

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 17 August 2011 at 17:00.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 29 June and 20 July 2011 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/11/0246 – Erection of two storey extension to the side and porch to the front of 85 Farm View, Taunton
- 6 37/11/0010 – Erection of 3 no polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (Retention of works already undertaken)
- 7 37/11/0011 – Change of use of land for use as storage and depot for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary
- 8 24/11/0022 – Change of use of land from agricultural to equestrian, erection of stables and construction of ménage at Birds Farm, Knapp, North Curry
- 9 06/11/0028 – Change of use and conversion of barn to form residential dwelling at Lethbridge Arms Hotel, Gore Square, Bishops Lydeard (Resubmission of application 06/11/0013)
- 10 06/11/0029 – Outline application for the erection of three dwellings on land adjacent to the Lethbridge Arms, Bishops Lydeard (Resubmission of application 06/11/0015)
- 11 Enforcement Item - 7 Wyndham Road, Taunton. Report of the Legal Services Manager (attached)
- 12 Enforcement Item - E/0080/38/10 - 31 Shoreditch Road, Taunton

- 13 E/0217/14/11 - Display of advertisement for Persimmon Homes on land south of footbridge at Walford Cross, adjacent to M5 Motorway, Creech St Michael
- 14 Planning Appeals - The latest appeals lodged and appeal decisions received (details attached)

Tonya Meers  
Legal and Democratic Services Manager

22 November 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](mailto: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 – 29 June 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Denington, Govier, C Hill, Mrs Hill, Horsley,  
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson and  
A Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (East Area  
Co-ordinator), Mr A Pick (Major Applications Co-ordinator), Ms M Casey  
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services  
Officer)

Also present: Councillors Cavill, Mrs Govier, Henley and Hunt in connection with  
application No 43/10/0143; Councillor Farbahi in connection with application  
No 27/11/009/REX; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **54. Apologies/Substitution**

Apologies: Councillors Bowrah, Mrs Messenger, D Wedderkopp and Wren

Substitution: Councillor Horsley for Councillor Mrs Messenger

### **55. Minutes**

The minutes of the meetings of the Planning Committee held on 25 May 2011 and  
8 June 2011 were taken as read and were signed subject to Minute No 44 being  
amended to read:-

**“Resolved that:-**

1. 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; and
2. Consideration be given to the suitability of hanging tiles to all plots on the development:

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:-“

### **56. Declarations of Interest**

Councillor Govier declared a personal interest as a Member 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 a personal interest in application No 43/10/0143 as a member of the Board of NHS Somerset. Councillor Tooze declared a prejudicial interest in application No 43/10/0143 and left the room during the consideration of this item. Councillor Bishop declared that he had attended a parish council meeting where application No 27/11/0009/REX had been considered. However, he had not taken part in the discussion of the application and had not, therefore, fettered his discretion.

## **57. Applications for Planning Permission**

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

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

**38/11/0155**

**Demolition of conservatory and erection of extension to the rear of 18 Quantock 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.

### **Reason for granting planning permission:-**

The proposed development would not harm either visual or residential amenity, and would not be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**27/11/009/REX**

**Provision for 50 no camping pitches and amenity block at land south of Harris's Farm, Hillcommon**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be

- planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) Prior to the commencement of the development, details of a strategy for dealing with foul water and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall be implemented in accordance with the approved details prior to the amenity block being brought into use and the site used for camping and thereafter retained;
  - (e) No works shall commence until the applicant has undertaken a wildlife survey (including an assessment of the badger sett on site). The results of the survey shall include full details of any mitigation plan containing measures for the avoidance of harm, mitigation and compensations, to be submitted to, and agreed in writing by, the Local Planning Authority. The mitigation plan shall be implemented in strict accordance with the agreed mitigation strategy;
  - (f) No site clearance works or development works shall take place between 1 March and 31 August unless any variation is agreed in writing by the Local Planning Authority;
  - (g) Before the use hereby permitted commences, the access arrangements to the B3227 included in the scheme permitted under reference 27/06/0015 (renewed under 27/09/0020) shall be completed in accordance with the details shown on drawing 18274/001/SK01 dated 11 July 2006.

(Notes to applicant:- (1) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (2) Applicant was advised that the Local Planning Authority will require evidence that no breeding birds would be adversely affected before giving any approval under condition (f) bearing in mind that all birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended); (3) The applicant was advised that authorisation for any changes to the surface of footpath WG9/5 must be obtained from Somerset County Council Right of Way Group. If the development would result in any of following, then authorisation for these works must be sought from Somerset County Council's Rights of Way Group:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; and (iv) Changes to the existing drainage arrangements associated with the public right of way. If the work involved in carrying out this proposed development would make a public right of way less convenient for continued public use or create a hazard to users of a public right of way then a temporary closure order will be necessary and a suitable alternative route must be provided).

### **Reason for granting planning permission:-**

There has been no material change in policy guidance or material considerations since the previous permission was granted on 9 May 2008, reference 27/06/0023, for the camping facilities and amenity block. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7, EC25 and EN12 and guidance contained within Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Statement 7 and the Good Practice Guide on Tourism.

**58. Erection of low/medium secure residential and treatment/care facility (Use Class C2A - secure residential institutions) with associated car parking and landscaping at land at Westpark 26 Business Park, Chelson, Wellington (43/10/0143)**

Reported this application.

**Resolved** that subject to:-

- (1) The applicant entering into a Section 106 Agreement (or other suitable mechanism) to secure sustainable travel modes to reduce reliance upon single occupancy car travel in the form of a Green Travel Plan;
- (2) Confirmation from the Police that they are satisfied with the wording of a Unilateral Obligation to provide for any additional required Police resource; and
- (3) The agreed Unilateral Obligation being implemented within three months,

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 listed in schedule 0911 dated 29 June 2011 and email dated 1 June in respect of materials;
- (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 and details of the design, materials and colour of the fencing, 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) The building hereby permitted shall be used for the purposes of a low/medium secure hospital and for no other purpose (including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);



- (e) The building shall not be occupied until details of a covered and secure cycle storage facility for 24 bicycles has been submitted to, and approved in writing by, the Local Planning Authority. The building shall not be occupied until the car and bicycle parking, turning areas and means of access shown on the approved plans have been constructed and made available for use and these shall therefore be retained in the form approved and for no other purpose;
- (f) The development hereby permitted shall not be occupied until a scheme of external lighting for the site has been submitted to, and approved in writing by, the Local Planning Authority. Lighting shall only be provided in accordance with the approved details and shall thereafter be retained in the approved form;
- (g) (i) The landscaping and planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction;
- (i) All the recommendations made in Ambios Ecology LLP'S mitigation strategy report dated 10 March 2011 shall be undertaken by the applicant. 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 with related accesses has been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (j) In the event that development has not commenced within a period of 1 year from the date of the Ambios Ecology report dated 10 March 2011, a further ecological survey shall be undertaken to ascertain any changes in protected species presence or activities prior to the commencement of any works. Such surveys shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of any works, along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation measures shall thereafter be implemented as agreed;
- (k) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to use of the building being brought into use;
- (l) The landscape bund on the south boundary and existing landscaping along the site boundaries identified on the submitted landscape plan UOM 1298 shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the consent of the Local Planning Authority or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by

trees or species of a similar size, to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency has identified some discrepancies between the micro-drainage and the current network plan detailed in the Flood Risk Assessment. Details submitted to discharge this condition should clarify this and ensure the details are consistent. Given the proposal relies on an offsite attenuation pond, it should be clear in any details submitted how the drainage for the site relates to the wider West Park Business Park drainage system; (2) Applicant was advised that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of machinery, oils and chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The applicant is recommended to refer to the Environment Agency's pollution guidelines; (3) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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).

**Reason for planning permission, if granted:-**

The development would provide a regional hospital facility for those in need of care and treatment by reason of disability or mental health needs. The facility would generate a significant number of jobs and inward investment to the Borough and local economy. The design of the facility and the proposed palette of materials were considered acceptable and would have no significant adverse impact on the Business Park or surrounding area. The development, by reason of its scale and siting, would have no unreasonable impact on the amenity of adjacent local residents. The benefits of the scheme have been balanced against the perceived fear of crime and disorder from local residents. In this respect, it was considered that the planning benefits of the development, together with the security and operational requirements of the facility administered by the regulatory body – Care Quality Commission - outweigh the perceived fear of crime and disorder. The proposal was therefore in general conformity with Taunton Deane Local Plan Policies S1 - General Requirements; S2 – Design; EN12 – Landscape Character Areas; EN28 – Flooding; M1 – Transport; M2 – Parking; M3 – Parking; M5 – Cycling and W4 – Chelston House Farm and Government guidance contained within Planning Policy Statement 1 and Planning Policy Statement 4 and Circular 02/2006.

**59. Stationing of mobile home on agricultural land for storage of domestic items at 18 Windmill Hill, North Curry**

Reported that a mobile home had been situated on agricultural land at 18 Windmill Hill, North Curry for the storage of domestic items without the necessary planning consent.

The owner of the site had been contacted and an application for the change of use of the land had been submitted but this had been refused in June 2011.

**Resolved that:-**

1. Enforcement action be taken to remove the mobile home situated on agricultural land at 18 Windmill Hill, North Curry;
2. Any enforcement notice served should have a 24 month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with

**60. Display of large advertisement sign on trailer in field adjacent to M5 Motorway north of Junction 25, Creech Heathfield, Taunton**

Reported that it had come to the Council's attention that a sign had been displayed in a field adjacent to the M5 Motorway north of Junction 25, Creech Heathfield, Taunton without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

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

**61. Appeals**

Reported that four new appeals had been lodged, details of which were submitted. Also reported that four appeal decisions had been received, details of which were also submitted.

(The meeting ended at 7.55 pm)



## **Planning Committee – 20 July 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Brooks, Denington, Govier, C Hill,  
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), Mr A Pick (Major Applications Co-  
ordinator), Mrs J Jackson (Legal Services Manager) and Ms M Casey  
(Planning and Litigation Solicitor)

Also present: Councillors Mrs Govier and Hunt in connection with application No  
21/11/0004 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **62. Apology/Substitution**

Apology: Councillor Tooze

Substitution: Councillor Brooks

### **63. 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 Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared that he had spoken against application No 21/11/0004 and had fettered his discretion. He addressed the Committee then left the meeting and did not vote in respect of the application. Councillors Bowrah and Mrs Reed declared that application No 21/11/0004 had been discussed at Wellington Town Council. However, they did not consider they had fettered their discretion. Councillor Wren declared a personal interest in application No 21/11/0004 as he had been Clerk to Milverton Parish Council when the item had been considered. Councillors Bowrah, Govier and Mrs Reed declared personal interests in application No 43/11/0052 as members of Wellington Town Council. Councillor Bishop declared that he had attended a parish council meeting where Agenda item 11 had been discussed. However, he did not consider that he had fettered his discretion.

### **64. Applications for Planning Permission**

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

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

**05/11/0019**

**Change of use of land to site a mobile home and erection of storage building at Fideoak Mills, Upcott Road, Bishop's Hull (amended scheme to 05/10/0038)**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The residential use of the site shall cease and the mobile home hereby permitted shall be removed and the land restored to its former condition on or before 21 July 2014 in accordance with a scheme of work that shall be submitted to, and approved in writing by, the Local Planning Authority prior to those approved works being carried out;
- (c) The occupation of the mobile home shall be limited to a person solely or mainly working in the manufacture of charcoal at Fideoak Mill, or a widow or widower of such a person, and to any resident dependants;
- (d) The mobile home hereby permitted shall not be occupied until the storage building has been erected and is capable of use;
- (e) 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 (1) to (3) 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 (4) 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:- (i) 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; (ii) 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; (iii) 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 shall detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and shall be 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 Planning Policy Statement 23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement shall 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 shall be 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;
- (f) Prior to the commencement of the development hereby permitted, full details of the flood plain compensation scheme for the access road to be provided on a level-for-level basis shall have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed and maintained in accordance with the approved plans;
- (g) Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full details of the pond and limit run-off rates to the greenfield rate. The submitted details shall clarify the

- intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the storage building is completed;
- (h) The storage building hereby permitted shall be used only for the storage of items in association with the charcoal burning activities being undertaken on the site.

