pedestrian activity between Westford and Rockwell Green.
- The boundary wall at Westford Grange is already restricting access to Brook Farm. It has made it extremely difficult to access property beyond the site. Vehicles have to use non consolidated rubble on the sides of the lane. The present proposal further blocks access to Rackfield and Brook Farm and the concern is that the owner is using the unplanned and un-surveyed widening of the track to improve access to his land for further building.
- The provision of cycle storage is an environmental token gesture to allow the Council to approve the application. There are no safe cycling routes from the site to Rockwell Green/Wellington.
- The bus route relied on to make this development acceptable is under threat from government cuts and obstructions to the route from parked cars – a situation that will only worsen. Cuts to the bus service have just been announced, so people will have to be more reliant on their private cars.
- Concerns over parking and the use of the private road, Rackfield, by workers on the site – as has been the case at the Westford Grange development. Rackfield must be kept clear for residents and emergency services. Rackfield has been frequently blocked by previous construction traffic. The access to the yard is not adequate for contractors vehicles and building supplies to access the yard. Concern raised over where they will park and how they will deliver supplies.
- Previously vehicles accessed the warehouse through the front door. It would seem appropriate that the front access be deemed the access to both the warehouse and the yard in the future. The side access is dangerous inaccessible and inappropriate.
- Further development at Bagley Road and this development will both exacerbate traffic congestion in Rockwell Green.
- The leat and surrounding foliage offers a habitat for wildlife, vehicles are damaging this.
- There is concern that the roof was removed before an environmental and ecological study were initiated on the warehouse. The building had a large

population of bats and swallows and house martins, which has developed over the last 100 years.

- Development of Westford Grange revealed hidden water pipes and other historic infrastructure. These have been damaged during construction and water now continuously runs down the road. A full industry and water engineering archaeological survey should be undertaken before any further damage is committed to these structures and the area.
- Since the completion of Westford Grange, the water pressure and broadband speeds for other dwellings at Rackfield has fallen drastically. Query whether anything can be done to rectify this situation and whether the infrastructure can support any further dwellings.
- Query whether scaffolding would come out onto the access lane.
- The entire Westford Grange has become affordable housing. Question whether there is a need for 21 more cheap flats – if so why were the applicants unable to find advance buyers.
- If the flats are built and there is no market, query whether they too are likely to be sold to a housing association.
- The number of flats proposed are an overdevelopment of the site. The building should be converted by creating a home for 2 families.
- Westford should not have to absorb any further affordable housing.
- The huge influx of residents will lead to problems with social integration and additional facilities are required for the community, including dedicated play workers.
- There are two listed buildings adjoining the site.
- The mill is not an attractive building and is structurally unsound. It would benefit the listed Westford House and The Manse which adjoin the site if there were high quality re-development of the site. A higher quality historic planning permission exists (43/04/0051).
- Earlier applications for 14 flats were more acceptable, and would house approximately half the residents of the current scheme.
- 1.5 parking spaces per dwelling is unlikely to be sufficient and parking will overspill onto Rackfield. There is no provision for visitor or overflow parking.
- The Manse would be completely overlooked by all 16 windows of the first and second floors. Westford House is not afforded any privacy.
- The additional dwellings (90 taking account of this proposal and Westford Grange) would completely change the peaceful character of Westford.
- Westford Grange has failed to make adequate provision for children's play facilities, so the children are spilling out onto Rackfield Lane with balls, bikes etc. as well as into the local fields.
- The Hayman's Mill proposal similarly makes no provision for any outside space.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
EN27 - TDBCLP - Water Source Protection Areas,
EN12 - TDBCLP - Landscape Character Areas,
EN28 - TDBCLP - Development and Flood Risk,

DETERMINING ISSUES AND CONSIDERATIONS

This application seeks to extend the time limit in which the previous planning permission (43/07/0087) could be implemented. The government guidance issued in

respect of this type of application makes clear that in assessing such applications the Local Planning Authority should focus its attention on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission. Indeed, if there had been no material changes in circumstance, it would be somewhat perverse to reach a contrary decision. The consideration of this application must, therefore, first ask whether there have been any material changes in circumstance and, then, whether those changes warrant a contrary decision to that taken in respect of the previous application.

Highway related issues

Since the previous grant of permission, the Westford Grange development for 69 houses has been built. Local residents have suggested that the presence of additional dwellings at Westford Grange has significantly increased traffic in the area and has resulted in considerable additional footfall on Rackfield as a consequence of the pedestrian access points into that development.

It has also been suggested – and it is clearly evident on the ground – that the development of Westford Grange has been built right up to the edge of the carriageway of Rackfield. It would appear that, in the past, residents of Rackfield enjoyed an informal right of way over part of this land, which essentially increased the carriageway width and provided good forward visibility through the double bend off the northwest corner of the Haymans Mill building. The construction of the stone boundary wall to Westford Grange has removed this land from use by traffic on the lane, significantly reducing forward visibility and creating a pinch point whereby the passage of large vehicles along the lane is extremely difficult. Local residents have reported collisions and near misses with children and other pedestrians exiting from the site at these blind corners due to the lack of forward visibility.

The construction of the Westford Grange development is, clearly, a material change in circumstance, which has significantly increased pedestrian and vehicle movements in the area. However, it is not considered to warrant a refusal of permission because that development (application 43/06/0163) was already permitted (6th August 2007) when the previous permission for this site was granted on 27th March 2008. The full impacts of that development and its relationship with the proposed development at Hayman's Mill were, therefore known and, although the development is now present, the two were always intended to co-exist and this has not changed.

At the time of the previous permission, two new dwellings were under construction at the junction of Rackfield and Payton Road. The approved plans for these showed a 4.5m x 60m visibility splay across the site frontage to improve visibility to the left when leaving Rackfield. The Highway Authority have commented that the presence of this visibility splay meant that the development of Hayman's Mill was acceptable, and that they were content with the proposals. That development is now complete and the visibility splay has not been provided (it is obstructed by domestic planting). Reference to the outline planning permission for that site (43/00/0125) has revealed that the maintenance of such a visibility splay cannot be enforced and it would now appear that it will not be provided. The Highway Authority have commented that they are now concerned about the development at Hayman's Mill in terms of the visibility at the Payton Road junction. However, whilst it has now become apparent that the expected visibility splay will not be provided, its maintenance could never

have been secured under the previous permission. There has, therefore, been a change in circumstance in terms of expectation, but, in your officers opinion, not in terms of material planning considerations.

With regard to these matters, it is not considered that there has been any material change in circumstances relating to highway issues at the site.

General population growth, development mix and tenure issues

At the time that it was given permission, Westford Grange was intended to have a proportion (15) of the houses as affordable. In the event, due to the unusual economic circumstances at the time, the developer sold the entire site to a housing association and the development is, therefore, now 100% affordable housing. Some local residents have suggested that Westford now has an excessive amount of affordable housing and have commented that the same could happen to the Hayman's Mill site if the developer was unable to sell the flats on the open market. However, in planning terms, any open market dwelling can be an 'affordable' dwelling if managed by a housing association and there is, therefore, no material change in circumstance. The fact that the dwellings at Westford Grange are affordable does not impact on neighbouring residents or the local highway network any differently to if there were open market housing on the site, in terms of the planning use of the site.

