

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 29 February 2012 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 8 February 2012 (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 43/11/0105 – Construction of the first section of the Wellington Northern Relief Road with access junction with Taunton Road, landscape planting and drainage infrastructure at Longforth Farm, Wellington
- 6 42/12/0001 – Formation of agricultural access and closure of previous access to the field off Amberd Lane, Staplehay
- 7 41/12/0001 – Erection of single storey and two storey extensions to the rear of Dobles Farm, Tolland
- 8 38/11/0595 – Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 36 no 2 bedroom apartments with associated infrastructure and external works, Area J, Firepool Lock, Taunton
- 9 24/11/0039 – Change of use of agricultural land for storage with landscaping and access enhancements at Moor Cottage, North Curry
- 10 14/11/0051 – Installation of 2 dormer windows to the front elevation of 3 Crown Lane, Creech Heathfield
- 11 02/12/0002 – Removal of flat roof, erection of first floor extension and other alterations at the Old School House, Ash Priors
- 12 E/0025/07/11 - Unauthorised residential occupation of land to the rear of Langs Farm, Bardford on Tone

- 13 E/0231/27/11 - Roundhouse constructed in field opposite Thomas's House, Oake
- 14 E/0302/27/11 - Change of use of agricultural land to site a temporary mobile home and retention of buildings in connection with the operation of a falconry business on land to the north of Higher Knapp Farm, Hillfarrance
- 15 E/0129/38/11 - Unauthorised illuminated sign at roof level at Okoko, Dellers Wharf, Bridge Street, Taunton
- 16 E/0145/42/11 - Access not built in accordance with approved plans at Lower Kibbear Farm, Kibbear, Trull
- 17 E/0240/45/10 - Altered access and fencing erected adjacent to highway at Parkgate House, New Road, West Bagborough
- 18 E/0167/53/11 - Change of use of land to form car parking area opposite 21/23 Burge Crescent, Cotford St Luke
- 19 Planning Appeals - The latest appeal lodged and appeal decisions received (details attached)

Tonya Meers  
Legal and Democratic Services Manager

08 May 2012

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 – 8 February 2012

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,  
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, 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), Miss M Casey (Planning and Litigation Solicitor)  
and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Henley in relation to application No 10/11/0049; and Mrs A Elder,  
Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 8. Apology

Mrs Messenger.

### 9. Minutes

The minutes of the meeting of the Planning Committee held on 11 January 2012  
were taken as read and were signed.

### 10. Declarations of Interest

Councillors Govier and D Wedderkopp 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 Tooze declared a personal interest as an employee of UK Hydrographic Office. 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 Bishop declared that he had attended a parish council meeting where agenda item 7 (Altona Park, Hillfarrance) had been discussed. However, he did not consider that he had fettered his discretion. Councillors Bowrah, Govier and Mrs Reed all declared that they had attended a Town Council meeting where agenda items 10, 11 and 12 (Tone Mill, Wellington) had been discussed. However, none of the Councillors considered that they had fettered their discretion. Councillor Govier also declared that he had attended meetings of the Tone Mill Trust as the Ward Councillor.

### 11. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager concerning 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:-

**07/11/0023**

**Outline application for the erection of a dwelling and shared garage in the garden of 1 Gardeners Close, Bradford on Tone**

**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) Details of all boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
- (d) Details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
- (e) The detailed layout submitted pursuant to condition (a) shall show sufficient parking facilities for the parking of two cars for the proposed dwelling and two cars for the existing dwelling. The parking facilities approved shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

**Reason for granting planning permission:-**

The proposal was not considered to have a detrimental impact upon visual or residential amenity, the character of the area or the local highway network and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); or Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Development).

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

**10/11/0049**

**Erection of a permanent agricultural workers dwelling at Timberlands, Biscombe, Churchstanton**

## **Conditions**

- (a) The development hereby permitted shall be begun within one year of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (d) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (e) The dwelling shall not be occupied until the sewage disposal works have been agreed and completed in accordance with the details to be submitted unless otherwise agreed in writing by the Local Planning Authority;
- (f) (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;
- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A (Extensions) and Part 2 Class A (Boundary treatment) of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

The proposal was not considered to harm the landscape character of the Area of Outstanding Natural Beauty and would harm neither visual nor residential amenity. The building was proposed for an agricultural worker as an exception to normal policy and accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EN10 (Areas of Outstanding Natural Beauty).