(Note to applicant:- Applicant was advised to keep a detailed log of charcoal burning activities and separate accounts for the charcoal burning to support such an application if intending to submit a further application for residential development based upon the needs of the charcoal manufacturing enterprise in three years time).

#### **Reason for granting planning permission:-**

On the basis of the information provided, the Local Planning Authority was satisfied that there was a functional need for a worker to be on site at most times to supervise the proposed charcoal manufacturing business. Permission was granted for the dwelling for a temporary period of time to enable the business to establish and prove that it was financially viable. It was, therefore, considered to be in accordance with guidance in Planning Policy Statement 7 Annex A and was acceptable as an exception to policies that sought to restrict development within the open countryside. The proposed storage building was considered to supplement the proposed businesses already operational on site and, subject to conditions, would not result in sporadic industrial development in the open countryside. The building was not considered to result in a detrimental appearance to the visual amenities of the rural area and, therefore, accorded with Policies S1, S2 and S7 of the Taunton Deane Local Plan.

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

Members considered that there was a functional need for a worker to be on site at all times.

**10/11/0010**

**Temporary change of use of land to (B8) commercial usage to site 17 container storage units, Culmhead Business Park, Churchstanton**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-  
(A4) Location Plan;  
(A3) Block Plan;  
(A3) X-Sections and View from North Aspect; and  
(A4) Drawing Side and end elevations;
- (c) Prior to the commencement of the use for storage, the containers shall be colour coated or painted in a grey colour to be agreed in writing by the Local Planning Authority;



(d) If the business use hereby granted ceases, the containers shall be removed from the site within six months;

(e) No additional lighting shall be erected on site without the need for a further planning application.

(Note to applicant:- Applicant was advised that the Area of Outstanding Natural Beauty Partnership has prepared a light pollution information sheet for businesses and organisations. Such advice should be taken into account if further applications are to be submitted).

#### **Reason for granting planning permission:-**

The existing business use and economic benefits of the proposal outweighed the other material planning considerations and would not be detrimental to the amenity of the area.

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

Member considered that the existing business would not be detrimental to the amenity of the area.

**43/11/0052**

**Erection of dwelling at 50 Brendon Road, Wellington**

#### **Conditions**

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

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

#### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the highway network and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2 or M4.

**49/11/0028**

**Variation of Condition No 1 of planning permission 49/09/0014 to be re-worded to "The log cabin hereby permitted shall be removed and land restored to its former condition on or before 30 June 2014" for Footlands Farm, Langley Marsh, Wiveliscombe**

#### **Condition**

The log cabin hereby permitted shall be removed and the land restored to its former condition on or before 26th January 2013 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and it was considered to be reasonable and justified to permit the use of the log cabin for a temporary period whilst works to convert The Granary were implemented and carried out. The proposal was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) S7 (Outside Settlements) and EN12 (Landscape Character Areas).

**65. Outline application for residential development with ancillary retail units, together with landscaping and means of access at land west of Milverton Road, Wellington (Langford Budville Parish) (21/11/0004)**

Reported this application.

**Resolved** that, subject to any additional consultee responses raising new issues being received by 26 July 2011 with regard to the revised ecological report and heritage statement, the Growth and Development Manager be authorised to refuse the application and amend the reasons for refusal accordingly (if applicable) in consultation with the Chairman or Vice-Chairman for the following reasons:-

### **Reasons**

- (a) The proposal fails to meet the requirements of Planning Policy Statement 3 Paragraph 69 for the following reasons:-
  - (i) The site was in an unsustainable location, outside the settlement limits of Wellington, remote from the town centre and local services, primary school and community facilities, poorly served by public transport, has no traffic free pedestrian and cycle routes into the town and would increase reliance on the private motor car and foster growth in the need to travel. This was also considered to be contrary to advice given in Planning Policy Guidance 13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Policies S1 and S7 of the Taunton Deane Local Plan;
  - (ii) It was contrary to the emerging Taunton Deane Core Strategy vision and key diagram which identify the River Tone as the natural boundary to the north of Wellington;
  - (iii) The elevated position of the proposed development would adversely affect the character of the rural landscape, the landscape setting of the approach route into Wellington, and the setting of the Tone Works grade II and II\* listed mill complex. The proposal was therefore contrary to Taunton Deane Local Plan Policies S1, S2, S7, EN12, W14 and Planning Policy Statements 1 and 5;
  - (iv) Milverton Road, Station Road, Waterloo Road and North Street, by reason of their restricted width, poor alignment and the sub-standard junction of North Street with High Street and Fore Street, were considered unsuitable to serve as a means of access to the proposed development from the wider highway network. The proposal was therefore also contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) The survey and assessment data submitted with the application was insufficient and the survey work was out of date. The site was being used by a number of

European Protected Species, protected under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). The Local Planning Authority has a legal duty (under Section 40(1) of the National Environment and Rural Communities Act 2006, Regulation 3(4) of the Conservation of Habitats and Species Regulations 2010 and Section 74 of the Countryside and Rights of Way Act 2000 to ensure that the potential impact of development on species and habitats of principal importance has been addressed. In this instance, based on the submitted information, the Local Planning Authority were not satisfied that the three Habitats Directive derogation tests have been met. As such, the Local Planning Authority were unable to make an informed assessment in order to discharge its duty under Regulation 9 (5) of the Habitats Directive. The proposal would therefore conflict with criteria of paragraph 69 of Planning Policy Statement 3 with regards to the environmental sustainability of the site and guidance contained within Planning Policy Statement 9;

- (c) There was no mechanism in place, and details have not been fully agreed, to secure community and infrastructure benefits and contributions required that were directly related to the development in respect of:- travel plan / public transport contributions; off-site highway works; education contributions to provide for 49 primary school places, 35 secondary school places and 7 pre-school places; public art provision; affordable housing; village hall; children's play space; off site-playing fields; allotments; drainage - SuDs – maintenance agreement. The application was therefore contrary to Taunton Deane Local Plan Policy S1, C4, and H9, Policy STR6, 39, 42 and 44 of the Somerset and Exmoor National Park Joint Structure Plan and the Council's Taunton Deane Public Art Code and Policy for 'The provision of Community Halls' document.

**66. Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/11/0016 for seven house plots on Phase 1, minor changes to materials, at land west of Bishop's Hull Road, Bishop's Hull (05/11/0026)**

Reported this application.

**Resolved** that, subject to no further comments raising new issues being received by 21 July 2011, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman, and if the application was refused, the following reason be imposed:-

**Reason**

The proposed design changes by reason of the half timbered design and tile hanging were considered out of character with the area and did not add to local distinctiveness and were considered contrary to Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S2(A) of the Taunton Deane Local Plan and advice within the Taunton Deane Design Guide.

**Also resolved** that should permission be refused, enforcement action be authorised to secure the removal of the tile hanging and half timber detail from the relevant plots and revert them to their approved materials under application 05/11/0016.

**67. Display of advertisement on a trailer for David Wilson Homes at Field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland**

Reported that it had come to the Council's attention that an advertisement sign was being displayed on a trailer at Field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

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

**68. Exclusion of the Press and Public**

**Resolved** that the Press and Public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**69. Schedule of Alleged Contraventions up to 30 June 2011**

Reported details of the Schedule of Alleged Contraventions for the first quarter of 2011 (April, May and June 2011). The Schedule provided details of the following information:-

1. Cases that were under investigation at the end of Quarter 1;
2. Cases that were closed during Quarter 1; and
3. Cases where formal enforcement action had been authorised with an update on the current situation as at end of Quarter 1.

**Resolved** that the report be noted.

(The meeting ended at 7.55 pm)



## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Alternate Director of Southwest One – Councillor Watson
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

MR & MRS D MEADOWS

**ERECTION OF TWO STOREY EXTENSION TO THE SIDE AND PORCH TO THE FRONT OF 85 FARM VIEW, TAUNTON**

Grid Reference: 323238.127161

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

**RECOMMENDED CONDITION(S) (if applicable)**

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

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

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

(A3) DrNo 1 Floor plans as Existing  
(A3) DrNo 2 Elevations as Existing  
(A3) DrNo.3A Proposed Ground & First Floor Plans  
(A3) DrNo.4A Proposed Elevations  
(A4) DrNo.5A Block Plan  
(A4) Location Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the **first floor** window to be installed in the east elevation of the extension shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local

Planning Authority prior to its installation and shall thereafter be so retained.

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

Notes for compliance

## **PROPOSAL**

The proposal comprises the erection of a two-storey and single-storey extension to the side and a porch to the front of the dwelling. The extension will provide a garage and utility room on the ground floor and a bedroom, with en-suite, on the first floor.

The proposed extension will be finished in render, cladding, and a tiled roof, all materials matching the existing dwelling.

The application has been amended reducing the size of the two-storey extension by setting the extension back from the front of the dwelling by 1.9m.

The application is presented to the Planning committee as the applicant is a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The dwelling is an end of terraced property sited within a residential area of Taunton. The frontage of the property is set back from the estate road with an open-plan layout providing a large grassed area between the dwelling and the road. Vehicular access to the property is located to the rear where there is an existing access into the garden/parking area.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objection: -

- Subject to condition that garage used for parking of domestic and private needs and not used for business.
- No significant increase in occupancy of the site.
- Proposal will not affect retained parking area and will not result in an increase in vehicle movements.

### **Representations**

None received.

## **PLANNING POLICIES**

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



## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations are impact on residential amenity and character and appearance of the area.

### Residential amenity

As amended, the two-storey element of the proposal will be set 4m away from the corner of the adjoining dwelling (No 87), with the two-storey extension being 2m away. At these distances the proposed extension is not considered overbearing on the neighbouring property and will not cause any detrimental loss of light.

There are no windows within the side elevation of the proposal and one window is proposed at first floor level within the front elevation. The first floor window within the front elevation will serve a dressing area; as the window is within close proximity of the neighbouring property, obscure glazing will be requested.

### Character and appearance

The proposed extension is considered subservient and in keeping with the character of the main dwelling, having a lower ridge height, being set back from the front and back of the dwelling and being constructed with materials to match.

As the dwelling is an end of terraced property set at a right angle to the adjoining row of terraced dwellings there is a distinctive gap between the rows of dwellings. The originally submitted scheme enclosed the gap to the point that was unacceptable. The amended scheme reduces the two storey element of the extension, retaining the gap between the properties and the character and appearance of the area, and layout of the estate, at this point.

### Conclusion

The proposed extension is not considered to harm the residential amenity of the area, the character and appearance of the dwelling and surrounding area. As such, the proposal is considered acceptable.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

TAUNTON DEANE NURSERIES

**ERECTION OF 3 NO. POLYTUNNELS AND CLARIFICATION OF VEHICULAR MOVEMENTS AT TAUNTON DEANE NURSERY, STOKE ROAD, STOKE ST MARY (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Grid Reference: 324573.122808

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Approval for the following reason:

The proposed polytunnels are considered not to have a detrimental impact upon visual or residential amenity 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)**

Notes for compliance

1. Vegetation has grown throughout the summer months and now affects the visibility splay to the left when exiting the site (Stoke St Mary direction). Visibility splays should be maintained at all times, and it is recommended that this vegetation is removed.

**PROPOSAL**

The proposal is to retain on site 3 polytunnels as well as clarification of the vehicular movements to the site of the existing Taunton Deane nursery site at Stoke Road. The application is made following a response from the Ombudsman to a complaint. The polytunnels are of slightly different sizes, 5.1m x10.7m, 5m x 15.3m and 5.8m x 11.9m. 2 are used by Somerset College for teaching purposes which was envisioned as ancillary to the horticultural use as part of the original permission for the structures on site. The vehicle movement statement clarifies the current situation, although there are no planning restrictions over vehicle movements from the site.

**SITE DESCRIPTION AND HISTORY**

The site consists of former agricultural land which had use as a commercial plant nursery for the Authority in October 2006 (ref.37/06/0006). Subsequent applications were submitted for the alteration of the access position (37/06/0010) and erection of greenhouses, polytunnels and an office building in July 2007(37/07/0002).

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above-mentioned planning application received on 20<sup>th</sup> June 2011 and following an inspection of the application and a site visit on the same day, I do not propose to make any highway observations unless specifically requested to do so. If, however, you have concerns regarding sustainable transport issues and/or the access (and on-site arrangements) and whether they are adequate for the purpose proposed in order to secure the safety of the occupier and to avoid nuisance and danger to others, please contact me so that I can give observations on this proposal.