The previous grant of permission was subject to a Section 106 agreement that required 4 of the dwellings to be affordable as discounted dwellings for sale. It is considered that there is no reason not to re-impose this requirement.

There has been comment received about the scale of the development and that it seeks to accommodate too many dwellings on the site (at the expense of sufficient parking or open space). However, this is no different to the previous scheme and there have been no material changes in policy in order to reach a different decision.

Neighbouring properties

The previous permission fully considered the impact on neighbouring residents and secured mitigation to prevent overlooking. Again, since permission was granted, additional neighbouring dwellings have been built at Westford Grange and they are in close proximity to the mill building, however, as with highway issues, this relationship was known, if not built at the time of granting the previous permission. There has been no material change in circumstances in terms of the relationship with neighbouring residents.

Comments have been received that the additional development has affected broadband speeds and water pressure in adjoining houses. However, this is not a matter that the Local Planning Authority can control and, rather, is a matter for the local residents to pursue with the relevant providers.

Condition of the building

Since the previous grant of permission, the building has visibly deteriorated, with the loss of more of the roof structure. Neighbouring residents have explained how the building has been supported internally with scaffolding (which has subsequently been removed) suggesting that its structural stability is uncertain. Significant works

may, therefore, be required and this may include substantial rebuilding. However, acceptability of the previous scheme was not dependant on the proposal being a conversion and the site is still within the settlement limit where a completely new build development would be acceptable in principle. Therefore, the deterioration in the building is not considered to be a material change in circumstance that would warrant refusal of the application.

Wildlife

The previous application found that the site was used by bats and nesting birds. An up to date survey has now been submitted indicating that bats are no longer a constraint on development, although nesting birds still use the site. Further work is recommended in terms of reptiles, although it is unlikely that any European Protected Species, such as Great Crested Newts use the site. It is, therefore, recommended that a condition is imposed requiring a detailed strategy to be submitted for wildlife mitigation, as in the previous permission.

Previous conditions

When granting permission to extend the time limit, it is appropriate to consider the relevance of all conditions previously imposed.

Conditions were previously imposed ensuring that materials should be as shown on the approved plans. This is no longer considered necessary as it is now customary to stipulate the plans that development is carried out in accordance with. Other conditions are recommended to be modified/amalgamated and consolidated to form a more concise planning permission. Conditions were previously imposed removing permitted development rights for new buildings, but as this is a development of apartments, such rights would not apply in any case. Such a condition is no longer recommended.

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

Taunton Deane Borough Council

Planning Committee – 25 May 2011

1. File/Complaint Number: E/0013/49/11

2. Location of Site

FERNICAPS PARK FARM, LANGFORD BUDVILLE ROAD, WIVELISCOMBE,
TAUNTON, TA4 2AF

3. Name of Owner

MISS GREENSLADE
FERNICAPS PARK FARM
LANGFORD BUDVILLE ROAD
WIVELISCOMBE
TAUNTON
TA4 2AF

4. Names of Occupiers

MISS GREENSLADE'S AGRICULTURAL WORKER AND FAMILY

5. Nature of Contravention

OCCUPATION OF MOBILE HOME AT FERNICAPS PARK FARM, LANGFORD
BUDVILLE

6. Planning History

Planning permission had been granted for a mobile home in 1999 for a temporary period of 3 years. Miss Greenslade purchased the site in 2001 and submitted an application for a permanent dwelling in 2002, with supporting plans to further expand the existing dairy herd. This application was approved in February 2003, subject to an agricultural tie, and was built following reserved matters approval in 2006. The mobile home remained in situ whilst the property was being constructed. Miss Greenslade now claims that she faced financial problems whilst the new dwelling was being constructed and subsequently it had to be sold.

In February 2011 it was brought to the Council's attention that the mobile home was still in situ with a young family occupying it. A site visit was made and discussions took place whereupon Miss Greenslade said she needed to retain the mobile home for her agricultural worker and young family and she would submit a Planning application for consideration to retain the mobile home. At the end of February an application was submitted and subsequently refused in April 2011 under delegated powers.

7. Reasons for Taking Action

The site is within the open countryside, where there is a presumption against new development. Planning policy statement 7 sets out exceptional circumstances in which dwellings may be permitted in such locations where there is a genuine agricultural need for the holding. This, was the main consideration in determining

the recent planning application and, therefore, is the main consideration in determining this enforcement case.

Annex A of PPS7 sets out stringent tests which govern whether an agricultural workers dwelling is acceptable in principle. The main issues here are whether there is a 'functional need', whether the enterprise has been planned on a sound financial basis and whether there are any other dwellings that could fulfil the functional need (if there is one).

(i) Functional need

PPS 7 defines a functional need as being whether it is essential for the proper functioning of the enterprise for "one or more workers to be readily available at most times". Fernicaps Park Farm is owned by the applicant, Mrs Greenslade, who lives in the main farmhouse. All farm work, however, is done by an employed stockman who currently lives in the caravan with his partner and their young child.

No information about the agricultural activities undertaken on the holding was submitted with the application, however, the planning officer had a site meeting with the owner, which revealed that the enterprise is based upon cattle rearing, where young stock are bought, fattened and sold on. There are currently 39 cows on site, with an intention of purchasing 50 more. The holding also has 2 flocks of lambing ewes totalling around 200, and 3 rams.

In assessing functional need, it is useful to assess the amount of work required to be undertaken on the holding. Reference is often made to 'standard man days' calculated from agricultural budgeting books, such as that by John Nix; or the Agricultural Budgeting and Costings Book (ABC) produced by Agro Business Consultants. No formal agricultural appraisal was submitted in this case to justify the functional need, however, reference to the ABC suggests that, at most, cattle would produce a direct labour requirement of 10 hours per head, per year. At present, therefore, this would create around 390 hours of work per year and if the additional cattle are purchased would lead to around 890 hours per year. A standard agricultural worker is expected to work around 2200 hours per year.

It is accepted that there is other farm work on this holding, such as the lambing activities and cropping of wheat and barley. However, there is ample case law to suggest that these activities do not create a functional need. Work associated with lambing is seasonal and cropping activities do not require a worker to be present on site at most times. The work associated with the cattle is likely to occupy a farm worker for less than half of his time, so it cannot be said to require an on-site presence at most times. With regard to these matters, it is considered that there is no functional need for a worker to be present on this farming enterprise.

(ii) Sound financial planning

Applications for temporary dwellings at new enterprises are expected to provide evidence that the business has been planned on a sound financial basis; at established enterprises it should be shown that the enterprise has been profitable and is likely to continue to be so. No information in terms of financial forecasts or previous trading accounts was submitted with the recent application and so it cannot be determined whether the enterprise is financially sound. It is, therefore, impossible to assess this test.

(iv) The functional test could not be satisfied by other dwellings on the holding

It has already been argued that there is no functional need for a dwelling on this holding. Even if it was construed that there is a need, there is already a farmhouse which is capable of satisfying that need. True, it is occupied by a relatively elderly woman (the applicant) who does not undertake any of the work, but PPS7 makes clear that the case for a new dwelling must be based on the functional needs of the holding and not that of the individual worker or owner. The fact is that there is already a dwelling at Fernicaps Park Farm and, therefore, there is absolutely no need for a second.