**34/11/0040**

**Erection of garage with ancillary accommodation above and erection of indoor swimming pool with gym and changing area in the grounds of Staplegrove House, Staplegrove (amended scheme of 34/11/0032)**

## **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) Prior to commencement of trenching works within the canopy spread of the existing Horse Chestnut tree near the proposed Coach House, all trenching works, foundation details and surfacing materials shall be agreed with the Local Planning Authority. Works shall thereafter be carried out in accordance with those agreed details. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery.

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

The proposal would preserve the character and appearance of the Conservation Area and would not harm either visual or residential amenity. The setting of the listed building was not harmed. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions), H18 (Ancillary Accommodation) and EN14 (Conservation Areas), Planning Policy Statement 5 (Planning and Historic Environment) or Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**38/11/0670**

**Erection of single detached dwelling with on site parking at 58 Greenway Avenue, Taunton (amended scheme to 38/11/0145)**

#### **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) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions, alterations, additional windows or dormer windows other than those expressly authorised by this permission shall be carried out without the further grant of planning permission;



- (e) 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 bathroom window to be installed in the northern elevation of the dwelling shall be obscure 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;
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) The proposed access or drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m. Such visibility shall be provided before the development is brought into use and shall be maintained at all times;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 17m away from that point. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

(Notes to applicant:- (1) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that, according to Wessex Water records, there is a public combined sewer crossing the site. Wessex Water requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed and there should be no planting within 6m of the sewer. The integrity of the systems must be protected and arrangements for the protection of infrastructure crossing the site must be agreed prior to the commencement of works on site; (3) Applicant was advised that new water supply and waste water connections will be required from Wessex Water to serve this development).

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

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

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

**27/11/0018**

**Change of use of land to site 3 no mobile homes, 3 no pitches for touring caravans, 3 no utility sheds, 1 no day room and the repositioning of stable block for use by Romany Gypsy families at Altona Park, Hillfarrance**

## Reason

The proposed development, by reason of the large site area, visual appearance and prominent position in the landscape, would have a detrimental impact on the rural setting and appearance of the area contrary to Taunton Deane Local Plan Policies H14 and EN12 and Core Strategy Policy DM3, in particular from local public footpaths and the nearby rail network. The site was not considered to be in a sustainable location and therefore the provision of further development (in particular due to its scale) outside of the existing site area would be contrary to the provisions of Core Strategy Policy DM3 which seeks to site gypsy and traveller sites in sustainable locations closer to services and facilities. The proposal would also comprise an inefficient use of land in an area where development should be strictly controlled and as such would be contrary to planning guidance contained in Planning Policy Statement 1, Planning Policy Statement 3 and Planning Policy Statement 7.

### **12. Erection of 84 no dwellings and associated works as enabling development in connection with the repair and restoration of listed buildings at Tone Mill, Milverton Road, Tonedale, Wellington (43/11/0080)**

Reported this application.

Noted that the application had required an amendment to the red line to incorporate a small area of land that was currently unregistered in respect of the emergency access. The applicant had served a public notice which expires on 15 February 2012.

**Resolved** that subject to no further representations being received in respect of the above, the grant of Planning and Listed Building Consent applications (43/11/0116 and 43/11/0117LB), and the applicants entering into a legal agreement or other mechanism to secure the following:-

1. Schedule of Works (in respect of works to secure the external envelope of the Tone Works Mill buildings and the restoration and conversion works north of the River Tone) in agreement with the Heritage Lead and English Heritage;
2. Prior to the commencement of development, the "enabling monies" in the form of (i) Heritage Asset Contribution of £780,000; and (ii) Heritage Land Owner's Subsidy of £800,000 shall be paid and made available to draw down funds to carry out the agreed Schedule of Works;
3. Submission of an application for "heritage grant" funding (as part of the conservation repair works) and submission of a business plan for the remainder of the heritage land within an agreed timescale;
4. Provision of a new pedestrian and cycle link and upgrade of existing links to provide an offsite cycleway and pedestrian route from the site to Crosslands;
5. Prior to the occupation of the first residential unit, an emergency pedestrian and vehicular access shall be provided and be capable of accommodating emerging service vehicles between Milverton Road and the site, including the provision of demountable bollards;
6. Provision of a new bus stop on Milverton Road to serve the development;