*STOKE ST MARY PARISH COUNCIL* - Objections raised and supported by photographic evidence from Mr Groves had been raised to PC by neighbouring residents. These objections include frequent use of site at unsocial hours, increased vehicular activity, traffic noise, dust, general environmental impact and nuisance and loss of amenity.

Currently there appears to be much increased traffic movements, unsuited to either the narrow lanes through Stoke St Mary or through Chestnut Drive - a densely populated residential estate. The further proposed expansion of the site would substantially increase traffic to and from the site.

The application would appear to be retrospective as the site is currently being used as a depot for non horticultural storage and tipping for forward transit. This is above and beyond the scope of the original application. We believe the site to be currently operating without the appropriate permissions being in place and therefore open to enforcement proceedings.

No environmental survey regarding the impact on flora and fauna has been offered, nor does the site appear to have been registered as an approved recycling depot (deposit of tarmacadam hard core). Taking into account the above it was unanimously agreed to oppose both applications.

*LANDSCAPE* - Subject to reinforcement of the southern boundary landscape the proposals are acceptable.

### Representations

1 letter on behalf of neighbour objecting to an unrestricted consent for the polytunnels, the use of two polytunnels for educational purposes, the increase in traffic this entails, additional traffic movements at weekends and increased disturbance. There would be no objection if conditions were imposed to restrict the hours of use, prevention of other uses such as a depot or waste transfer station and limits to sales and visits by the public. The following conditions are suggested:

- No plant or machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside of the following times, namely 07.00hours to 17.00hours on weekdays, Saturdays, Sundays, Bank or public holidays the site shall only be accessed between the hours of 10 and 16.00 and solely for the purposes of watering plants.

- The site shall be used only as a horticultural plant nursery and in particular shall not be used for: retail sales; or educational purposes; or any storage purposes not associated directly with the nursery use of the site; or a depot; or a waste transfer station.
- There shall be no open storage of sand, gravel or compost within the site.

1 objection on basis of noise and dust.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
 PPS7 - Sustainable Development in Rural Areas,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,  
 S&ENPP48 - S&ENP - Access and Parking,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 S7 - TDBCLP - Outside Settlement,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations are the impact of the development on the character and amenity of the surrounding area.

The area of new polytunnels are approximately 200sqm which equates to around 5% of the permitted site area cover of glass houses and polytunnels. The polytunnels that are subject to this application are sited in front of the existing polytunnels and are reasonably well screened from public vantage points by the existing boundary screening. If viewed they are seen in conjunction with the existing structures on the site and there is not considered to be any adverse landscape or amenity impact from the polytunnels as erected. Concerns raised by the neighbouring objector include noise, disturbance and unsocial hours. However these concerns would appear to relate to the existing horticultural use of the site as well as the specific educational use of the polytunnels the subject of this application. The educational use of the site by Somerset College was referred to in the design and access statement submitted with the application for the original buildings on the site. The use is minor in relation to the overall horticultural use and is considered to be ancillary. It is not considered appropriate or reasonable to impose controls over the polytunnels applied for.

The level of traffic movements to serve the educational use of the site by Somerset College is considered minimal in relation to the general use of the site. The college visit twice a week in term time and up to three times a week in school holidays to carry out watering and maintenance. There were no objections from the Highway Authority to the original use of the site, there are no controls over traffic visiting the site or hours of use and the Highway Authority raise no objection to the current application.

The existing horticultural use of the site covers the area as a whole including external storage of materials for the horticulture use as well as growing areas in the polytunnels and greenhouses. The storage bays of concern to the objector are used for the horticultural use of the site and as such there were no controls imposed on

the original permission on their use. Similarly the Council service the various roundabouts, hanging baskets etc around the town with horticultural goods from the site in the same way as was carried out from the Mount Street site. The applicant advises the site is not a waste transfer station and it would not be possible to run the business from the site if the suggested objector's conditions were imposed.

A wildlife survey was submitted with the original application and no protected species found. Given the relative area of land that is proposed and the nature of the application it is not considered that there would be any adverse wildlife impact from the proposal.

In light of the above considerations the current proposal is not considered to adversely affect the amenity of neighbours, wildlife or character of the area and 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**

TAUNTON DEANE BOROUGH COUNCIL

**CHANGE OF USE OF LAND FOR USE AS STORAGE AND DEPOT FOR  
GROUNDS MAINTENANCE EQUIPMENT AND MATERIALS AT TAUNTON  
DEANE NURSERY, STOKE ROAD, STOKE ST MARY**

Grid Reference: 324605.122782

Full Planning Permission

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**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 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 following approved plans:

(A4) Location Plan

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

2.
  - (i) Within one month of permission being granted details of infilling of boundary planting in the form of 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 permission 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

#### Notes for compliance

1. Vegetation has grown throughout the summer months and now affects the visibility splay to the left when exiting the site (Stoke St Mary direction). Visibility splays should be maintained at all times, and it is recommended that this vegetation is removed.

### **PROPOSAL**

The proposal is for change of use of part of the land at Taunton Deane Nursery site for the storage and depot for grounds maintenance equipment and materials. The land area is approximately 30m x 70m and located on the southern part of the site.

### **SITE DESCRIPTION AND HISTORY**

The site consists of former agricultural land which had use as a commercial plant nursery for the Authority in October 2006 (ref.37/06/0006). Subsequent applications were submitted for the alteration of the access position (37/06/0010) and erection of greenhouses, polytunnels and an office building in July 2007(37/07/0002).

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

##### *SCC - TRANSPORT DEVELOPMENT GROUP -*

I refer to the above-mentioned planning application received on 20<sup>th</sup> June 2011 and following an inspection of the application and a site visit on the same day, I do not propose to make any highway observations unless specifically requested to do so.

If, however, you have concerns regarding sustainable transport issues and/or the access (and on-site arrangements) and whether they are adequate for the purpose proposed in order to secure the safety of the occupier and to avoid nuisance and danger to others, please contact me so that I can give observations on this proposal.

*STOKE ST MARY PARISH COUNCIL* - Objections raised and supported by photographic evidence from Mr Groves had been raised to PC by neighbouring residents. These objections include frequent use of site at unsocial hours, increased vehicular activity, traffic noise, dust, general environmental impact and nuisance and loss of amenity.

Currently there appears to be much increased traffic movements, unsuited to either the narrow lanes through Stoke St Mary or through Chestnut Drive - a densely populated residential estate. The further proposed expansion of the site would substantially increase traffic to and from the site.

The application would appear to be retrospective as the site is currently being used as a depot for non horticultural storage and tipping for forward transit. This is above and beyond the scope of the original application. We believe the site to be currently operating without the appropriate permissions being in place and therefore open to enforcement proceedings.

No environmental survey regarding the impact on flora and fauna has been offered, nor does the site appear to have been registered as an approved recycling depot (deposit of tarmacadam hard core). Taking into account the above it was unanimously agreed to oppose both applications.

*LANDSCAPE* - Subject to reinforcement of the southern boundary landscape the proposals are acceptable in terms of landscape impact.

## **Representations**

1 letter on behalf of neighbour objecting to the change of use of part of the site to a depot and claiming that parts of the site not within the red line of the application are also being used as a depot. This includes land to the west of the site used for external storage in bays of items such as sand and compost. The site entrance gate is close to the boundary and noise generated by vehicles entering and leaving the site, from headlights in winter and from the gate being open and closed causes disturbance. The 20 additional vehicle movements per week stated is not considered to reflect the unauthorised depot use and without an accurate assessment we cannot see how an assessment of its impact can be made. The use will only increase over time both in volume and in hours of access and the depot will no doubt use the "occasional" largesse in the hours of use, for early morning or late night access with commercial machinery and plant and deliveries in and out.

There is a dust nuisance caused by the depot use of the site caused by the external storage of materials and the commercial traffic bringing mud onto the road.

2 objections on basis the depot is an industrial use, haulage machinery on site is unrelated to the nursery operation, if accepted would set a precedent for possible housing or other industrial uses not in keeping with the area.

1 objection on basis of noise and dust.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS7 - Sustainable Development in Rural Areas,  
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
STR6 - Development Outside Towns, Rural Centres and Villages,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues are the traffic and the landscape and amenity impact of the



proposal.

The storage of equipment and materials is intended for the southern end of the site and it is indicated that this will be no more than 20 additional journeys per week. The access to the site was approved with the original permission and it is not considered that the proposal would worsen any safety aspect of the use of the access. The use is not considered to result in significant transport movements over and above the existing commercial use of the site. The Highway Authority have commented and raise no specific objection to the proposal. Other than a note reminding of the need to maintain visibility there is not considered to be highway safety or traffic issue with the site and the application is considered acceptable.

The area of storage lies to the south of the site and the area is largely screened from views from the road to the south by hedging. There are small areas that require reinforcement and subject to additional landscaping in these areas the Landscape Officer considers the proposal acceptable and this view is agreed with.

The open storage areas for sand and compost are to the west of the site and are considered to relate to the approved horticultural use of the site and not the storage use of items such as fencing and play equipment that occurs to the south. There is a dust issue with this existing use and attempts are being made to lessen this, including dampening the area in dry conditions.

The concern over noise, nuisance and unsocial hours seem to relate to the existing commercial horticultural use of the site. It is not considered that this would be significantly altered by the change of use to a small part of the southern part of the site.

A wildlife survey was submitted with the original application and no protected species found. Given the relative area of land that is proposed and the nature of the application it is not considered that there would be any adverse wildlife impact from the proposal.

The proposed use modifies part of the use of the site allowing an alteration to the existing commercial use of the site. It is not considered that this alteration would have a significant adverse impact on the landscape or private amenity of local residents to warrant an objection to the proposal. The application is considered to comply with Development Plan policies for use of existing commercial sites and the proposal is supported.

**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**

**CHANGE OF USE OF LAND FROM AGRICULTURAL TO EQUESTRIAN,  
ERECTION OF STABLES AND CONSTRUCTION OF MENAGE AT BIRDS FARM,  
KNAPP, NORTH CURRY**

Grid Reference: 329679.125497

Full Planning Permission

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**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 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 begun within three years of the date of this permission.

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

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

(A3) DrNo.LPA.755.106 Rev A Location and Site Plan

(A1) DrNo.LPD.755.105 Rev A Proposed Site, Layout and Roof Plan with Levels and Drainage

(A1) DrNo. LPA.755.104 Rev D Proposed Stable and Manege Plans and 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. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. A new layby/passing area shall be constructed and surfaced in accordance with details as indicated on plan No LPA.755.106 Rev A. Such bay shall be completed before the use of the livery commences and shall at no time thereafter be obstructed.

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

#### Notes for compliance

1. You are advised to ensure that the manure heap is located or protected so that seepage does not pollute nearby water courses or constitute a nuisance to adjoining owners. Its regular removal should avoid the occurrence of such nuisances.
2. With regard to condition 04, the landscaping scheme should include details of the new field hedge proposed at the new layby.
3. Any proposed works must not encroach on to the width of the footpath.

If any changes to the surface of footpath T 17/65 are to be carried out authorisation for these works must be obtained from SCC Rights of Way Group. I have attached a form that should be completed and returned to Esther Harbour (Rights of Way Officer - email: [EHarbour@somerset.gov.uk](mailto:EHarbour@somerset.gov.uk)).

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

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

- A PROW being made less convenient for continued public use.
  - New furniture being needed along a PROW.
  - Changes to the surface of a PROW being needed.
  - Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would
- make a PROW less convenient for continued public use (or)
  - create a hazard to users of a PROW

Then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

## **PROPOSAL**

The proposal comprises the change of use of land from agricultural to, equestrian to erect a building to accommodate 8 stables and a construct a manege. The stables are proposed to be run as a full-time livery business with 16 horses, 8 within the stables and 8 to pasture.

The new stable building will be constructed in stone, timber cladding and clay tiled roof.

Amended plans have been received reducing the height of the covered way and removing the bell tower. An additional plan has also been submitted showing the location of a proposed new passing area for motor vehicles.

## **SITE DESCRIPTION AND HISTORY**

The farm is located in an elevated position in Knapp, North Curry, sited at the end of a no-through road. The farm has had previous barns that have been converted to residential and holiday use. The main farmhouse is a grade II listed building and the holding consists of 29 hectares.