Reference must also be made to the planning history. In 2003 outline permission was granted for a new dwelling for an agricultural worker. Reserved matters were subsequently approved and the dwelling was constructed. According to the applicant, she was unable to finance the construction of the dwelling and sold the property to the builder, who subsequently sold it on to a third party.

PPS7 makes clear that the Local Planning Authority should pay special regard to the previous history of the holding, in order to detect cases of abuse of the special exception granted to farms to build dwellings in the open countryside. In this case, it is difficult to assess whether there is any calculated abuse of the planning policy – i.e. whether the previous ‘agricultural need’ was actually fabricated with the benefit of gaining permission for a dwelling, or whether there was always an intention to sell on the dwelling – however, financial reasons aside, this farm and this applicant have disposed of an agricultural dwelling recently. In addition to the foregoing, this further weakens the case for a new dwelling, permanent or temporary.

With regard to the above the mobile home represents an unjustified dwelling in the open countryside, which would foster the need to travel by private car, contrary to Policy S7 of the Taunton Deane Local Plan, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Guidance note 13.

Members should be aware that if they recommend Enforcement Action to be taken this would result in the young family occupying the mobile home being made homeless. However, the tests for new dwellings in the open countryside are clearly enshrined in planning policy and it is not considered that this personal circumstance can be given sufficient weight to outweigh the clear conflict with planning policy, especially in light of the planning history.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the removal of the unauthorised mobile home. Also to take Prosecution Action subject to satisfactory evidence being obtained that the notice has not been complied with.

CONTACT OFFICER: Mrs A Dunford Tel: 01823 356479

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

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 25 May 2011

Proposal	Start Date	Application/Enforcement Number
CHANGE OF USE OF LAND TO DOMESTIC, CONSTRUCTION OF SWIMMING POOL WITH ASSOCIATED POOL HOUSE AND WORKS AT COURT PLACE LODGE, ASHBITTLE	29 MARCH 2011	01/10/0003
CHANGE OF USE OF PART OF LAND TO STORE 2 NO. MOBILE TRAILERS AT 31 SHOREDITCH ROAD, TAUNTON (RETROSPECTIVE)	26 APRIL 2011	38/10/0318
VARIATION OF S106 FOR APPLICATION 48/93/0001 TO PERMIT A WIDER RANGE OF GOODS TO FACILITATE BOOTS' OPERATIONS FROM THE UNIT CURRENTLY OCCUPIED BY ROSEBY'S AT DEANE RETAIL PARK, HANKRIDGE WAY, TAUNTON	28 APRIL 2011	48/10/0055 VSC
FORMATION OF VEHICULAR ACCESS AT THREE CHIMNEYS, BRADFORD ON TONE	04 MAY 2011	07/10/0031
ERECTION OF FIRST FLOOR EXTENSION WITH ROOF ALTERATIONS AND DORMER WINDOWS TO FRONT ELEVATION AND REPOSITIONING OF CONSERVATORY AT HAM ORCHARD, HAM, CREECH ST MICHAEL	06 MAY 2011	14/10/0034

APPEAL DECISION FOR COMMITTEE AGENDA – 25 May 2011

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/10/2140103/NWF	DEVELOPMENT OF 11 HA OF LAND TO PROVIDE IN THE REGION OF 233 DWELLINGS, RECREATION AND PLAY AREAS, A PUBLIC HOUSE/RESTAURANT AND CAR PARKING ON LAND AT MAIDENBROOK FARM, WEST MONKTON	Appeal against non-determination.	48/09/0054	The inspector concluded that the loss of Green Wedge land, which would effectively reduce the gap between the edge of Taunton and Monkton Heathfield by over a half would cause such harm that the development should not go ahead despite the contribution any scheme would make towards the Councils five year housing supply ...

APPEAL DECISION ATTACHED

The decision represents a clear expression of the need of all development proposals to demonstrate that they are environmentally sustainable and that despite some doubts over land supply, applications that conflict with the statutory Development Plan for the Borough will not necessarily be supported by the government on appeal.

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park



Appeal Decision

Inquiry held on 16 to 18, 24 and 25 February 2011

Site visit made on 24 February 2011

by B J Juniper BSc, DipTP, MRTPI

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

Decision date: 13 May 2011

Appeal Ref: APP/D3315/A/10/2140103

Land at Maidenbrook Farm, Taunton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Tarker Ltd against Taunton Deane Borough Council.
 - The application Ref 48/09/0054/OUT, is dated 18 December 2009.
 - The development proposed is of 11ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant and car parking.
-

Decision

1. I dismiss the appeal.

Procedural Matters

2. The application was made in outline with all matters except means of access reserved for subsequent approval. The appeal included the names of both Tarker Ltd and Mr Stuart Drysdale. It was made clear at the opening of the Inquiry that the appellants were effectively Tarker Ltd of which Mr Drysdale was a representative.
3. At the inquiry a revised site plan numbered 1611 07K was tabled, including marginally altered boundaries. I have used this drawing in reaching my decision on the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.
4. An agreement prepared under S106 of the Act concerning contributions to education, highways and sustainable transport initiatives and dated 25 February 2011 was submitted at the Inquiry. In addition three unilateral obligations, also dated 25 February 2011, were produced, dealing respectively with affordable housing, land management and a travel plan. I have taken all these documents into account in arriving at my decision.

Main Issues

5. Although the appeal was submitted against the non-determination of the application, the Council considered the proposal and resolved that it would have refused it for nine reasons. Some of those have subsequently been resolved either through discussions or by virtue of the agreements and undertakings outlined above. Consequently I consider that the main issues are:
 - (a) The effect of the proposal on habitat protection, protected species and biodiversity;

- (b) The effect of the proposal on the character and appearance of the area;
- (c) Whether there is a five year supply of deliverable housing land; and
- (d) Whether there are any other material considerations which would justify a departure from the development plan.

Reasons

Nature Conservation

6. Ecological survey information has identified the presence on the appeal site from time to time of lesser horseshoe bats (LHBs), albeit in relatively small numbers. The Council was of the view that these bats probably originated from roosts in a complex of buildings at Hestercombe House, some two miles or so to the north, which is designated as a Special Area of Conservation (SAC) and it was concerned that the proposal would harm the SAC by adversely affecting part of the foraging area for the bats. Annual monitoring of the size of the colony at Hestercombe reveals that it has been in decline for a number of years against a background of generally increasing populations in south-west England as a whole. Applying the precautionary principle, the Council therefore advocated a 'belt and braces' approach because it was not convinced that the proposal would not adversely affect the colony or that satisfactory mitigation of the effects of the development could be provided as part of the development.
7. The presence of LHBs on and around the appeal site had been established by a series of surveys taken in every year between 2005 and 2010 save for 2006 using a combination of walked transects and fixed electronic bat detectors. The LHB emits ultrasonic echolocation calls at a distinctive frequency which can be distinguished from other types of bat and there was no dispute about their presence on the site. The Council, however, was of the view that the survey methodology had been inadequate because the observations by field surveyors were taken over too short a period and the bat detectors were wrongly used.
8. On the former point, I accept that the majority of the walked transects were carried out before midnight. Nevertheless, evidence was produced to establish that the prime feeding time for LHBs is the 2½ hours after sunset¹ and I also note that the work carried out in connection with the proposed development at Nerrols Farm nearby (and somewhat closer to Hestercombe) was not criticised by the Council, despite being carried out on a similar basis.
9. On the latter point, the use of bat detectors was the subject of considerable discussion at the Inquiry. The LHB forages along hedgerows and can be detected from its echolocation calls in flight. The surveys used a proprietary device called an 'Anabat' and the parties accepted that this was an appropriate technology. The Council's objection was to the alignment of the detectors which it considered should have been sited parallel to and each side of the hedges, rather than being placed within the hedge pointing outwards to one side, a technique which it alleged led to significant under-recording of bat movements.
10. However, no evidence was produced to suggest that the latter technique was more likely to produce accurate results. I note that, whilst the Anabat is to some extent a directional device in that it records calls at a greater distance if they are sourced directly in front of the detector, it does pick up sounds from a wider