7. Securing and agreed Green Travel Plan for the development. This shall be supported by a schedule containing a full range of measures to assist with sustainable travel;
8. A management company shall be set up. The management company shall be limited by guarantee and procure that each freehold interest has a requirement that each transferee shall be required to apply for membership of and in the management company;  
The management company shall be solely responsible for the ongoing management and maintenance of the following, and identified on a plan, of which the specifications shall first be agreed in writing and by the Council:-
  - a) Highways – Lowmoor Road and estate roads being constructed and maintained to an adoptable standard;
  - b) Flood relief channel, compensatory storage areas; and ancillary infrastructure works (flood channel wall) be secured for their dedicated use, to be agreed with the Environment Agency, and maintained thereafter as such in perpetuity;
  - c) Specifications of the play equipment to be agreed with the Council, together with its long term management and maintenance;
  - d) Open space, planting and common areas to be managed in accordance with an agreed maintenance schedule;
9. Adoption by the Highways Authority, if required, of the stone flood wall and railings between the highway and flood channel to sustain the highway. If the Highways Authority do not adopt such infrastructure this will fall under the responsibilities of the management company,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, conditions covering the following would be expected to be imposed:-

- (a) Time limit;
- (b) Schedule of Plans;
- (c) Details and samples of materials;
- (d) Details and samples of retaining wall;
- (e) Boundary treatments;
- (f) Landscaping;
- (g) Hard landscaping;
- (h) Contamination;
- (i) Noise mitigation measures to Plots 19, 26-28 and 55-69;
- (j) Environment Agency and drainage conditions;
- (k) Highway conditions;
- (l) Wildlife Management Plan;
- (m) Archaeology watching brief;
- (n) Nynehead Parkland – monitoring condition;
- (o) Recording of buildings on Grease Works site;
- (p) Further conditions in response to consultation with the Highways Authority; Nature Conservation and Environment Agency.

Also **resolved** that in the event that no resolution can be agreed within six months, or extended with the authorisation of the Chairman should a decision be pending, the application be referred back to the Planning Committee.

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

The proposed residential development would achieve important conservation works to secure the physical structure and restoration works to Tone Works, a grade II and II\*, nationally important heritage asset. The physical repairs to the Mill and adaption measures would focus on, and facilitate, the long term viable re-use of these Mill buildings, with the greatest heritage value, for economic purposes. The impact on the setting of the listing building was considered to be acceptable having regard to the previous and potential alternative uses of that land. The heritage benefits were considered to be significant and represented an important public benefit that outweighed any identified conflict with planning policy. The scheme would give rise to conservation-led regeneration that would provide important economic, social and cultural benefits. The proposed residential development provided an acceptable layout and design, drawing upon locally distinctive materials within the scheme. The proposed flood mitigation measures were considered acceptable.

**13. Demolition of southern dry house, demolition of single storey extensions to boiler house, demolition of single storey extension to steaming room, raising of ground floor level of dye house and store, construction of roof to dye house and store, alterations to tentering room/northern dry house, formation of additional vehicular access and laying of hardstanding to serve tentering room/northern dry house and alterations at Tone Mill, Milverton Road, Wellington (43/11/0116)**

Reported this application.

**Resolved** that subject to:-

1. Submission of a cross section at the point of the new vehicular access route to the north and demonstrating that suitable landscape mitigation can be provided;
2. Planning permission for application No 43/11/0080 being granted; and
3. The applicant entering into a Section 106 Agreement that no works will commence until the heritage funds are available under the terms of application No 43/11/0080,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, conditions covering the following would be imposed, or additional conditions as required following the submission of further information:-

- a) Time limit;
- b) Schedule of plans;
- c) Archaeological and building recording and monitoring;
- d) Contamination samples;
- e) Environment Agency;
- f) Contract let for approved refurbishment and conversion works;
- g) Highway visibility splays, subject to consultation with the Landscape Officer;
- h) Landscaping scheme;
- i) Ecological management strategy;
- j) Emergency pedestrian route to be made available.

(Note to applicant:- Applicant was advised that flood and ecological informative notes will be imposed).