The proposed stable/manege will be sited in a field close to the former barns and the farmhouse. The field contains a small orchard and is bound by existing hedgerows and trees. There is an existing field access within the site, leading to further agricultural land.

### Planning history

24/10/0047/AGN - Proposed agricultural barn/store and access track, Birds Farm, Knapp, North Curry. No objection to the proposal, dated 16 December 2010.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTH CURRY PARISH COUNCIL* - Supports application subject to the following -

- Satisfactory arrangements are made to meet concerns over the increase of traffic on the approach road, such as the provision of a passing bay.
- The double roman clay tiles used for the roof are reclaimed.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is considered unsustainable in terms of transport policy, however as the proposed use is for an activity that cannot be carried out easily in a town centre location, and if this is considered as farm diversification it must be a matter for the Local Planning Authority to decide whether the use of the equestrian buildings or any other overriding planning need outweighs the transport policies that seek to reduce reliance on the private car.

Access to development is located at the end of Higher Knapp Lane an unclassified piece of highway to which the national speed limit applies, however vehicle speed travelling along this section of carriageway will be significantly reduced, due to its narrow and constricted nature. The junction adjoining Knapp Road is of good width and geometry, providing adequate visibility.

In detail the proposal is situated at the end of Higher Knapp Lane, as mentioned already Higher Knapp Lane is very constricted neither are there any vehicle passing places available which will cause problems as the intended use of the site will have equestrian vehicles using the approach road, which will increase the likelihood that vehicles of the size will meet and struggle to manoeuvre.

The site will be likely to increase vehicle traffic movements in this location. Additional information was received stating that a livery facility of a single operator will be provided. However this does not specify whether a DIY or full service livery will be provided. The proposed traffic likely to be generated from this development will cause conflict along the substandard approach road Higher Knapp Lane. Given the above the Highway Authority recommends refusal of the application for the reason:

- The approach road by reason of its restricted width and poor alignment are considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted April 2000).

### *SCC - RIGHTS OF WAY -*

- Public right of way crosses area of development. Works should not encroach on to the width of the footpath.
- Any works to change surface of footpath must be authorised by SCC Rights of Way Group.

- Advisory notes suggested.

#### **LANDSCAPE LEAD -**

- Subject to retention of existing tree and hedgerows and appropriate building materials for the stable block, the proposals should have limited landscape impact.

### **Representations**

#### **FOUR LETTERS OF OBJECTION: -**

- No objection to diversification and support development, objection to use of lane and increased traffic.
- Increased vehicle movements which will be generated, possibly another 16 vehicles travelling up and down the lane possibly twice a day as well as horse boxes, feed, lorries, farrier etc. Lane cannot support further 21st Century development.
- Already concerned about large number of vans, cars and HGV's (including 44 tonne articulated vehicles that reverse down the lane), which service businesses that operate from properties at the end of the lane.
- Lane to serve Birds Farm is narrow, single track, bound by high hedges and a bank, has two blind sight lines and only four possible pull-ins (mainly entrances to properties).
- Lane used by walkers, using footpath network, cyclists and horse riders.
- Suggest a passing bay.
- Bell tower to be removed; rooflights to be removed; no external flood lighting; use of second hand clay tiles; restrict horse manure pile not to be within 20m of dividing boundary.

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

EN12 - TDBCLP - Landscape Character Areas,

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

EC8 - TDBCLP - Farm Diversification,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations of this proposal are highway safety, visual amenity and landscape impact.

#### Visual amenity

The site of the proposed barn and manege will be screened by existing hedgerows and trees and the nearest property (Carriage Barn) is approximately 60m away from the new stable. Given the design of the stables and its proposed siting, there is not considered to be any detrimental harm to the visual amenity or landscape character of the area.

#### Design and character

The stable is proposed to be constructed in traditional materials, using stone, timber

cladding and reclaimed clay tiles. This design will replicate a recently proposed barn, close to the proposed stable, that also proposed to use similar materials.

The design has been amended so the stone covered way into the manege has been lowered to the same ridge height as the main stable. At the same time, a bell tower has also been removed from the ridge of the covered way.

The design and materials are considered appropriate to the area and the stables are sited 95m away from the listed farmhouse (Birds Farmhouse). Given this distance there is not considered any detrimental harm to the setting of the listed building.

### Highways

The Highway Authority have raised an objection to the proposal and have recommended refusal as it is considered that the width and poor alignment of the approach road is unsuitable to serve the type of traffic likely to be generated by the proposed development.

In response the agents have proposed a new layby on land owned by the applicant. the layby would be sited approximately 90m away from the access into the manege. Further details submitted by the agent confirms that there will be no eventing or separate rental of the proposed manege. The livery is also proposed to be facilitated by a single operator and not for DIY livery.

These additional details have altered the view of the Highway Authority who consider the number of potential traffic movements generated by this proposal would be far greater than considered by the agent. Furthermore, the proposed layby would be 250m from the junction with Knapp Road.

Notwithstanding the comments raised from the Highway authority; The site is currently used as a farm, though maybe less than in the past, and the access road has always served agricultural machinery, tractors etc. Since buildings within the farm complex have been converted there a number of business uses, residential properties and holiday lets than use the lane on a regularly basis. It is not considered that the addition of a livery (stables and manege) would generate traffic beyond the existing use to the point that the proposal would be unacceptable.

Furthermore, the addition of the stable and manege are considered acceptable uses in a rural location when considering farm diversification. Such locations are normally approached by such roads that have previously catered for agricultural machinery and transport.

### Conclusion

The stable building is compatible within this rural location, as is the proposed use, without causing any significant harm to the visual amenity or landscape character of the area. Though the proposal will generate some additional traffic, it is not considered to such an extent to recommend refusal of this application. The proposal is therefore considered acceptable.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**



ENTERPRISE INNS LTD

**CHANGE OF USE AND CONVERSION OF BARN TO FORM RESIDENTIAL DWELLING AT LETHBRIDGE ARMS HOTEL, GORE SQUARE, BISHOPS LYDEARD (RESUBMISSION OF APPLICATION 06/11/0013)**

Grid Reference: 316744.129128

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the character and appearance of the conservation area, settings of listed buildings, highway safety or wildlife interest and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interests), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment), 49 (Transport Requirements of New Development), and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDED CONDITION(S) (if applicable)**

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

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

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

(A1) DrNo 2458-126 plans as existing  
(A1) DrNo 2458-128 plans as proposed  
(A1) DrNo 2458-127 elevations as proposed  
(A1) DrNo 2458-130 new garage as proposed  
(A1) DrNo 2458-125 elevations as existing  
(A4) DrNo 2458-129 Rev A Location Plan

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

3. The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report, dated February 2011 and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in accordance with Policy EN3 of the Taunton Deane Local Plan and guidance contained in Planning Policy Statement 9.

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

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

5. Prior to their installation, full details of all new windows and doors, including the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the finished materials, sections, mouldings, working arrangements, cills and depth of reveal. Such approved details shall be implemented before the dwelling hereby permitted is occupied and shall, thereafter, be retained as such.

Reason: In the interests of the character and appearance of the building and conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Visibility splays shall be provided at the new access as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways & Highways, insofar as it relates to the access titled Plots 1 & 2, such that there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing.

Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

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

7. The boundary wall shall be altered to accommodate the requirements of condition (6) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-128 and in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such.

Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, alteration or addition to the dwelling hereby permitted and no buildings shall be erected within the curtilage other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

## **SITE DESCRIPTION AND HISTORY**

The site comprises a barn, probably a former stables, and part open land to the west, adjacent to the Lethbridge Arms public house. The barn faces the side elevation of the main public house across a shared yard area and access to the pub car park. It is attached to a grade II listed 'fives' wall off the barn's northeast corner, although the barn itself is not considered to be listed.

The barn currently has openings to the west elevation and south elevations. It is constructed from stone under a slate roof. The land to the west is currently under the control of the pub, and whilst it does not appear to have any current use, it is

alleged by local residents that it has been used for functions in the past. That aside, the site is currently fenced off from the pub, and has a rather unkempt appearance. It borders Station Road on its southern side, behind a stone wall and hedge bank.

## **PROPOSAL**

This application seeks full planning permission for the conversion of the existing barn to a residential dwelling. The existing openings in the east elevation would be used to provide and 3 rooflights would be added to this elevation. New openings would be formed in the west elevation overlooking what would be become the private garden area for the dwelling. The southern opening would be retained and timber hardwood bars placed in front of the window.

A new vehicular access would be formed from Station Road to the west of the barn. This would be shared with plot 1 of application 06/11/0029, if both schemes were permitted. The existing stone wall would be extended around the proposed garden, with vehicular access into the curtilage to the north of this wall. A new detached garage would be constructed to the north of the access. Again, this would be adjacent to a new garage on plot 1 of application 06/11/0029, if permitted. The garage would be rendered under a natural slate roof.

Planning permission was sought earlier this year for the conversion of the barn to a dwelling and the development of 4 dwellings on land to the west. These applications (06/11/0013 and 06/11/0015 respectively) were withdrawn.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Council objects to the proposal on the following grounds:

- The barn is a potential asset to the business and development for it be used an ancillary accommodation to the pub would be more appropriate.
- The proposal is within the curtilage of the listed fives wall.
- The proposal would cause a loss of parking for the pub, which could have a detrimental impact on its economic viability.
- Slow worms can be seen basking in the hedgerow on Station Road on summer evenings.
- Destruction of this to construct an entrance would cause a loss of habitat. Additionally, the Council is concerned that the Protected Species Survey of the barn and adjacent wall is severely limited, as there was no access to the upper floor of the building nor to the north of the lower floor.
- No archaeological survey has been done, despite the fact that the Lethbridge Arms is a major historic landmark in the village and has been operating on the site for hundreds of years.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments currently awaited. In respect of the previous scheme, raised the following points regarding the Station Road access:

The development would gain access from Station Road, which from observation, appears to be a well used local route onto the nearby A358 County Route.

It should be ensured as part of new development proposals that sufficient onsite parking and turning is provided within the site for each dwelling, but not to the detriment of any existing use. This would be 2 spaces for a three-bedroom unit.

I have outlined the detailed issues in respect of this development:

- A segregated turning area to ensure that all vehicles can enter and exit the highway in a forward gear (perpendicular to the highway) when all of the parking spaces are occupied.
- There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centreline of each access and extending to points on the nearside carriageway edge 43m either side of the access.
- The new accesses shall incorporate splays on both its sides to the rear of the existing footway/highway based on co-ordinates of 2.0m x 2.0m, (pedestrian visibility).
- The new access/drive shall be properly consolidated and surfaced (not loose stone or gravel).
- Drop kerbs should be installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of each access where applicable.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. A soak away design sheet has been provided for further information.
- The gradient of any access shall not be steeper than 1 in 10.

Taking the above points into consideration the Highway Authority considers that based on the submitted information, the essential visibility splays cannot be provided within the site, therefore the proposal is considered to be detrimental to highway safety for all road users and it is therefore recommended for refusal.

*HERITAGE LEAD* – This building is a former stable and clearly of vernacular interest and worthy of retention as part of the street scene, the Conservation Area and its former association with the Inn.

No objection to principle. Anticipated replacement roof structure/ potential underpinning and other suggested structural work, of concern. Suggest a condition requiring a detailed schedule of structural work to be agreed by LPA.

A watching brief or similarly worded condition, might be prudent, given that underpinning/ exploration for foundations , is anticipated.

Suggest specific details of rooflights conditioned, in order that we secure a low profile.

*NATURE CONSERVATION & RESERVES OFFICERS* – The surveyor found no signs of bat roosting activity, but noted that the building contained a number of potential access points which could be utilised by bats. A number of butterfly wings were identified which may potentially be associated with bat foraging activity. I support the recommendation that further bat surveys are undertaken in the summer months to confirm the presence/absence of bats. If bats are found, and EPS licence may be required which in turn will specify mitigation measures. I would

prefer the emergence survey to take place prior to determination of planning permission as mitigation could potentially involve the formation of a bat loft in the new dwelling. If this is not possible, I would recommend that it is controlled by condition.

There were no bird nests, but there were several access points to the building. I agree that any works should take place outside of the bird nesting season.