¹ Study by Tessa Knight in Document I10 at p94

angle within 2-3m and the LHB almost invariably flies within about 1m of a hedge when foraging in such territory². Given also that the animal does not simply fly parallel to the hedge but wheels around in its search for prey, it would be likely to register on the detectors at some point in its flight. I judge that the use of the Anabat devices in the various surveys at Maidenbrook Farm was not technically inadequate and that the results can therefore be relied upon.

11. Even if the data underestimated the number of LHBs using the area, it is also necessary to consider the importance of Maidenbrook Farm to the wider foraging area necessary to support the colony. In general terms it is accepted that LHBs prefer to forage in woodland areas within 2.5km of the maternal roost site and there are significant wooded areas to the north and west of the SAC. However, there is plenty of evidence to establish that they also forage along hedgerows of the type present on the appeal site and in much of the area between there and Hestercombe House. Radio tracking surveys carried out at Hestercombe reveal that 72% of bats leaving the roost appeared to go south to forage.
12. Nonetheless, it is also accepted that the animal does not readily cross gaps in hedgerows of more than 5m or so, and is strongly averse to significant light sources. One route by which the bats reach Maidenbrook is via the Allen's Brook culvert under the A3259 but the Council also suggested that the grouping of trees and hedgerows around Tudor Park, at the north western corner of the site, taken together with a gap in the street lighting, might provide an alternative access. I looked at this area in both daylight and after dark and I have to say that I did not find the Council's argument convincing. The trees and hedgerows by no means form a continuous route that the LHBs would find attractive and, notwithstanding the short gap in street lighting along the A3259, there is a noticeable amount of other stray light from the dwellings and other buildings in the area.
13. The Council pointed to evidence from faecal analysis that Hestercombe LHBs have a higher proportion of mosquitoes in their diet and noted that the Allen's Brook and the Bridgwater and Taunton Canal which bound the site to the east and south respectively would be a prime source of such food. However, there is a significant area of standing water much closer to Hestercombe House in the form of a landscaped lake and I do not consider that much can be inferred from the dietary information in terms of the relative importance of the appeal site and its environs to the foraging area as a whole.
14. I have also taken into account the prospects for mitigation measures to be introduced. The appellants control almost the whole of the land between Allen's Brook and the existing urban edge formed by the houses around Waterleaze. The illustrative plan shows much of the existing hedgerow to be removed but the appellants properly pointed out that the layout could be adapted to retain significant and connected lengths of hedgerow on land to the east. Whilst there was a difference of opinion between the witnesses as to the extent of planting and other measures required to achieve appropriate mitigation, the Council accepted that this was possible in principle. Further, the appellants offered under the terms of one of the unilateral undertakings to transfer land to the east of the area of the site they intended to develop, together with a commuted sum, so that it could be managed in a way that was sympathetic to wildlife interests. The land concerned is closest to the established route by which LHBs are known to reach Maidenbrook Farm, i.e. the culvert under the A3259, and whilst eventually a

² Study by Grégory Motte and Roland Libois in Document I18 at p51, col 1

second culvert under the proposed western by-pass for West Monkton would be required, this still seems to me to be the most promising area where mitigation could be achieved.

15. It was established at the inquiry that there had been recent changes to the agricultural management of the appeal site which would be likely to have reduced insect populations and thus to which the reduction in the number of LHBs recorded in 2010 could, at least in part, be attributed. The mitigation possible on the remaining land could compensate for this to an extent although I accept that there would still be a reduction of about two thirds in the foraging area available. However, I am far from convinced that the overall decline in the LHB population in the SAC can be attributed to changes in the Maidenbrook area. In particular I saw that there have been extensive changes to the management regimes in the immediate vicinity of Hestercombe House. Over the last two decades or so there has been a great deal of clearance of vegetation which would have provided cover for LHBs exiting the roost, in many cases opening up gaps which are rather larger than those which the evidence at the Inquiry suggested were typically accepted by the species. The appellants commented on the apparent lack of action by the public authorities to control these changes but that is not a matter before me. I am satisfied, however, that the changes at Hestercombe House are much more likely to have had an effect on the roost than the changes proposed for the appeal site given that it is at the margins of the normal foraging range of the LHB.
16. I therefore conclude that the appeal proposal would not be likely to have a significant effect on the Hestercombe House SAC either on its own or in combination with other projects. It is thus unnecessary for me to make an appropriate assessment under the Conservation of Habitats and Species Regulations 2010 (and Article 6(3) of the Habitats Directive (92/43/EEC)). It follows that the scheme would not conflict with the requirement in Policy 1 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP) that biodiversity should be maintained and enhanced.

Character and Appearance

17. The site is designated as part of a Green Wedge in Policy EN13 of the Taunton Deane Local Plan. It occupies the whole of the area between Tudor Park and the recent housing development accessed by Waterleaze and the western limit of the ribbon development along the A3259 in West Monkton. The illustrative plan shows built development occupying something over half of the area, leaving a narrower open strip on the eastern side. Whilst the exact boundaries of the housing element are not before me, the scale of the proposal envisaged in the description of the scheme ('in the region of 233 dwellings') would clearly require a substantial proportion of the appellants' land to be developed.
18. In terms of the formal analysis of the landscape impact of the scheme, there was a measure of agreement between the evidence presented by the principal parties, the key difference being the width of open area which would be sufficient to comprise an effective Green Wedge. The Council felt that it could not be reduced significantly below the present distance, about 340m along the northern edge, whilst the appellants argued that a properly landscaped area along the eastern side would still serve the purpose envisaged in the development plan in a much narrower area. In practice, a judgement has to be made about the perception of the area of those travelling past it, whether in vehicles, on cycles or on foot.