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

Whilst it was accepted that the proposals would cause some harm to the significance of this historic asset, the proposed alterations would be a continuation of the way in which the buildings had previously been adapted to serve the original purpose of the Mill. Any harm would be outweighed by the heritage benefits delivered from achieving a reuse of this site which was highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of Planning Policy Statement 5 and due regard had been paid to the statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 14. Demolition of southern dry house, demolition of single storey extensions to boiler house, demolition of single storey extension to steaming room, raising of ground floor level of dye house and store, construction of roof to dye house and store, alterations to tentering room/northern dry house, formation of additional vehicular access and laying of hardstanding to serve tentering room/northern dry house and alterations at Tone Mill, Milverton Road, Wellington (43/11/0117LB)**

Reported this application.

**Resolved** that subject to planning permission being granted for application No 43/11/0080, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if listed building consent was granted, the following conditions would be imposed:-

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The demolition for which consent is hereby granted shall not commence until proof that a contract has been let for the approved conversion and refurbishment works has been submitted to, and approved in writing by, the Local Planning Authority;
- (e) The buildings and parts of buildings for which consent is hereby granted to be demolished or removed shall not be removed in whole or in part until they have been fully recorded in accordance with a brief, which has first been agreed in writing by the Local Planning Authority;
- (f) Prior to the works of conversion and refurbishment commencing, a detailed schedule including specified materials for repairs and alterations, cross-referenced to scaled drawings shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved schedule being strictly adhered to in the implementation of repairs and alterations, unless any variation thereto is first agreed in writing by the Local Planning Authority;

- (g) No machinery or artifacts shall be removed, relocated or destroyed until such decisions have been agreed in writing by the Local Planning Authority and they have first been fully recorded, in accordance with a brief which shall first be agreed in writing by the Local Planning Authority;
- (h) Prior to commissioning, specific details of the following, or samples where appropriate shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: slate; colour coated profiled roof sheet; doors; windows; horizontal boarding; blocking of openings (to include provision of ventilation).

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

Whilst it was accepted that the proposals would cause some harm to the significance of this historic asset, the proposed alterations would be a continuation of the way in which the buildings had previously been adapted to serve the original purpose of the Mill. Any harm would be outweighed by the heritage benefits delivered from achieving a reuse of this site which was highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of Planning Policy Statement 5, with due regard having been paid to the statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 9 of the Somerset and Exmoor National Park Joint Structure plan Review.

**15. Plots 41 and 54 not built in accordance with planning approval at Bishop's Hull Residential Development, Bishop's Hull, Taunton**

Reference Minute No 66/2011, reported that the appeal against the enforcement notice served in respect of Plots 1 and 3, Kinglake, Bishops Hull had been dismissed by the Inspector.

The developers, Persimmon Homes (SW) Limited, had until 23 February 2012 to comply with the enforcement notice which required the dwellings to be built in accordance with the agreed plans.

The Committee had been recommended to authorise prosecution action if the required reinstatement works were not undertaken.

Further reported that two further dwellings at Plots 41 and 54 had also been constructed not in accordance with the approved plans and further enforcement action had therefore been recommended.

**Resolved that:-**

In respect of Plots 1 and 3 Kinglake, Bishops Hull, subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the developers if the enforcement notice served on 8 August 2011 was not complied with;

1. In respect of Plot 41 Kinglake, Bishops Hull, an enforcement notice be

served seeking the removal of the half timbered/herringbone brick finish to the front of the dwelling and its replacement with the red brick finish approved pursuant to planning permission No. 05/11/0016;

2. In respect of Plot 54 Kinglake, Bishops Hull, an enforcement notice be served seeking the removal of the tile hanging to the front of the dwelling and its replacement with the red brick finish approved pursuant to planning permission No 05/11/0016;
3. The time period for compliance with the enforcement notice(s) referred to in (2) and (3) above be two months; and
4. In respect of Plots 41 and 54 Kinglake, Bishops Hull, subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the developers if the enforcement notice(s) was not complied with.

#### **16. Siting of a steel container at 154 Bridgwater Road, Taunton**

Reported that complaints had been received regarding a steel container that had been sited within the curtilage of 154 Bridgwater Road, Taunton.

Although the container did have an impact on both neighbouring gardens, the Growth and Development Manager did not consider it expedient to take enforcement action to secure the removal of the container.

However, during the discussion of the item Members considered that the impact of the container did warrant significant harm being caused to neighbouring properties and agreed that enforcement action should be taken.

**Resolved** that:-

1. Enforcement action be authorised to seek the removal of the steel container from the curtilage of 154 Bridgwater 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 proceedings should the enforcement notice not be complied with.