## **Representations**

9 objections have been received raising the following points:

- The barn is attached to a listed structure.
- The fives wall is a village attraction, the only one of five left in Somerset and the only purpose built one in the Taunton Deane area. It would be beneficial if the fives wall's setting were improved. Changing the barn to a residential property would be detrimental to the setting of the listed structure.
- A residential property with access and frontage onto a large pub car park would be seemingly unattractive and unsalable.
- The bedrooms would be tiny and are, therefore an overdevelopment of the site.
- No consideration has been given to a change of use to a letting room, holiday let, tourist attraction, museum/gallery, tea rooms, or community facility which would be beneficial to the current business. There is a potential loss of commercial value.
- The Inn is a vital service to the village, and given its location near to the West Somerset Railway, Taunton and the Quantock Hills should have every chance of success as it has in the past.
- The application contravenes Policy EC9 as it would result in a loss of employment land and disadvantages the employment potential of the site.
- No new access is required as the applicant owns the existing access.
- The access does not incorporate the statutory visibility splays of 2.4m x 43m. The barn and wall completely obscure visibility to the East from the proposed access.
- The transport statement suggests that speeds on Station Road are 'slow' when in fact they are shown to be between 20 and 30mph. The access statement seems to seek justification for placing visibility splays in the middle of the road. This is incredible considering the impact that this would have on vehicle and pedestrian safety.
- The drawings for the barn conversion are very crude with almost no detail visible. Given the sensitive location, the integrity of the design and materials is paramount.
- If the development takes place then restoration of the fives wall's playing pitch and improvements to pavement provision at Gore Square would be a benefit.
- The proposed development should respect the setting of the conservation area, ensure that appropriate alternative uses are found for the buildings which are to be retained and a landscaping scheme should be incorporated within the scheme design, as for the requirements for residential development at Gore Farm, allocated in the Taunton Deane Local Plan.

## **PLANNING POLICIES**

S4 - TDBCLP - Rural Centres,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
EN14 - TDBCLP - Conservation Areas,  
EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Bishops Lydeard and the development is, therefore, considered to be acceptable in principle. Comments made in the representations argue that there would be a loss of commercial value and employment land and that it, therefore contravenes Policy EC9 of the Taunton Deane Local Plan. However, in this location within the settlement limit, where new build residential development is acceptable in principle, this policy is not considered to carry significant weight, as the existing building appears to be little more than an infrequently used storage building. The main issues in the consideration of this application are the impact on the character and appearance of the area – including the conservation area and listed buildings, the impact on highway safety, and the impact on neighbouring property.

### Character and appearance of the area

The site is in a key location on the entrance to the historic part of Bishops Lydeard. Indeed, the conservation area boundary runs along the western face of the barn. The visual impression at this point is a pinch point, where the wider street created by the large set back of dwellings to the east funnels into a narrower part of the village and more intimate street pattern. The barn and, to a lesser extent, the stone wall to the west are key to this narrowing field of vision on approach to the village.

The pub occupies a large site positioned in a key location on Gore Square, one of the village's historic public areas. The barn itself is not on the square, rather it is set back, almost behind the pub. Within the grounds of the pub and attached to the barn, is the grade II listed fives wall, historically used for playing the sport Somerset Fives. The application proposes to keep the proportions of the windows and doors facing the pub the same as the existing openings and to introduce three rooflights into this elevation. This is considered to be a light touch approach and, subject to confirmation of details regarding fenestration and joinery, would preserve the character and appearance of the conservation area and the setting of the listed fives wall.

On the opposite side of the building, the proposed change is more significant. The many new openings would certainly alter the rural character of the barn, but much of this would be obscured by the stone wall along the southern boundary. Windows would be visible at first floor level, but, this is a residential area and subject to detailing, these are not considered to be detrimental to the character and appearance of the conservation area. The treatment of the existing south elevation opening is unusual, and further details are required in terms of the ultimate finished appearance. It is presumed that the purpose of this detail is to maintain the functional, presumably hay loft, appearance of the opening as far as possible. Subject to the detailing, this is not considered to be unduly problematic. It certainly

will add a more functional appearance to this elevation, representative of its former use.

The proposals to create a new access to the west will open up this boundary and afford greater views into the site. However, the stone wall would be continued around the curtilage, so the sense of enclosure would remain. There are other access points to the west of the site along Station Road and, therefore, the creation of an access in this location is considered to be acceptable in terms of its impact on the street scene.

With regard to the above, the proposals are considered to be acceptable in design terms and the wider impact upon the character and appearance of the conservation area and setting of listed buildings.

#### Highway safety

The application proposes a new point of access to the west of the barn. The Highway Authority have raised concern about this access point because the visibility that can be provided falls short of their recommendations. Based on the fact that the speed limit past the site is 30 miles per hour, the Highway Authority are recommending visibility splays of 2.4x43m. The applicant, on the other hand, has submitted traffic speed surveys that suggest that traffic speeds along Station Road are in the region of 23 miles per hour, so visibility splays of 2.4x30m would be acceptable, in accordance with Manual for Streets guidance.

The details submitted with the application indicate that such splays can be provided to a distance 1m out from the carriageway edge in a westerly direction and to the centreline of the road in an easterly direction. Manual for Streets does recommend the provision of splays to the nearside edge of the carriageway, to account for the potential for overtaking vehicles to be on the wrong side of the carriageway. The visibility to the nearside edge is clearly not available in an easterly direction, due to the location of the barn right on the carriageway edge. However, the applicant's traffic consultant argues that measuring visibility to the centre line is acceptable in this instance, as the bend in the road would make overtaking unlikely. In the event that there are parked cars to overtake, it is argued that overtaking vehicles would be further reduced in speed, due to the poor forward visibility and, therefore, lesser splays are required.

In this case, there does appear to be merit in the applicant's case. It also appears that the Highway Authority have not taken much account of the applicant's justification in reaching their recommendation – their response makes no comment on the applicant's submissions, rather it reiterates their pre-application advice in respect of their requirements and then states that as they have not been met, refusal is recommended.

Your officers, on this occasion, feel that the applicant has put forward a well reasoned case as to why lesser visibility splays are required and are minded to agree with that position in this case. It is, therefore, considered that the proposal would not be so detrimental to highway safety as to warrant refusal of planning permission.

#### Neighbouring property



The barn is situated some distance from neighbouring residential property. The building is in excess of 30m from upstairs windows of the Lethbridge Arms and Wayside House on the opposite side of Station Road. It is also around 28m from the garden boundary of 1 Station Road. It is not considered that the amenity of any other properties would be adversely affected by the proposal and, therefore the proposal is considered to be acceptable in this regard.

#### Other matters

Some concern has been raised in the representations that the loss of ancillary buildings to the public house would be detrimental to its long term viability. However, it would not appear that the buildings have ever been used in recent times for ancillary purposes – certainly, internally they appear to have been nothing but storage sheds and, therefore, it seems difficult to attribute significant weight to this matter.

A wildlife survey submitted with the application identifies that wildlife has used the barn, including bats for potential foraging activity. It is not, however, considered that there are any roosts present and, therefore, there would not be any deliberate disturbance of the habitats of protected species. A condition should be imposed requiring mitigation for the loss of potential habitat.

#### Conclusions

With regard to the above, the proposal is considered to be acceptable in principle and in terms of its design and impact upon the visual amenities of the area, character and appearance of the conservation area and setting of nearby listed buildings. Taking account of the applicant's detailed submissions in terms of highway safety, it is considered that any harm that may arise from slightly shortened visibility splays would not be sufficient to warrant the refusal of planning permission. The proposal would not result in harm to the amenities of nearby property and, therefore, it is recommended that planning permission is granted.

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

ENTERPRISE INNS PLC

**OUTLINE APPLICATION FOR THE ERECTION OF THREE DWELLINGS ON LAND ADJACENT TO THE LETHBRIDGE ARMS, BISHOPS LYDEARD (RESUBMISSION OF APPLICATION 06/11/0015)**

Grid Reference: 316731.129141

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development is considered to respect the character and form of surrounding residential development. It would not result in harm to the character and appearance of the conservation area or the settings of nearby listed buildings. It would not lead to unacceptable harm to the amenities of neighbouring residents or highway safety. It is, therefore, considered to accord with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN3 (Local Wildlife and Geological Interests); Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas respectively.

**RECOMMENDED CONDITION(S) (if applicable)**

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

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

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

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

(A4) DrNo 2458-123 location plan  
(A1) DrNo 2458-121 Proposed site layout  
(A1) DrNo 2458-122 sections  
(A1) DrNO 2458-120 existing site layout

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

3. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report, and a further reptile survey dated February 2011 and include:
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in accordance with Policy EN3 of the Taunton Deane Local Plan and guidance contained in Planning Policy Statement 9.

4. Visibility splays shall be provided at the new accesses as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways & Highways, such that there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

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

5. The boundary wall along Station Road shall be altered to accommodate the requirements of condition (4) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-121 and in accordance with details that shall be submitted to and approved in writing by the local planning authority as part of the details submitted in accordance with condition (1). The works required by this condition shall be carried out prior to the occupation of

the dwelling hereby permitted and thereafter maintained as such.

Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Full details of the boundary treatment to all plots shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted in respect of condition (1). The approved details shall be implemented prior to the occupation of the plot to which they relate.

Reason: To ensure that satisfactory boundary treatment is proposed in the interest of the character and appearance of the conservation area, and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. (i) The landscaping/planting scheme that shall be submitted to and approved pursuant to condition (1) shall be completely carried out within the first available planting season from the date of commencement of the development.

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

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.

#### Notes for compliance

1. The 'half hip' roof design shown on the indicative section drawings is not considered appropriate for the detailed design required by condition (1).

## **SITE DESCRIPTION AND HISTORY**

The site comprises a parcel of land within the grounds of the Lethbridge Arms public house. The site is currently fenced off from the pub, and has an overgrown/unkempt appearance. It extends across the western side of the pub site from Minehead Road to the north to Station Road to the south. The site has frontage to both of these roads.

To the east of the site, at its northern end, the site adjoins the pub beer garden and car park. Moving south, the western side of the site adjoins a barn, probably a former stable building, which is subject to application 06/11/0028 for conversion to a dwelling. The site is generally level, set slightly higher than Station Road, behind a hedgebank, on its southern boundary and sloping up gently to Minehead Road, where the boundary is formed by a hedgebank, post and wire fence and close boarded fence.

To the west of the site, at the southern end, a close boarded timber fence separates the site from a neighbouring bungalow, which has some windows facing the site. To the northern end of the western boundary, a block wall and close boarded fence separates the site from 1 Minehead Road, a 1.5 storey dwelling. Directly opposite the site, across Minehead Road is 'West View' a two-storey grade II listed dwelling.

## **PROPOSAL**

This application seeks outline planning permission for the erection of 3 detached dwellings. All matters are reserved for subsequent consideration, although indicative plans showing access, layout and scale have been provided.

The indicative plans show that two dwellings would be served by a new access from Minehead Road and one via a new access from Station Road. Plot 1, from Station Road, would be set well back on its plot broadly in line with dwellings to the west, with a detached garage alongside the dwelling. This would be attached to a garage for the barn conversion, subject to application 06/11/0028, if permitted. Indicative details show that the dwellings would all be two-storey.

Planning permission was sought earlier this year for the conversion of the barn to a dwelling and the development of 4 dwellings on land to the west. These applications (06/11/0013 and 06/11/0015 respectively) were withdrawn.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Council objects to the proposal on the following grounds:

- The proposal would damage the long term viability of the business of The Lethbridge Arms. The Lethbridge Arms is an important and historic building within the village, as well as being a key business. As the nearest pub to the West Somerset Railway, it has excellent viability with a large footfall from tourists. Its business is key to the economic well being of the village. Under Local Plan Policy EC9 it is stated, 'Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site'. To date there has been no assessment done of the impact to the pub of the loss of its gardens should this proposal go ahead.
- The density of the proposed build is out of character with the conservation area. The two storey dwellings are also out of keeping with surrounding properties and would block the view of the listed fives wall.
- Sub standard visibility splays as proposed by the applicant are unacceptable.

The description of Minehead Road as a quiet residential street is not correct. The road is well used by traffic exiting the A358 to enter the village and to drive on to Cothelstone. Station Road is bus route and has a large volume of through traffic.