19. The principal viewpoints are obtained along the northern edge of the site where the A3259 forms a well defined boundary. At present there is a clear transition at Allen's Brook where the ribbon development in West Monkton ends abruptly and the road is then flanked by hedgerows. There is a cycleway on the south side of the A3259 but this is relatively inconspicuous and its lighting columns, which are only about 5m high, do not to my mind intrude unduly into the landscape. Even to the west of Tudor Park the group of buildings around the former farmstead at Maidenbrook appears distinctly rural and the trees and fields on the north of the road help retain that appearance well to the west of the appeal site. The development would result in an access point being formed about mid-way between Tudor Park and West Monkton and, whilst I acknowledge that this boundary of the site could be landscaped, it is unlikely that the present open feel would be retained. Walkers, cyclists and motorists would all experience a much reduced open gap between the settlements. In coming to this view I am conscious that the proposed western bypass for West Monkton would affect the eastern part of the Green Wedge to a degree, including the removal of the existing hedgerow, but there is no reason why replacement landscaping could not be effective. Indeed, the present hedgerow itself was planted relatively recently and is now an effective landscape feature.
20. To the south of the site there are hard-surfaced routes on either side of the canal, lit by street lamps and evidently well used by cyclists and pedestrians. The path on the northern side runs round a small boatyard with moorings and some modest buildings and then passes between the canal and a large electricity pylon. Nevertheless, the view into the site from this path is of large open field and I was not convinced that the reduction of the open length of the field by some 50% would result in an effective gap. Looking north from the path the gap would be further narrowed to only 70m or so in the vicinity of Aginghills Farm and it is hard to conceive of landscaping or other measures which would give the perception of a substantial gap between the settlements.
21. On the west side public access to the boundaries of the site is limited save for the large playing field to the north-east of Waterleaze. This area is bounded by a comparatively narrow hedge and to my mind contributes significantly to the openness of the Green Wedge. From the A3259 and the land further to the north the upper parts of the houses at the southern end of Waterleaze can be seen above the hedgerows, but the proposal would surround the playing field with built development and I consider that this would emphasise the urbanising effect of the scheme.
22. There is a largely unsurfaced public footpath along the Allens Brook and views into the site are available from this, particularly from its northern end. As the area immediately to the west of this would remain undeveloped, the impact of the proposal on this side of the Green Wedge would not be so pronounced, but at present relatively little of the edge of Taunton can be seen from this direction so there would still be an appreciable change to the largely rural view which presents itself currently.
23. The proposal would also have an impact in views from areas beyond the immediate vicinity of the site, notably from the north and south. The Quantock Hills rise gently to the north and the site can be seen from the vicinity of Volis Farm, although only at a considerable distance, and I judge that the proposal would not significantly alter this view as the present houses at the southern end of Waterleaze already appear close to the dwellings beyond the canal around

Acacia Avenue and the industrial buildings of the Crown Estate are quite prominent. I also looked northwards from Creech Barrow Hill but from publicly accessible viewpoints the site is largely obscured by trees and the green wedge is not especially prominent. However, there is a large open area to the south of the canal on the former Priorswood landfill site much of which is intended to be laid out as a country park and which forms a southerly extension of the green wedge. Although the southern part of Waterleaze is also a significant feature in the view from this area, the openness of the undeveloped area is an attractive feature of the landscape and forms a foreground to more distant views of the Quantocks. The scheme would appreciably close the present open gap and I give this viewpoint significant weight as it will have public access close to the town and is likely to be well used.

24. Although no detailed proposals have been put forward, the Council's intention for the appeal site is for playing field and other open uses and I acknowledge that these in themselves would have some impact on the Green Wedge. However, there was no evidence that significant built development, such as grandstands or enclosed sports facilities, is being promoted by the Council. I also acknowledge that the management of the undeveloped land which would remain on the east side of the site could be carried out in such a way as to achieve improvements to the existing footpath route and aid the implementation of the Council's Green Infrastructure Strategy and I have weighed these factors in the balance.
25. The depiction of land as a Green Wedge in the development plan is not intended to prevent development being carried out on any part of the designated land and the Council acknowledges that some areas within the existing Green Wedges will need to be developed to meet housing and other needs. Indeed, the development now being considered by the Council at Nerrols Farm to the north of the appeal site is a case in point. However, the purpose of the designation is essentially to prevent the coalescence of settlements which it is desirable to keep separate for townscape and landscape reasons. Extensive areas of land around West Monkton are allocated for development in the Local Plan; it is a village which has grown considerably in recent years and will continue to do so. At the same time Taunton has expanded eastwards so that there is a comparatively narrow gap in the Maidenbrook Area. The appeal scheme would fill more than half of the width of the present gap and, for the reasons set out above, I conclude that it would reduce the Green Wedge to an unacceptable degree. The proposal would thus harm the character and appearance of the area and run contrary to Local Plan Policy EN13.

Housing Land Supply

26. The Council produced its first Strategic Housing Land Availability Assessment (SHLAA) in 2009³ and updated it with revised methodology in 2010⁴. The appellants criticised the current SHLAA both because it skews housing provision over the 15 year period with a larger proportion to be delivered after the initial five year period and because they considered that the assessment of some of the sites planned to contribute to the requirement of 3,525 dwellings for the period 2011 – 2016 was over optimistic. Given that the deliverable land supply in the 2010 SHLAA amounted to 5.03 years worth, only marginally above the target, any significant change in the deliverability of the relevant sites would potentially reduce supply below the 5 year target.

³ Document G1

⁴ Document G5

27. The Council's rationale for working on the basis that more land would be delivered beyond 2016 was that completion rates in recent years have been lower than anticipated due to the effects of the wider economic downturn. The appellants described this as a 'self fulfilling prophecy' but there seems to me to be some logic in the approach given that economic activity affects to a degree migration into and out of an area so that a downturn would depress need as well as demand.
28. A further criticism levelled by the appellants is that a shortfall in provision against the current Structure Plan requirements, the plan period of which ends in July 2011, has not been taken into account. This is a matter which will be tested fully when the SHLAA is considered as part of the supporting information for the forthcoming Core Strategy and will be examined at that time. Whilst I acknowledge that the Structure Plan figures are qualified by the word 'about', the evidence before me did not establish whether the likely shortfall against the provision in the Plan has been taken into account in calculating the five year supply but if it has not, the effect would be to reduce the available supply to about 4.6 years, based on the appellants' calculations of a shortfall of 697 dwellings.
29. The final area of doubt about the housing supply figures set out in the appellants case is whether all of the schemes identified in the SHLAA would achieve the number of dwellings envisaged within the 5 year period. Up-to-date evidence from a property professional familiar with the area was produced to cast doubt on the assumed completion rates from a number of sites. I have some sympathy with the Council in this part of the case as the SHLAA appears to have been prepared with advice from relevant housebuilding companies as the government's Practice Guidance advises. Nevertheless, the appellants' evidence was fairly put and, indeed, their witness accepted that some sites would be likely to deliver at rates above that estimated.
30. There were indications, however, that the predicted contributions from some of the larger sites would not be forthcoming. The development at Nerrols Farm may not make a contribution as early as the Council estimated, given that the planning process is at a relatively early stage and there are potential delays to accommodate ecological requirements. Although parts of the large scale development at Taunton East Goods Yard are well under way, the permitted scheme contains a large proportion of apartments and I agree that these are rather less likely to come forward in present market conditions. Even if only these two schemes produce significantly fewer completions (and there are doubts about some smaller schemes also) there would still be a shortfall and the 5 year target would be missed.
31. The Council pointed to the historically high levels of permissions granted on windfall sites which it had, quite properly, not taken into account in its calculations, but which it considered might form a cushion against under-provision from other sources. I accept that this is a potential area of additional housing supply. Overall, however, the balance of probability is that the Council cannot at present demonstrate that there is a five year supply of housing land.