#### **17. Appeals**

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

#### **18. 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.

**19. Schedule of Alleged Contraventions up to 31 December 2011**

Reported details of the Schedule of Alleged Contraventions for the third quarter of 2011 (October, November and December 2011). The Schedule provided details of the following information:-

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

**Resolved** that the report be noted.

(The meeting ended at 8.28 p.m.)



## **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
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

BLOOR HOMES LTD

**CONSTRUCTION OF THE FIRST SECTION OF THE WELLINGTON NORTHERN RELIEF ROAD WITH ACCESS JUNCTION WITH TAUNTON ROAD, LANDSCAPE PLANTING AND DRAINAGE INFRASTRUCTURE AT LONGFORTH FARM, WELLINGTON**

Grid Reference: 314032.121522

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

Subject to no adverse comments (raising new issues) being received by March 7<sup>th</sup> 2012, the views of the Drainage Officer, and the receipt of:

- Amended plans and ecological report identifying additional planting and vegetation cover (up to a height of 300mm) on the roundabout;
- Revised plans to take account of Highway Authorities comments;

The Development & Growth Manager in conjunction with the Chair be authorised to grant conditional approval for the following reason.

The proposed development will provide a suitable means of access to Longforth Farm, which is identified as a sustainable urban extension within the emerging Core Strategy for development. The proposal is accompanied by suitable landscape mitigation measures to help soften the impact of the development. Any impact on wildlife will be adequately mitigated and the favourable conservation status of European Protected Species will be maintained. The proposal therefore accords with the provisions of Policies S1, S2, S7 and EN12, Policies STR1, 9, 42, 44 and 49 of the Somerset & Exmoor National Park Joint Structure Plan and Policy SS3 and SP3 of the emerging Core Strategy and advice contained within Planning Policy Statements 1, 3 and 9, and, PPG13.

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

It is expected that conditions (or other mechanism as necessary) will be imposed in respect of the following:

- Time Limit;
- Schedule of Plans;
- Ecological Mitigation Measures;
- Landscaping and long term maintenance;
- Contamination;
- Detailed design of the highway works prior to its construction (where considered necessary and reasonable);
- Lighting;
- Sustainable Drainage Scheme and long term maintenance and management;
- Details of timescale for provision of temporary access, site compound and

topsoil storage.

## **PROPOSAL**

Full planning permission is sought for the proposed access junction from Taunton Road, at Cox's corner, into the 'Longforth Farm' site. The proposed junction would comprise a 'three armed' 40m diameter roundabout design. Details of a temporary access and site compound are identified. The scheme also includes the first section of the Northern relief road (6.75m wide carriageway), where it passes through the proposed green wedge. A 3.0m wide footpath/cyclepath is proposed on the northern sided carriageway. Details of landscaping, ecological mitigation measures and drainage infrastructure also form part of the submission, such provision also form part of the strategy for the wider allocation proposals for Longforth Farm.

Permission is sought for the detailed access arrangements in order to expedite the submission of a Natural England License, which can only be considered under a detailed application. The proposal therefore enables due consideration of the impact of the proposed highway works on ecology and would provide the opportunity for mitigation measures be carried out this year - subject to the grant of a license.

The application is accompanied by an Environmental Impact Assessment, updated by an ecological addendum and dormouse survey.

### Revisions

In response to the Highway Authority safety audit the developer has submitted revised plans and further information (10.02.12), to respond to those points. Further revised plans are expected, to address the subsequent comments of the Highway Authority (15.02.12).

The landscaping and ecological information has also been updated to take account of changes to the scheme.

## **SITE DESCRIPTION AND HISTORY**

Longforth farm comprises grade 1 agricultural land, straddled to the north by the railway line and to the west by the industrial premises of Relyon and Swallowfield. To the south is residential development and to the east, agricultural land, of which part is allocated for the relocation of the aforementioned businesses within the emerging Core Strategy.

This proposal forms part of the wider development plans to develop land at Longforth Farm, Wellington. The site is allocated in the emerging Core Strategy as a strategic site for an urban extension (of up to 900 houses). An outline application (43/11/0104) has been submitted for up to 503 houses (and community infrastructure) and is currently under consideration.

## **CONSULTATION AND REPRESENTATION RESPONSES**

*WELLINGTON TOWN COUNCIL* – Supports the proposal.