- The area at the junction of Gore Square and Minehead Road is well used with vehicles parking to use local businesses. Construction of an access here would cause loss of parking spaces which would be damaging to local business.
- Slow worms can be seen basking in the hedgerow on Station Road on summer evenings. Destruction of this to construct an entrance would cause a loss of habitat.
- Both The Lethbridge Arms and the Fives Wall are important historic landmarks in the village. The proposal would detract from the setting of both of these landmarks.
- The Council notes that comments from Transport Development have not been received to date. This is unfortunate, as the Council was not able to refer to or comment upon any observations they may have raised.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments currently awaited, but in respect of the previous application for 4 dwellings on this site, using the same access points, made the following comments:

The proposed development is for the erection of four dwellings which will be located within the development boundary limits of Bishops Lydeard and there is no objection in principle. Two of the dwellings derive access from/onto Minehead Road and [one], from/onto Station Road which are both classified unnumbered highways and are subject to a 30mph speed restriction. It would appear from personal observations that both of these roads are well utilised local routes from/onto the nearby A358 county route.

It would appear that the car park for the pub/hotel is being reduced in size as a result of this application, which could result in vehicles wishing to utilise the Lethbridge Arms, being displaced onto the adjoining public highway causing an obstruction/hazard to road users.

It should be ensured as part of new development proposals that sufficient onsite parking and turning is provided within the site for each dwelling, but not to the detriment of any existing use.

The Somerset Parking Strategy sets out the following provision:

*C3 Flats and Homes*

<i>1 bedroom unit</i>	<i>1 car space per dwelling</i>
<i>2-3 bedroom units</i>	<i>2 car spaces per dwelling</i>
<i>4+ bedroom units</i>	<i>3 car spaces per dwelling</i>

SCC Turning diagrams are available on request.

I have outlined the detailed issues in respect of this development:

- A segregated turning area to ensure that all vehicles can enter and exit the highway in a forward gear (perpendicular to the highway) when all of the parking spaces are occupied.  
The parking and turning areas denoted on the indicative layout plan, does not

meet the highway standards, although it may be able to be achieved if the dwellings were set back further into the plot. However this leads to the issue of the land that may have been incorporated into the scheme that was previously part of the Lethbridge Arms car park.

- There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centreline of each access and extending to points on the nearside carriageway edge 43m either side of the access.
- The new accesses shall incorporate splays on both its sides to the rear of the existing footway/highway based on co-ordinates of 2.0m x 2.0m, (pedestrian visibility).
- The new access/drive shall be properly consolidated and surfaced (not loose stone or gravel).
- Drop kerbs should be installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of each access where applicable.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. A soak away design sheet has been provided for further information.
- The gradient of any access shall not be steeper than 1 in 10.

Taking the above points into consideration the Highway Authority considers that based on the submitted information sufficient onsite parking and turning in addition to essential visibility splays cannot be provided within the site, therefore the proposal is considered to be detrimental to highway safety for all road users and it is therefore recommended for refusal.

*HERITAGE LEAD* – I do not consider that the proposal will have a detrimental impact on the character of area therefore no objection to principle. Clearly details will be important at the reserved matters stage.

*SCC ARCHAEOLOGY* – The site is within the Area of High Archaeological Potential. There is potential for the development to impact on locally significant archaeological remains relating to medieval and early post-medieval occupation.

For this reason, archaeological monitoring is required and a condition should be imposed to this effect.

## **Representations**

8 letters of OBJECTION have been received, raising the following comments:

- The application is a poor rehash of that recently withdrawn, even commenting in the planning statement that it is for the erection of 4 dwellings. This should be corrected.
- The application incorrectly describes the land as 'land adjacent to the Lethbridge Arms' when it should be 'land at the Lethbridge Arms'. The erection of a post and rail fence does not legally separate the land from the pub. The loss of the land would result in the loss of parking spaces, play area and beer garden. The skittle alley has already been destroyed. The Inn is a vital service to the village providing valuable employment and given it's location near to WSR and Taunton should have every chance of success as it has in the past.

- The separation of the pub from its garden has led to the failure of the pub business and it is currently closed. Future owners should not be prevented from running a successful pub because the land has been separated.
- Rear gardens in Bishops Lydeard are supposed to be protected from development.
- 1 Minehead Road will be overlooked.
- The access from Station Road has poor visibility creating a danger for vehicles emerging. The access statement notes that the recommended visibility splays cannot be provided, which is a concern especially in a village where excess vehicle speed has been noted frequently and remains a concern to many local residents. The Highways Officer states that visibility of 2.4 x 43m should be provided and this has not been addressed. Providing visibility splays to the centre of the carriageway would have an impact on vehicle and pedestrian safety and is against all highway safety guidelines.
- It is stated that traffic speeds on Station Road are 'slow' when in fact they are recorded as being between 20 and 30 mph. The traffic survey is flawed, not accounting for peak flows between 8-9 and 17.00-18.00 on both roads.
- Additional traffic and access onto Minehead Road is undesirable, although the detriment to pedestrian safety could be ameliorated if the developer paid for a footway along Minehead Road. Minehead Road is not lightly trafficked as suggested. It serves shops in Gore Square and is used as a short cut from the A358. There are normally 9-10 cars parked between Gore Square and 1 Minehead Road. Residents of Gore square who have no garages also park there, including some customers of the Lethbridge Arms (when it was open). Parked cars do not increase visibility but further aggravate highway safety.
- There will be a loss of parking on Minehead Road.
- It cannot be guaranteed that the owners of the dwellings would have just two vehicles. With 3 vehicles parked on the property it is impossible to enter and exit in a forward gear. The tracking diagrams also pre-suppose that residents will have 'medium' sized cars.
- It cannot be proven that vehicle parking has a positive effect on reducing vehicle speeds or that a number of pedestrians walk along Minehead road without any significant cause for concern. There is in fact a real cause for concern as there are 6 children who live in the road and have to live in Minehead Road and use the road to get to school.
- There will be parking and congestion on the blind bend on Station Road.
- There is a perfectly good access to the site; two more should not be permitted.
- The new build houses seem to be crammed very closely together. The style of layout is very modern being born of a desire to be able to market homes as 'detached' and is more normally found on modern estates. Housing in this area tends to be terraced/attached or detached but more widely spaced.
- The development is not of a modest scale as the entire site will be disturbed with extensive excavations across the plot being made for the purposes of foundations and the provision of services. Archaeological investigation prior to development may require a revision of development layout, which cannot be achieved after the development has been permitted. Therefore, an archaeological assessment should be carried out prior to the grant of any planning permission.
- The proposed development should respect the setting of the conservation area, ensure that appropriate alternative uses are found for the buildings which are to be retained and a landscaping scheme should be incorporated within the scheme design, as for the requirements for residential development



at Gore Farm, allocated in the Taunton Deane Local Plan. Pedestrian links to the village should be improved as part of the proposals.

- The proposed dwellings are not in keeping with the smaller bungalows and chalet bungalows surrounding the site. They would overshadow the surrounding areas and would overlook the immediate adjacent and surrounding properties. The only detached two-storey dwellings are the Lethbridge Arms, West View and The Old Post Office and this is not the prevailing character of the area. The site sections are misleading and the style of the proposed hipped-roof buildings are not in character with the local vernacular.
- Two storey dwellings would overlook a number of existing properties would be obtrusive and would restrict views of the listed Fives Wall. The site is almost 1m higher than Minehead Road, exacerbating the problem.
- Part of the land is a conservation area, natural habitat for slow worms, common lizards, bank voles and a pair of little owls. Excavations would destroy their habitat. The wildlife desk study identifies records of numerous wildlife within the area. The protection of these species would be best served by retaining the site under its present use as a car park and beer garden. There are a large number of Slow Worms in the site.
- Bishops Lydeard will be in danger of losing its village status if every piece of available land is infilled in this way.
- The housing density and type is not appropriate for the site. Two low level bungalows with access via the existing pub access would be preferable. The sections show half hipped gables for the new houses – this does not fit with the local vernacular. There is very little in the application on which to make a detailed assessment.
- The site is within the curtilage of the listed Fives Wall and would be detrimental to its current prominent location and use within the community.
- If development must take place on the site, small scale holiday lets or supplementary accommodation for the Inn would be more appropriate and beneficial to the business and village. It would be beneficial to carry out restoration of the Fives Wall. Pavement provision at Gore Square would be beneficial.

## **PLANNING POLICIES**

S4 - TDBCLP - Rural Centres,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
EN14 - TDBCLP - Conservation Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Bishops Lydeard and the development is considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the character and appearance of the area – including the approach to the conservation area and setting of listed buildings, the impact on neighbouring residents, the impact on highway safety and archaeology.

### Character and appearance of the area

This part of Bishops Lydeard is characterised by generally spacious development, with detached or semi-detached dwellings set in relatively large plots. The site has frontage to two separate roads, Minehead Road to the north and Station Road to the south. These two street scenes need individual consideration.

The site is in a key location on the entrance to the historic part of Bishops Lydeard. Indeed, the conservation area boundary runs along the western face of the barn to the east of the site and encompasses the northern part of the site. The visual impression on both roads is a rapid narrowing, where the wider street created by the large set back of dwellings to the east funnels into a narrower part of the village and more intimate street pattern. The barn and, to a lesser extent, the stone wall to the west are key to this narrowing field of vision on approach to the village along Station Road, whereas on the Minehead Road, the funnelling occurs past the site, adjacent to the pub itself.

To the east of the site, along Station Road, are a number of irregularly spaced detached dwellings, set in large plots. They are generally set well back on the plot with the main garden areas to the front. They are a mix of single, two and 1.5 storey. The proposed dwelling fronting Station Road would sit broadly in line with these dwellings and, accordingly, it is considered to be compatible with the general layout and pattern of development.

To the northeast of the site on Minehead Road are a row of semi-detached 1.5 storey dwellings, a large single storey storage building and, closest to the site, a detached 1.5 storey dwelling. There is a fairly strong building line along the front of the semi-detached dwellings, although this is then interrupted by the storage building and the detached dwelling which is in a slightly forward location. The proposed plot widths for the new dwellings are broadly the same as those existing dwellings on the south side of Minehead Road and, accordingly, the proposed development is considered to respect the character and form of this street. True, the proposed dwellings would be a full two storey and, therefore, slightly bulkier than other dwellings on this side, but they are sited opposite a two storey dwelling and between the existing dwellings and two-storey pub. Therefore, the scale of the proposed dwellings is considered to be appropriate.

Opposite the site, on the north side of the road is the grade II listed 'West View', a handsome two storey double bay fronted brick dwelling. It is considered that the setting for this building is generally derived from the street scene on the north side of Minehead road and, therefore, the proposed development would not be detrimental to its setting. Similarly, the listed five wall within the site is more intrinsically linked with the pub itself and the east elevation of the barn. It is not considered that the setting of this structure would be undermined. The conservation officer has raised no objection in this regard.

The indicative scale drawings indicate half hips for the dwellings and this is not considered to be at all representative of the character of the area or local vernacular. However, the application is in outline with appearance reserved for subsequent consideration. As such, this form of dwelling need not be carried through to the detailed design stage and control would be available at this time. An informative note could be included on any permission to advise that such a roof detailing would not be appropriate.

With regard to the above, the impact on the visual amenities of the area is

considered to be acceptable. The proposal would not harm the settings of nearby listed buildings, and the character and appearance of the conservation area would be preserved, in accordance with the duties contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Neighbouring residents

Plot 1, off Station Road would be sited alongside the existing bungalow, 1 Station Road. It could be ensured at reserved matters stage that no windows were provided in the elevation directly overlooking this property. The indicative plans indicate that the dwelling could be sited close to the boundary, but the neighbouring bungalow is some distance from this boundary and, despite the presence of windows facing the site, it is considered that the proposal would not be unreasonably overbearing on this dwelling. Similarly, plot 3 could be designed such that it did not overlook 1 Minehead Road and, again, it is not considered that the development would be unreasonably overbearing on this property, whose principle windows face north and south.

Based on the indicative layout, the rear of plot 1 would be some 30m from the south elevation of 1 Minehead Road and given this distance, and the slight angle, it is not considered that there would be any unreasonable overlooking in this regard. Plot 3 is shown slightly closer to 1 Station Road, at 24m although the angle is significantly greater.

The front elevations of plots 2 and 3 are directly opposite West View. However, based on the indicative plans, the separation across Minehead Road is around 28m and this is considered sufficient to prevent any unacceptable overlooking.

Final siting and detailed window positions would be controlled at reserved matters stage; based upon the indicative plans provided, the proposals are considered to be acceptable in terms of their impact on neighbouring residents.