Other Matters

32. The Council had a number of further reservations about the proposal in respect of the provision of affordable housing, required under LP Policy H9 and the potential shortage of school places, with reference to LP Policy C1. The highway authority

sought contributions to sustainable transport, the submission of a travel plan and works necessary to allow the provision of part of the western bypass to West Monkton including bus lanes. All of these matters were the subject of agreements or undertakings which were completed by the end of the Inquiry and I am satisfied that the obligations are properly related to the proposal, as Circular 05/2005 – *Planning Obligations* and the Regulation 122 of the Community Infrastructure Levy Regulations require. Archaeological investigations carried out after the submission of the appeal enabled the Council to be satisfied that an appropriate condition could ensure that relevant interests would not be harmed. Its objection on that topic was therefore dealt with.

33. There was some local concern about the additional traffic generated by the scheme and its effect on the A3259 but I am satisfied that the highway authority's analysis, and the works required by the agreement and undertakings, would prevent undue hazards or inconvenience arising. Reservations were also expressed about the potential for the proposed public house to cause noise and disturbance but, as the proposal is in outline, its location and nature were not defined. In any event, the appellants indicated that they would be prepared not to include this element of the scheme.

Conclusion

34. Since an up-to-date five year supply of housing land has not been demonstrated, the provisions of paragraph 71 of Planning Policy Statement 3 – *Housing* (PPS3) apply so that favourable consideration should be given to the proposal having regard to advice in the PPS as a whole and, in particular, to the considerations in paragraph 69. As the application was in outline, I have no reason to doubt that high quality housing with a good mix of types could be designed in such a way as to use the land effectively and efficiently, so most of the criteria in paragraph 69 would be met.
35. However, the advice also requires the site to be environmentally sustainable. Although I have found that the interests of habitat protection, protected species and biodiversity would not be endangered, I have also come to the view that the Green Wedge between Taunton and West Monkton would be so eroded by the proposal as to render it ineffective in separating the settlements. Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed and for that reason the appeal must fail. I have taken into account all other matters raised in the representations but I have not found any evidence to outweigh the main considerations which have led to my decision.

B J Juniper

INSPECTOR

APPEARANCES

FOR: THE LOCAL PLANNING AUTHORITY:

Gavin Collett	Of Counsel
He called	
Nick Bryant	Strategy Lead; Strategy Unit
Ian Clarke	Landscape Lead
Michelle Osbourn	Planning and Advocacy Co-ordinator: Somerset Wildlife Trust

FOR: THE APPELLANT:

David Elvin QC and	
Richard Moules	Of Counsel
They called	
Laurent Duvergé	Principal: Kestrel Wildlife Consultants Ltd
Anne Priscott	Principal: Anne Priscott Associates
Andrew Herridge	Director/Proprietor: Herridge Property Consulting Ltd
Julie Lyle	Proprietor: C2C Planning Consultants Ltd

INTERESTED PERSONS:

Cllr Alan Wedderkopp	Ward Member for Comeytrowe Ward
Adrian Wilson	Local Resident
Ray Tully	Local Resident

CORE DOCUMENTS

Application Documents

- A1 Planning Application dated 18th December 2009
- A2 Environmental Statement 2009
 - a) Volume 1: Written Statement
 - b) Volume 2: Figures
 - c) Volume 3: Appendices
 - d) Non-Technical Summary
- A3 Planning Statement
- A4 Design and Access Statement
- A5 Officer's Report to Committee dated 15 December 2010
- A6 Minutes of Committee Meeting on 15 December 2010
- A7 Additional Correspondence with Taunton Deane Borough Council
- A8 Additional Correspondence with Somerset County Council
- A9 Consultee Responses to the Application
- A10 Third Party Responses to the Application
- A11 Statement of Case of Tarker Ltd
- A12 Statement of Case of Taunton Deane Borough Council

National Planning Policy

- B1 Planning Policy Statement (PPS) 1
- B2 Supplement to PPS 1 – Planning Policy and Climate Change

- B3 PPS3 (Housing): June 2010
- B4 PPS5 (Planning and the Historic Environment); March 2010
- B5 PPS 7 – Sustainable Development in Rural Areas
- B6 PPS9 (Biodiversity); August 2005
- B7 PPG13 (Transport), April 2001
- B8 PPG17 (Planning for open space, Sport and Recreation); July 2002
- B9 PPG24 (Noise); October 1994
- B10 PPS25 (Development and Flood Risk); March 2010
- B11 ODPM Circular 11/95 - Use of Conditions in Planning Permission
- B12 ODPM 06/2005 – Biodiversity and Geological Conservation
- B13 ODPM Circular 05/05- Planning Obligations
- B14 The Community Infrastructure Levy (CIL) Regulations

The Development Plan

- C1 Regional Spatial Strategy for the South West to 2016 (RPG10)
- C2 Somerset and Exmoor National Park Joint Structure Plan 2000
- C3 Taunton Deane Local Plan 2004

The Emerging Development Plan

- D1 Draft Revised Regional Spatial Strategy for the South West (submitted in 2006) including the Errata and Corrections to Draft Regional Spatial Strategy Documents (2007)
- D2 The Panel's report of the Examination in Public of the Draft Regional Spatial Strategy for the South West (January 2008)
- D3 The Secretary of State for Communities and Local Government Proposed Changes to the Draft Regional Spatial Strategy (July 2008)
- D4 Local Development Framework , including the Town Centre Area Action Plan

Other Material Considerations

- E1 TDBC's Corporate Strategy 2010-2013
- E2 TDBC's Playing Pitch Strategy
- E3 TDBC's Sports Facilities Strategy
- E4 TDBC's Green Space Strategy
- E5 TDBC's Emerging Corporate Priority - Affordable Housing
- E6 Monkton Heathfield Development Guide (Approved 2004)
- E7 Taunton Deane Residential Design Guide (1998)
- E8 CLG's Chief Planner letter dated 26 March 2010 re ensuring a five year supply of land for housing
- E9 Taunton Deane Green Infrastructure Strategy August 2009

Appeal Decisions

- F1 Maidenbrook Farm 1999 (APP/D3315/A/99/1027454/P5)
- F2 Cala Homes (South) Ltd case (2010 EWHC 2866)

Housing Allocation

- G1 Taunton Deane Housing Land Availability Assessment (July 2009) (SHLAA)

- G2 Taunton Deane Annual Monitoring Report 2009-2009
- G3 Household Projections, 2008 to 2033, England
- G4 Taunton Deane Borough Council - Executive Committee- 16 June 2010 - Report of the Planning Policy Advisor - Core Strategy Interim Sites
- G5 Taunton Deane Housing Land Availability Assessment (2010) (SHLAA)
- G6 Taunton Deane Borough Council - Executive Committee- 18 August 2010 - Report of the Strategy Lead - Setting strategic housing and employment targets for the Taunton Deane Core Strategy

Landscape and Visual Documents

- H1 Countryside Agency and SNH, 'Landscape Character Assessment - Guidance for England and Scotland', prepared by Swanwick C and LUC, revised 2002
- H2 TDBC, Deane Tree Plan (1989)
- H3 Landscape Institute and IEMA, 'Guidelines for Landscape and Visual Impacts Assessment' (GLVIA) (revised 2002)
- H4 TDBC, 'Landscape Character Assessment' (2008)
- H5 LUC, Taunton Deane Green Infrastructure Strategy (2009)
- H6 CPRE Tranquillity Mapping
- H7 Landscape Character Assessment Series: Topic Paper 6 – Techniques and Criteria for Judging Capacity and Sensitivity' (Countryside Agency and Scottish Natural Heritage) (2004)