The proposal complies with the emerging Core Strategy and is proposed to be on land identified for development.

*NYNEHEAD PARISH COUNCIL* – Objects to the proposals for the following reasons:

The proposed 'relief road' is not adequate because it would not provide a by-pass of the town centre for traffic from the Milverton direction wishing to go towards Chelston, nor for Swallowfield traffic, and would not take traffic away from the lanes through Nynehead. Because this long-term objective is not achieved by this scheme it would be wrong to develop on high quality agricultural land merely to provide more housing.

It was agreed to make two additional comments:

1. That if the scheme should go ahead the industrial land at the Nynehead/Poole junction should be served by a road from the new roundabout and;
2. That a footbridge over the railway should be provided rather than a long diversion over the Longforth Farm bridge. The footpath from Wellington to Nynehead, the medieval route, is well-used as a 'utility' path as well as for recreation purposes.

The Parish Council add that several representatives of the Council visited the exhibition and commented favourably on the quality of the displays and the useful discussions had with the applicant's consultants.

*STRATEGY LEAD* – Comments as follows:

1. These applications will provide for development of the first phase of the Longforth strategic site allocated in Policy SS3 of Taunton Deane Core Strategy 2011 – 2028 published plan. The plan was submitted to the Secretary of State in mid November 2011. There were only six responses to the Regulation 27 public consultation in July and August 2011. Five of these considered the policy sound and raised only matters of detail. The only objection was from DW Alder on behalf of landowners elsewhere, including Foxes Meadow, to the north of Wellington. The Core Strategy will be examined during the second week of February 2012, but the draft programme does not propose to hold a public hearing on the Longforth site. Therefore the Core Strategy has reached an advanced stage and is a material consideration. In view of the lack of objection to policy SS3 in particular, it would be appropriate to attach significant weight to it.
2. The proposals accord with Core Strategy Spatial Policy SP3 Realising the vision for Wellington. This includes strategic sites and new green wedges at Longforth and Cades/Jurston, provides for the relocation of Relyon and Swallowfield, a Northern Relief Road for Wellington and sustainable transport measures including a town bus service, reopening of the railway station and a network of cycle and walking routes.
3. Core Strategy Policy SS3 allocates Longforth and sets out in more detail the elements of the development and infrastructure required. The site is in a highly sustainable location within easy walking distance of the town centre services and facilities. For three decades Wellington has supported the development of Longforth and provision of the Northern Relief Road to remove HGVs from the town centre.

4. The current proposals have evolved through many meetings over recent years with Terence O'Rourke and Bloor Homes, including meetings with Wellington Town Council, Urban Initiatives, Somerset County Council, Natural England and Somerset Wildlife Trust. The applications provide for the first phase of the Core Strategy proposals. The development includes 503 homes, of which 25% are affordable, primary school, a green wedge with football and cricket pitches, pavilion and car parking, allotments, and landscape buffers to mitigate wildlife impacts, together with the first stage the Northern Relief Road and sustainable transport measures.

The applications are supported.

*HIGHWAY AUTHORITY* - The outline application 43/11/0104 is not considered in this letter and all comments on application 43/11/0105 are on the basis that the development will be approved, but do not express the County Highway Authority's approval of that development as a whole.

Due to time pressure, an initial audit of the latest drawings has taken place to try to determine whether the footprint of the proposed road and roundabout is sufficient to construct the works.

It is clear from our initial audit that some elements of the engineering details submitted are still unsatisfactory. I believe however that these details are easily capable of resolution. Those that relate to the roundabout do not require an increase in the footprint. Those that concern the distributor road however will require additional land. The comments by the Safety auditor concern the southern side of the distributor road between the roundabout and the Sports Facilities access. They suggest that approximately an additional 1m of land is required.

I have been asked about the suitability of planting on the roundabout. The design Manual for Roads and Bridges, Volume 6, Section 2, Part 3 (TD16/07) Geometric Design of Roundabouts in Para 8.4 and Table 8.1 states that Roundabouts of under 40m ICD require visibility over its whole area. Para 8.39 states that planting on the roundabout if required must have a low mature height. My interpretation of this would be that mature planting should be less than 300mm in height.