### Highway safety

The application proposes two new points of access. One from Station Road, which would serve plot 1 and, if permitted, the adjoining barn conversion; and one from Minehead Road, serving plots 2 and 3. In terms of both access points, the Highway Authority have raised objection because the visibility that can be provided falls short of their recommendations. Based on the fact that the speed limit past the site is 30 miles per hour, the Highway Authority are recommending visibility splays of 2.4x43m. The applicant, on the other hand, has submitted traffic speed surveys that suggest that actual traffic speeds along both roads justify lesser visibility requirements.

In respect of the Station Road access the applicant suggests that traffic speeds are in the region of 23 miles per hour, so visibility splays of 2.4x30m would be acceptable, in accordance with Manual for Streets guidance. The details submitted with the application indicate that such splays can be provided to a distance 1m out from the carriageway edge in a westerly direction and to the centreline of the road in an easterly direction. Manual for Streets does recommend the provision of splays to the nearside edge of the carriageway, to account for the potential for overtaking vehicles to be on the wrong side of the carriageway. The visibility to the nearside edge is clearly not available in an easterly direction, due to the location of the barn right on the carriageway edge. However, the applicant's traffic consultant argues that measuring visibility to the centre line is acceptable in this instance, as the bend

in the road would make overtaking very unlikely. In the event that there are parked cars to overtake, it is argued that overtaking vehicles would be further reduced in speed, due to the poor forward visibility and, therefore, lesser splays are required.

In respect of the Minehead Road access, the applicant's traffic consultant argues that visibility splays of 2x27.5m should be provided in the westerly direction and 2x19.4m in an easterly direction. The applicant's traffic consultant argues that 2m deep splays are justified as he considers Minehead Road to be lightly trafficked. Local residents disagree with this position and it is true that surveys on Minehead Road were undertaken outside of peak hours. However, there is a high incidence of parked cars along Minehead Road and this would effectively extend the depth of the visibility splay. It also pushes cars out to the middle of the road justifying the proposed splay lines to the centreline of the road.

In this case, there does appear to be merit in the applicant's case. It also appears that the Highway Authority have not taken much account of the applicant's justification in reaching their recommendation – their response makes not comment on the applicant's submissions, rather it reiterates their pre-application advice in respect of their requirements and then states that as they have not been met, refusal is recommended.

Your officers, on this occasion, feel that the applicant has put forward a well reasoned case as to why lesser visibility splays are required and are minded to agree with that position in this case. It is, therefore, considered that the proposal would not be so detrimental to highway safety as to warrant refusal of planning permission.

#### Other matters

The site is within an area of High Archaeological Potential, so there is potential for archaeology to be present on site. The County Archaeologist considers that a watching brief condition should be imposed to monitor ground works and record any archaeology found on the site.

There has been some concern raised through the representations that the pub has recently closed because the separation of its garden has removed a facility that was fundamental to its viability. It is claimed that removing the facility permanently would significantly jeopardise the future viability of this community facility. Your officer's understanding is that the pub recently closed because the tenant landlady had made some poor management decisions and that the overall owner, Enterprise Inns, was unable to reopen it until they had completed complex eviction proceedings. Indeed, the pub is now open once more and in a verbal discussion with your officer, the current, temporary landlord has explained how he expects the business to be viable in its current form. It is not considered that it can be demonstrated that the application site is so fundamental to the functioning of the public house that planning permission could be withheld on this basis.

Neighbouring residents have also noted that the site is used by wildlife. The submitted wildlife survey explains that the site could provide habitats for badgers, birds and reptiles although it is unlikely that any European Protected Species are present on the site. It recommends that further reptile surveys are carried out prior to the commencement of the development and this can be required by condition.

## Conclusions

It is considered that the development is acceptable in principle, would not impact unreasonably upon the amenities of nearby residents or the visual amenities of the area. The proposal would preserve the character and appearance of the conservation area and the settings of nearby listed buildings. Taking account of the applicant's detailed submissions in respect of highway safety and the provision of visibility splays, the proposal is not considered that any harm to highway safety would be sufficient to warrant refusal of planning permission. Accordingly, it is considered that the proposal is acceptable and it is, therefore, recommended that planning permission is granted.

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

# Taunton Deane Borough Council

Planning Committee - 17 August 2011

## Report of the Legal Services Manager

### Enforcement Item

1. **Location of site:** 7 Wyndham Road Taunton
2. **Name of owner:** Heather Brannon (as personal representative)
3. **Name of occupier:** Unoccupied
4. **Nature of contravention:**

The condition of the land and dwelling is adversely affecting the amenity of the area

### 5. History

In September 2010 the condition of the above property was brought to the attention of the Council by concerned local residents. The property was in a poor state, unoccupied and insecure. The owner of the property was unknown.

Environmental Health and Building Control were asked to visit to assess the position, and the Empty Property Officer was contacted to see if he could assist. It was considered that the best way to deal with the various problems would be for the property to be brought back in to use and occupation.

The Empty Property Officer eventually established that the owner of the property had died but he traced the next of kin and various negotiations have taken place to try and get the condition of the property improved.

The property has been fenced to keep it secure but otherwise no significant work has been done.

In June the Empty Property Officer found a property developer who was interested in purchasing the property. However, the owner has not responded to this approach and the condition of the property continues to cause concern.

On a site visit on the 8 August the fencing to the property appeared to be secure but adds to the overall adverse effect the dwelling and land has on the area. The front garden is very overgrown with rubbish strewn around. Vegetation is growing up to the first floor level, obscuring windows, and also extending on to the pavement. There are broken windows in the garage. The rest of Wyndham Road comprises well kept and tidy dwellings.

### 6. Reasons for taking action

The owner has had ample opportunity and assistance from the Empty Property Officer to deal with the situation. The present condition of the property is considered

to adversely affect the surrounding area of Wyndham Road and it is not considered that the condition of the property is attributable to the authorised use of the land.

## **7. Recommendation**

The Solicitor to the Council be authorised to serve a notice under S215 Town and Country Planning Act 1990 requiring steps to be taken to improve the condition of the land such that it does not adversely affect the area.

### **Contact Officer**

Judith Jackson    01823 356409    [j.jackson@tauntondeane.co.uk](mailto:j.jackson@tauntondeane.co.uk)

# **Taunton Deane Borough Council**

## **Planning Committee – 17 August 2011**

**E/0080/38/10**

### **BREACH AND ADDRESS**

**OCCUPIER:** Ms T BRISTOW

**OWNER:** Ms T BRISTOW, 31 SHOREDITCH ROAD, TAUNTON,  
TA1 3BU

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### **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of all catering trailers/vehicles from 31 Shoreditch Road, Taunton.

### **RECOMMENDATION**

The Solicitor to the Council be authorised to serve an enforcement notice to require the removal of all catering trailers from 31 Shoreditch road with a compliance time of 3 months from the notice coming into effect. Should the notice not be complied with then the Solicitor to the Council also be authorised to take prosecution action subject to satisfactory evidence being obtained.

### **SITE DESCRIPTION**

No.31 Shoreditch Road is a large residential property set in a backland location behind other houses lining the road. Access is by a long narrow lane between houses, owned by a neighbour but over which the appellant has a right of way. There is a common southern boundary with a group of houses on Tamar Avenue, which overlook the site..

### **BACKGROUND**

The stationing of two catering trailers at the above site was first brought to the Council's attention in March 2010. A site visit was made where it was found that the two catering trailers were undergoing their annual cleaning process. Ms Bristow stated that that they would be removed to their respective trading sites the following week. In July 2010 a further site visit was made but only one trailer was on site.

In April 2010 a Planning Contravention Notice (PCN) was served in order to establish the nature of the operation being carried out on the site. This was



completed and returned within the prescribed time limit. Based on the response, no further formal action was taken and the site was monitored.

In July 2010 evidence was received that, over a three month period, there were 3 occasions (amounting to 15 days) when there was more than one catering trailer on site. This includes the March 2010 site visit referred to above. Ms Bristow was advised to submit a Planning application for consideration for the stationing of more than one catering trailer on site at any particular time. The application was submitted in September 2010 and subsequently reported to the Planning Committee in November 2010 with a recommendation to approve planning consent.

The Planning Committee considered that the proposal was unacceptable and refused permission for the stationing of two mobile catering trailers for the following reason:

*The proposed commercial vehicle storage due to their size, height and advertisements would have an adverse impact on the visual and residential amenity of neighbours contrary to Policy S1(D) of the Taunton Deane Local Plan.*

An appeal was lodged and has recently been dismissed with the Inspector agreeing with the above reason for refusal.

In addition to the Inspectors reasoning of the harm caused, he stated that “I do not consider that the use of part of the garden for the storage, servicing and provisioning of 1 or more mobile catering trailers is one that can be held to be ordinarily incidental to the enjoyment of the dwellinghouse as such.” This statement has led to this enforcement report being presented to the Planning Committee

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The Inspector stated that “it seems to me that the change of use as a whole falls within the provisions of Section 55(2)(d) of the Act, which says that the use of any land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such shall not be taken to involve development.

As it has been considered that the storage of a trailer is not incidental to the enjoyment of the dwellinghouse, nor was it considered to be de-minimus, a change of use has occurred.

## **RELEVANT PLANNING HISTORY**

38/10/0318 – Change of use of part of land to store 2 mobile catering trailers – Refused and subsequent appeal dismissed.

## **RELEVANT PLANNING POLICES**

## National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

## Taunton Deane Local Plan 2004

S1 – General Requirements

### **DETERMINING ISSUES AND CONSIDERATIONS**

Given the Inspectors decision and reasoning in dismissing the appeal, this gives a clear direction that a single catering trailer is not acceptable. He stated that:

“Judging from what I saw on site, and from between the houses on Tamar Avenue, 2 catering trailers would be very conspicuous. Despite intervening fencing, their size, height, signage and colour means that they would be particularly prominent in the principal outlook across private gardens from houses on Tamar Avenue, and their residents would at all times be aware of the comings and goings of the trailers and their towing vehicles. They would be alien features in the garden landscape. I consider that, in conflict with the objectives of Policy S1 of the Taunton Deane Local Plan, the character and appearance of the surrounding residential area would be harmed by this change of use and that it would significantly undermine the visual and residential amenity of neighbours.”

He also made that decision while only 1 trailer was being stored on the site which he referred to as being garish and designed to attract attention. Therefore it is considered that harm has been caused and it is appropriate to take action to secure its removal.

PPG18 – Enforcing Planning Control discusses how to deal with enforcement cases regarding unauthorised development by small business or self-employed people. It states that a reasonable compliance period....may make the difference between enabling a small business or self-employed person to continue operating, or compelling them to cease trading. It is considered that 3 months is a short, yet reasonable time period for compliance that offers a realistic prospect of alternative storage premises to be found and secured.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

# **Taunton Deane Borough Council**

## **Planning Committee – 17 August 2011**

### **DISPLAY OF ADVERTISEMENT FOR PERSIMMON HOMES ON LAND SOUTH OF FOOTBRIDGE AT WALFORD CROSS, ADJACENT TO M5 MOTORWAY, CREECH ST MICHAEL E/0217/14/11**

**OCCUPIER:** PERSIMMON HOMES (SOUTH WEST)

**OWNER:** UNKNOWN

#### **PURPOSE OF REPORT**

To consider whether it is expedient to instigate prosecution proceedings in respect of the unauthorised advertisement in order to secure its removal.

#### **RECOMMENDATION**

The Solicitor to the Council be authorised to commence prosecution proceedings in respect of the unauthorised advertisement.

#### **SITE DESCRIPTION**

The site comprises an agricultural field on the northern side of the motorway between Junction 25 and Walford Cross and is just south of a footbridge over the motorway.

#### **BACKGROUND**

Members will recall that an unauthorised advertisement was displayed adjacent to the southbound carriage of the M5 in July. Authorisation was given but the sign was removed before further action could be taken. A similar sign is now being displayed on the northbound carriageway advertising the same company, Persimmon Homes.

The Technical Director has been contacted advising him that the sign is unauthorised and must be removed in order to avoid prosecution action being taken. To date the sign continues to be displayed.

#### **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The advertisement comprises a large sign on a trailer advertising Persimmon Homes but not a specific development. It is not on a construction site where some types of sign benefit from deemed consent (subject to size restrictions). No application has been submitted and the sign does not benefit from express consent.