Ecology Documents

- I1 Habitats Regulations Assessment (HRA) of Hestercombe House Special Area of Conservation (SAC)
- I2 Burrows, L. Undated: Assessment of likely significant effect on a European site - Application reference no. 48/09/0054. Taunton Deane Borough Council (Received from L. Burrows on the 16th December 2010).
- I4 Taunton Deane Borough Council Habitat Regulations Assessment of 'Local Development Framework Core Strategy: Site Allocations Development Plan Document', and Somerset County Council Taunton Transport Strategy Review 2 - September 2009
- I5 Duvergé, P. L. 2009: Report on bat surveys carried out at Hestercombe House SSSI, Taunton, Somerset, in 2007 and 2008. A report prepared for Mr L. Burrows, Ecology Officer- Spatial Planning, Environment Directorate, Somerset County Council, County Hall, Taunton, Somerset TA1 4DY.
- I7 Bontadina et al 2007 – Changes in prey abundance unlikely to explain the demography of a critically endangered Central European Bat
- I8 The Lesser Horseshoe Bat – Conservation Handbook – Vincent Wildlife Trust
- I9 Bat Conservation Trust Bat Surveys Good Practice Guidelines (2007)
- I10 Knight, T. 2006: The use of landscape features and habitats by the Lesser Horseshoe bat. PhD thesis, University of Bristol.
- I11 Billington, G. et al 2005: Radio tracking Study of lesser horseshoe bats at Hestercombe House site of Special scientific Interest. English Nature, Peterborough
- I12 A Review and Synthesis of Published Information and Practical Experience on Bat Conservation within a Fragmented Landscape – Welsh National Parks, 2005
- I13 Bat Mitigation Guidelines – English Nature 2004)
- I14 Cresswell Associates. 2004: Bats in the Landscape Project. The National Trust, Sherborne Park Estate
- I15 Schofield, H., Messenger, J., Birks, J. & Jermyn, D. 2003: Foraging and Roosting Behaviour of Lesser Horseshoe Bats at Ciliau, Radnor. The Vincent Wildlife Trust, Ledbury

- I16 Bontadina, F., Schofield, H. & Naef-daenzer, B. 2002: Radio tracking reveals that lesser horseshoe bats (*Rhinolophus hipposideros*) forage in woodland. *J. Zool. Lond.* 258: 281-290.
- I17 A R Outen – The ecological effects of road lighting
- I18 Motte & Libois 2005 – Conservation of the lesser horseshoe bat in Belgium
- I19 Arlettaz et al 1999 – Competition for food by expanding pipistrelle bat populations might lead to the decline of lesser horseshoe bats
- I21 Bat Conservation Trust – National Bat Monitoring Programme – Annual Report for 2008
- I22 Bat Conservation Trust – National Bat Monitoring Programme – Annual Report for 2009
- I23 The state of the UK's Bats - National Bat Monitoring Programme Population Trends 2008
- I24 The Crown Estate – North Taunton Appendix H - Biodiversity Report – ENTEC 2010
- I25 Council Directive 92/43/EEC – 21 May 1992
- I26 Extract from *Przyroda Sudetow* Supplement 3 2008 7-26
- I27 The Bats of Britain and Ireland – Jon Russ [extract]
- I28 Mammals of the British Isles – Harris & Yalden (Extract)
- I29 Stone, Jones & Harris 2009 – Street Lighting Disturbs Commuting Bats
- I30 Extract from JNCC SAC Species Account re Lesser Horseshoe bat
- I31 Conservation status assessment for Lesser Horseshoe bat – Second Report by the United Kingdom under Article 17 – Jan 2001 to Dec 2006
- I32 Assessment of Hestercombe House SSSI – 01 Jan 2011 – Natural England

Documents submitted at the Inquiry

- M1 Council's letter of notification and list of addresses to which it was sent
- M2 Appellants' opening submissions
- M3 Council's opening submissions
- M4 Copy of Plan 1611 07K annotated by the Council to show extent of landscaping required
- M5 Landscape observations on appn No. 48/10/0072 – Land north of Aginghills Farm
- M6 Somerset Wildlife Trust map of habitat types south of Hestercombe House
- M7 Habitats Regulation Assessment of appn No. 08/10/0024 – Nerrols Farm
- M8 Phasing section of Design and Access Statement for Nerrols Farm scheme
- M9 Google Earth view of Tudor Park and land to the west
- M10 Site plan annotated by Ms Osbourn to show desired bat transit routes
- M11 Google Earth view of Hestercombe House at various elevations
- M12 Records of Lesser Horseshoe Bats within 6km of NGR ST249264
- M13 Council's Closing Remarks
- M14 Judgement in *R (on the appn of Hart DC) v SoS for Communities & Local Government* [2008] EWHC 1204
- M15 Appellants' Closing Submissions
- M16 Final Statement of Common Ground
- M17 List of Suggested Conditions

Application Plan submitted at the Inquiry

- P1 Revised Illustrative Assessment Plan – drawing No. 1611 07K

Planning Committee – 25 May 2011

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Denington, Govier, Hayward, Henley, Mrs Hill, Miss James, Mrs Messenger, Morrell, Mrs Reed, Mrs Smith, Watson, A Wedderkopp, D Wedderkopp and Wren

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), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillors Mrs Slattery and Stone in relation to application No 24/11/0009; Councillor Mrs Lees in relation to application No 38/10/0272; Councillors Mrs Govier and Mrs Stock-Williams in relation to application No 43/11/0024REX; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

38. Appointment of Chairman

Following the decision of the Committee, the Conservative Group Leader's nomination for the Chairmanship of the Planning Committee was referred back for re-consideration.

39. Appointment of Vice-Chairman

Resolved that Councillor Coles be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

40. Apology/Substitution

Apology: Councillor Tooze
Substitution: Councillor Henley

41. Minutes

The minutes of the meeting of the Planning Committee held on 20 April 2011 were taken as read and were signed.

42. Public Question Time

Councillor Govier asked if the order for planning applications on the agenda could be reversed from time to time as he felt it was unfair to parishes that featured later in the alphabet. The Growth and Development Manager agreed that this would be looked at in the future.

43. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Watson declared a personal interest as an

alternate Director of Southwest One. Councillors Mrs Hill and 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 Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared an interest in application No 38/11/0272 as his family owned property abutting the site. He would not vote on the application. Councillor Wren declared a personal interest in agenda item 15 as he had been the Clerk to Milverton Parish Council when the item had been considered.

43. 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 **outline planning permission be granted** for the under-mentioned development:-

37/11/0001

Erection of two detached two storey dwellings and ancillary garages at Dairy House Farm, Stoke St Mary

Conditions

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) As part of the details to be submitted, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority and there shall be no variance to the agreed levels unless otherwise agreed by the Local Planning Authority;
- (d) 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 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;

- (e) Prior to commencement of the development, details of a strategy for dealing with foul and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include a full operation and maintenance strategy. The drainage strategy shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained;
- (f) Details of the position, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation. 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;
- (g) (i) The landscaping scheme submitted as part of the reserved matters 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; (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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) The proposed dwellings shall be constructed as one and a half storey buildings;
- (i) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (j) In this condition, ‘retained tree’ means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the dwellings:- (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 and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;
- (k) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing, all in accordance with BS

5837:2005. 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 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;

- (l) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (m) Prior to commencement of trenching works within the canopy spread of existing trees, all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (n) The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated September 2010 and provide mitigation for bats in accordance with the recommendations and in accordance with a timetable which shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (o) The parking and turning areas shown on the plans submitted as reserved matters shall be laid out prior to occupation of the dwellings and thereafter be kept clear of obstruction and not used other than for the parking and turning of vehicles;

(Notes to applicant:- (1) Applicant was advised to be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists the exact position on the design site layout should be plotted to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense, or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (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 should ensure that any activity undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (4) Applicant was advised to have regard to the Stoke St Mary Parish Council Design Statement when designing the dwellings; (5) Applicant was advised that, in respect of the illustrative plan, it is considered that the proposed dwellings being at an angle to the access tend to overcome potential overlooking issues, but the amount of hard standing and parking area shown appears excessive and should be reduced in the detailed submission; (6) Applicant

was advised that no planters should be placed within the highway limits at any time and the existing planters should be removed with immediate effect; (7) Applicant was advised that the landscaping scheme should include a line of trees on the western side of the site and hedges in other locations as shown on plan ref 1823-2C).

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 continued use of the existing access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties. The revised illustrative plan with the re-orientation of the dwellings, together with the reduction to one and a half storeys, contributed to the character of the village. It was not considered that there would be any overlooking to neighbouring properties and the new dwellings were considered to be an appropriate use of already developed land within the village. It was not considered that the loss of the existing parking area would result in detriment to the character of the village or local roads and the retention of the existing landscape business was a benefit to the locality. The proposal was therefore considered to be in accordance with Planning Policy Statement 3, Planning Policy Statement 7, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

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

05/11/0010

Variation of Condition 1 to Application No 05/10/0014 to amend the external facing materials for Plot 49 (showhome) at land west of Bishop's Hull Road, Bishop's Hull

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to the e-mail dated 4 February and the approved plans;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C on Application No 05/10/0014 and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to five years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and agreed in writing by,

the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction;

- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) 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 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out and any replanting shall be maintained for a period of up to five years.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or to harm the street scene given the materials used and the previously approved reconstituted stone and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

24/11/0009

Erection of conservatory to the rear at Chestnut Farm Barn, Helland, North Curry

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 the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the side window to be installed in the southern elevation of the extension shall be obscure glazed and non-opening. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon the character of the existing dwelling, visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings). In addition, the impact of the conservatory on the historic asset was not considered to be significant and the proposal was considered to be in accordance with Planning Policy Statement 5 Planning for the Historic Environment.

38/10/0272

Erection of two one bedroom flats at land off 99 Station 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) 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 dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for one bicycle per dwelling to be parked;
- (e) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed in the east or north elevations of the development hereby permitted without the further grant of planning permission;
- (f) None of the dwellings shall be occupied until details of the surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority and all agreed drainage works completed in accordance with those details unless otherwise agreed in writing by the Local Planning Authority;
- (g) Prior to the occupation of the dwellings hereby permitted, a plan showing the details of a safe access route into and out of the site and details of a sign to inform residents of the route shall be submitted to, and approved in writing by, the Local Planning Authority and provided on site. The safe access route shall thereafter be retained in accordance with the plan;
- (h) Finished floor levels shall be no lower than 15.3m AOD.

(Notes to applicant:- (1) Applicant was advised that, as the site is located within Flood Zone 2 and 3 areas, the incorporation of flood resistant techniques in the construction of the flats, examples of which include concrete floor with waterproof membranes; sealed service ducts; electrical and other plant to be located at a raised level; and high level electrical sockets, should be considered; (2) Applicant was advised of the need to protect the integrity of Wessex Water systems and

agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water).

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).

42/11/0010

Erection of rear and side single storey extension and conversion of garage to living accommodation at Dinham, Honiton Road, Trull

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.

Reason for granting planning permission:-

The proposed extensions were not considered to dominate the bungalow or result in harm to its character or that of the appearance of the surrounding area. There would be no adverse impact upon the amenities of the neighbouring properties or highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

- (3) That the following application be **deferred** for the reason stated:-

43/11/0024/REX

Conversion of mill building (former Haymans Coalyard warehouse) and extension to form 21 two bed apartments and formation of 32 car parking spaces and bike lockers for 42 bikes, Haymans Mill, Payton Road, Westford, Wellington (application to replace extant permission 43/07/0087)

Reason

To consider whether enforcement action could be taken to secure improvements to visibility and, if not, to ask the County Highways Authority if they would be supportive of defending any appeal on the grounds of a highways objection.

- 44. Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/10/0014 for Phase 1, minor changes to layout, design and materials, at land west of Bishop's Hull Road, Bishop's Hull (05/11/0016)**

Reported this application.

Resolved that subject to an acceptable negotiated solution to replace the half timber materials to three plots and the half-hip roofs to three plots which were unacceptable, 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:-

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to an e-mail dated 4 February 2011 and the revised schedule received 10 June 2011 for Plots 1-54 with drawing plans:-
 - (A3) DrNo SLP-03 Rev B
 - (A3) DrNo EF (PH1) -01 Rev H
 - (A1) DrNo TP-01 Rev AB;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C on Application No 05/10/0014 and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to five years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and agreed in writing by, the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction;
- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) 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 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to

the work being carried out and any replanting shall be maintained for a period of up to five years.

Reason for planning permission, if granted:-

The proposal was not considered to have a detrimental impact on visual or residential amenity or to harm the street scene, given that proposed materials reflected those previously approved and, accordingly, this complied with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

46. Erection of single and two storey rear extension and erection of boundary wall at Brookside, Amberd Lane, Trull (42/11/0012)

Reported this application.

Resolved that subject to the receipt of an amended plan reducing the height of the first 2.4m of the fence from 1.8m to 900mm, 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:-

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 provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garage and driveway hereby permitted shall be limited to the parking of domestic vehicles only for Brookside and shall not be used for further ancillary residential accommodation or any other purpose whatsoever.

(Notes to applicant:- (1) Applicant was advised that the boundary wall and fence hereby permitted shall be wholly contained within the ownership of the applicants and shall not encroach onto the adjacent public footpath in any way; (2) Applicant was advised that the County Rights of Way Group requested that:- (i) the health and safety of walkers must be taken into account during works to carry out the proposed development; (ii) Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians; (iii) Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicle use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (iv) if the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided).

Reason for planning permission, if granted:-

The proposed extensions have been designed to appear subordinate to the property and whilst these would alter its character, they were not considered to result in material harm to its appearance or to that of the surrounding area and there would be no adverse impact upon the amenities of the neighbouring properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

47. Occupation of mobile home at Fernicaps Park Farm, Langford Budville

Reported that it had come to the Council's attention that a mobile home was being occupied at Fernicaps Park Farm, Langford Budville without the necessary planning consent.

The owner of the land had submitted a planning application to retain the mobile home but this had been refused in April 2011 under delegated powers.

Resolved that:-

- 1) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Fernicaps Park Farm, Langford Budville; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

48. Appeals

Reported that five new appeals had been lodged, details of which were submitted. Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 9.12 pm)