The display of an advertisement without consent is contrary to Section 224 of the Town and Country Planning Act 1990. It is an offence to display such

advertisements in contravention of the Regulations, which is triable in the Magistrates Court with each sign or poster a separate offence. This applies to the owner or occupier of the land on which the unauthorised advertisement is displayed or anyone who has derived benefit from its display.

## **RELEVANT PLANNING HISTORY**

None

## **RELEVANT PLANNING POLICES**

### National Policy, Guidance or Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).  
Circular 03/07 - The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

### Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

## **DETERMINING ISSUES AND CONSIDERATIONS**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that control over advertisements should be exercised in the interest of amenity and public safety.

The sign by virtue of its siting in a prominent position adjacent to the M5 motorway represents an unnecessary commercial intrusion into open countryside that results in demonstrable harm to the visual appearance of the area.

It is considered that the purpose of the sign is to attract the attention of those travelling in vehicles along the Motorway and therefore likely to distract drivers attention from the road ahead. This could give rise to an adverse impact on public safety.

The sign therefore is considered to be contrary to Policy EC26 of the Taunton Deane Local Plan and advice in PPG19

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

CONTACT OFFICER: Mr J A W Hardy 01823 356466

## APPEALS RECEIVED : FOR COMMITTEE AGENDA : 17 August 2011

Proposal	Start Date	Application/Enforcement Number
CHANGE OF USE OF LAND TO SITE LOG CABIN FOR HOLIDAY USE AT BRIMLEY PLANTATION, CROFORD, WIVELISCOMBE	18 JULY 2011	49/10/0052
ERECTION OF STORAGE BUILDING TO THE FRONT OF 2 GAUNTON CLOSE, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	20 JULY 2011	52/11/0009
CHANGE OF USE OF AGRICULTURAL BARNs TO FORM SINGLE DWELLING WITH ASSOCIATED ACCESS AND PARKING AT WHITMORE FARM, STAPLEGROVE	20 JULY 2011	34/11/0002

**APPEAL DECISION FOR COMMITTEE AGENDA – 17 AUGUST 2011**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/11/2152018	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	<p>The proposed alterations and extensions are considered to be out of character with Ham Orchard itself and the hamlet of Ham, and would introduce a discordant note in the character of this traditional style of residential properties, such design is considered to be unacceptable and contrary to Policy S1(D), S2(A) and H17(C) of Taunton Deane Local Plan and Taunton Deane Design Guide, which is adopted as part of the Taunton Deane Local Plan .</p> <p>The proposed front bedroom windows are likely to cause overlooking and loss of privacy to the private rear garden space of Brambleside, such loss of privacy and overlooking would be</p>	14/10/0034	<p>The Inspector considered that overall the proposed extensions would materially harm the character and appearance of the area and would conflict with Taunton Deane Local Plan, adopted 2004, (the Local Plan), and Policies S1 and S2. He further considered the proposed development would have a harmful impact on the living conditions of the occupiers of the adjacent property , Brambleside, and would thus be contrary to Local Plan Policy H17. He therefore concluded the appeal should be DISMISSED.</p>

		detrimental to the amenities of the residents contrary to Policy S1 (E) and H17(A) of Taunton Deane Local Plan.		
APP/D3315/D/11/2153085	ERECTION OF FENCE AT 14 BARTLETT CLOSE, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	The fence, by virtue of its, design, materials and positioning, appears as an incongruous addition to the street scene, detracting from the character and visual amenity of the area. The proposed fence in this prominent position does not relate well to surrounding areas and fails to respect the openness of the area. As such, it is contrary to policies S1 (General Requirements) and S2 (Design).	52/11/0001	The Inspector considered that, in conflict with the objectives of Policies S1 and S2 of the Taunton Deane Local Plan, the fence has an unacceptably adverse effect on the character and appearance of the surrounding residential area. He did not consider that there is any real likelihood of trespass or lack of privacy or that the fence is necessary for security reasons. In addition, if the appeal were allowed, the Council may find it difficult to resist other proposals for fences within the open frontages. The appeal was therefore DISMISSED.
APP/D3315/A/11/2151195/NWF	CHANGE OF USE OF PART OF LAND TO STORE 2 NO. MOBILE	The proposed commercial vehicle storage due to their size,	38/10/0318	The Inspector does not consider the security considerations or personal advantages for the

	TRAILERS AT 31 SHOREDITCH ROAD, TAUNTON (RETROSPECTIVE)	height and advertisements would have an adverse impact on the visual and residential amenity of neighbours contrary to Policy S1(D) of the Taunton Deane Local Plan.		appellant outweigh the harm. He considers that, in conflict with the objectives of Policy S1 of the TDLP, the character and appearance of the surrounding residential area would be harmed by this change of use and it would significantly undermine the visual and residential amenity of neighbours. The appeal was DISMISSED.
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**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park



## **Planning Committee – 17 August 2011**

Present:- Councillor Bishop (Chairman)  
Councillors Mrs Allgrove, Bowrah, Brooks, Denington, Govier, Mrs Hill,  
Miss James, Mrs Messenger, Morrell, Mrs Smith, Tooze, Watson,  
Ms Webber, A Wedderkopp and Wren

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

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

(The meeting commenced at 5.15 pm)

### **70. Apologies/Substitutions**

Apologies: Councillors Coles, C Hill, Mrs Reed and D Wedderkopp

Substitutions: Councillor Brooks for Councillor Coles and Councillor Ms Webber for Councillor Mrs Reed

### **71. Minutes**

The minutes of the meetings of the Planning Committee held on 29 June and 20 July 2011 were taken as read and were signed.

### **72. Public Question Time**

Councillor Morrell asked why the officer's pledge made at the 20 July 2011 meeting when it was agreed to issue a Breach of Condition Notice to Persimmon within seven days of that meeting had not been honoured.

Mrs Jackson replied that she would provide a response in writing to Councillor Morrell.

### **73. Declarations of Interest**

Councillors Brooks and Govier declared personal interests as Members of Somerset County Council. 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 Wren declared a personal interest as an employee of Natural England. Councillor Watson declared a personal interest in application Nos 06/11/0028 and 06/11/0029 as he knew the objectors. He also declared that he had attended a parish council meeting where the applications had been discussed. However, he did not consider that he had fettered his discretion. Councillor Brooks declared a personal interest in agenda item 12 as he knew the applicant. Mrs Jackson declared an interest in application Nos 06/11/0028 and 06/11/0029 and left the meeting during the consideration of these items.

## 74. 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:-

**06/11/0029**

**Erection of three dwellings on land adjacent to the Lethbridge Arms, Bishops Lydeard (resubmission of application 06/11/0015)**

### 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) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report and a further reptile survey dated February 2011 and shall include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (d) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (e) Visibility splays shall be provided at the new accesses as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways and Highways such that

there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;

- (f) The boundary wall along Station Road shall be altered to accommodate the requirements of condition (d) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-121 and in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in accordance with condition (a). The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such;
- (g) Full details of the boundary treatment to all plots shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate;
- (h) (i) The landscaping and planting scheme that shall be submitted to, and approved in writing by, the Local Planning Authority pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the 'half hip' roof design shown on the indicative section drawings is not considered appropriate for the detailed design required by condition (a)).

### **Reason for granting planning permission:-**

The proposed development was considered to respect the character and form of surrounding residential development. It would not result in harm to the character and appearance of the Conservation Area or the settings of nearby listed buildings. It would not lead to unacceptable harm to the amenities of neighbouring residents or highway safety. It was, therefore, considered to accord with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN3 (Local Wildlife and Geological Interests); Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and Conservation Areas respectively.

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

**38/11/0246**

**Erection of two storey and single storey extension to the side and porch to the front of 85 Farm View, Taunton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the first floor window to be installed in the east elevation of the extension shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). 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 proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**24/11/0022**

**Change of use of land from agricultural to equestrian, erection of stables and construction of ménage at Birds Farm, Knapp, 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) A new layby or passing area shall be constructed and surfaced in accordance with details as indicated on Plan No LPA.755.106 Rev A. Such a bay shall be completed before the use of the livery commences and shall at no time thereafter be obstructed.

(Notes to applicant:- (1) Applicant was advised to ensure that the manure heap is located or protected so that seepage does not pollute nearby water courses or constitute a nuisance to adjoining owners. Its regular removal should avoid the occurrence of such nuisances; (2) Applicant was advised that with regard to condition (d), the landscaping scheme should include details of the new field hedge proposed at the new layby; (3) Applicant was advised that the proposed works must not encroach on to the width of the footpath. If any changes to the surface of Public Footpath T17/65 are to be carried out, authorisation for these works must be obtained from Somerset County Council. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; and (iv) Changes to the existing drainage arrangements associated with the public right of way. If the work involved in carrying out this proposed development would make a public right of way less convenient for continued public use or create a hazard to users of a public right of way then a temporary closure order will be necessary and a suitable alternative route must be provided).

#### **Reason for granting planning permission:-**

The proposal was not considered to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**06/11/0028**

**Change of use and conversion of barn to form residential dwelling at Lethbridge Arms Hotel, Gore Square, Bishops Lydeard (resubmission of application 06/11/0013)**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report dated February 2011 and a further summer bat survey and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of

- development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
  - (e) Prior to their installation, full details of all new windows and doors including the rooflights shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the finished materials, sections, mouldings, working arrangements, cills and depth of reveal. Such approved details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such;
  - (f) Visibility splays shall be provided at the new access as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways and Highways insofar as it relates to the access titled Plots 1 and 2, such that there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
  - (g) The boundary wall shall be altered to accommodate the requirements of condition (f) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-128 and in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such;
  - (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, alteration or addition to the dwelling hereby permitted and no buildings shall be erected within the curtilage other than that expressly authorised by this permission without the further grant of planning permission.

#### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity, the character and appearance of the Conservation Area, settings of listed buildings, highway safety or wildlife interest and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interests), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment), 49 (Transport Requirements of New Development), and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

**37/11/0010**

**Erection of 3 no polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (retention of works already undertaken)**

**Reason**

For clarification of highways issues.

(4) That the following application be **withdrawn** for the reason stated:-

**37/11/0011**

**Change of use of land for use as storage and depot for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary**

**Reason**

To enable a further amended application to be submitted in due course.

**75. Condition of land adversely affecting the amenity of the area at 7 Wyndham Road, Taunton**

Reported that it had come to the Council's attention that the property at 7 Wyndham Road, Taunton was in a poor state of repair, unoccupied and insecure.

The Council's Empty Property Officer had established that the owner had died and the next of kin had been contacted. Negotiations had taken place to improve the condition of the property and fencing had been erected to keep the property secure. However, no significant works had taken place.

A further visit was made to the site which appeared to be secure. However, the front garden was very overgrown and strewn with rubbish. Vegetation was growing up to the first floor level and had also extended onto the pavement and the garage had broken windows. The fencing also added to the overall adverse effect of the property on the area.

**Resolved that:-**

1. A Notice under Section 215 of the Town and Country Planning Act 1990 be served requiring the owner of 7 Wyndham Road, Taunton to improve the condition of the property so that it did not adversely affect the area; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Section 215 Notice not be complied with within three months.

**76. Removal of catering trailers stationed at 31 Shoreditch Road, Taunton**

Reference Minute No 53/2011, reported that an application to store two catering trailers at 31 Shoreditch Road, Taunton had been refused by the Committee in December 2010. The owner of the site had lodged an appeal against the refusal and this had recently been dismissed by the Planning Inspectorate. The Inspector agreed with the Committee's reason for refusal and also stated that the storage of one or more trailers at the site was considered to be a breach of planning control.

**Resolved that:-**

1. Enforcement action be authorised to ensure the removal of all catering trailers from 31 Shoreditch Road, Taunton;
2. Any enforcement notice served should have a three month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceeding should the enforcement notice not be complied with.

**77. Display of advertisement for Persimmon Homes on land south of footbridge at Walford Cross, adjacent to M5 Motorway, Creech St Michael**

Reported that it had come to the Council's attention that a sign had been displayed in a field adjacent to the M5 Motorway between Junction 25 and Walford Cross without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

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

**78. Appeals**

Reported that three new appeals had been lodged, details of which were submitted. Also reported that three appeal decisions had been received, details of which were also submitted.

(The meeting ended at 7.10 pm)