Therefore on the basis that these alterations will be made to the drawings I would not wish to raise objection to the principal of accessing the land in the manner proposed provided that permission is granted for the associated development and that suitable conditions are attached to any consent requiring the submission of further detailed plans for approval. It may be appropriate for these to be submitted as part of the S106/278 procedure as an appropriate legal agreement will be necessary to ensure suitable completion of the works.

The Highway authority will carry out a full audit of the submitted plans and I will send that as soon as it is available.

*SOMERSET COUNTY RIGHTS OF WAY* - This application abuts footpath WG 17/17 but it's unclear as to what extent it may be affected.

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 SCC 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.

*LANDSCAPE LEAD* – Subject to minor species amendments (reported to agent) proposals are fine.

*Revised Comments - 17.02.12*

- Minor species amendments to exclude Beech not locally indigenous to favour Ash and reduction in small leaved lime which is very rare in the Vale;
- Temporary soil storage looks fine;
- It is essential that the planting has an agreed maintenance and management plan to secure its long term establishment.

*NATURE CONSERVATION OFFICER* – Comments as follows:

The proposal is for full planning permission for the construction of the first section of the Wellington Northern Relief Road with a roundabout on the B3187 on land at Longforth Farm, Taunton.

Several protected species will be affected by this development hence the number of wildlife surveys submitted with this application.

Bats - The development of the roundabout will result in works taking place very close to a tree known to be used as a roost by common pipistrelles. I support the proposal to erect bat boxes in the vicinity of this and another tree on the sports field. If it becomes apparent that works need to be carried out on either tree then that developer may need to apply for European Protected Species (EPS) licenses. The trees must be protected throughout construction works.

The route of the road appears to be within 200m of the tree containing the barbastelle roost. I would therefore expect road construction to only take place

during the winter months as suggested. Sensitive lighting of the road is essential.

Dormice - Surveys carried out in 2008 confirmed the presence of dormice on site, particularly on the eastern part of the site in the vicinity of the new roundabout. This roundabout will isolate the southern and northern section of the site and so limit movement of dormice. Loss of hedgerows may also result in killing or injuring of dormice and so an EPS license is required. If at this late stage access of the relief road onto the B3187 could be rethought then the situation would be greatly improved for dormice.

Great Crested Newts - The construction of the road, if unmitigated, will result in fragmentation of habitat that may be used by GCN for foraging and shelter. I therefore agree that an EPS license is required to carry out this development. Translocation of the newts will be required prior to the construction activity commencing on site.

The proposed road tunnels and additional landscaping proposed will be essential to aid movement of GCN around the site.

Reptiles - A population of slow worms were recorded on the eastern side of the site where a cutting enters the site from Taunton Road. These reptiles will be affected by this proposal.

Badgers - The southern badger clan close to Drakes Place in the south of the site will be most affected by the construction of this road. As well as the loss of foraging habitat and disruption of foraging routes, there is potential for badgers to be injured crossing the new road. I therefore support the proposal to construct three badger tunnels with associated fencing and landscaping.

Birds - The vegetation on site, particularly the hedge to be removed, offers nesting habitat for birds. Any removal of vegetation should be carried out outside of the bird nesting season.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development. Condition and notes recommended.

#### Further Comments 27.01.12

I consider that Favourable Conservation Status for dormice can be achieved if the applicant full carries out the mitigation proposed in the November 2011 report.

#### Revised Comments 14.02.12 (in response to amendments)

Upon further discussion with the agent I understand the constraints of planting up the roundabout. This is not crucial to maintaining the Favourable Conservation Status for dormice, although it is desirable. I suggest that the applicant should investigate the feasibility of planting on the roundabout or extend the proposed planting alongside the new road alignment. I have previous experience of other road schemes where roundabout planting that did not exceed 300mm. Can this not be achieved in this instance as any vegetation cover for dormice would be preferable to grass? In the event there are clear and overriding reasons why this is not achievable then the roadside planting should be extended to provide a pinch point.

*NATURAL ENGLAND* – Comments as follows:

Following comprehensive species surveys the detailed reports confirm that the site is used by many protected species including dormice, bats and great crested newts. All three species have European Protection and Natural England has been working closely with the ecological consultants, Somerset Wildlife Trust and County and District ecological officers aimed at reducing the impacts upon the species as much and wherever possible. However, there still is an impact on them and European Protected Species licenses are needed from Natural England before the construction of the road can proceed.

*The remaining comments from Natural England are covered within their revised statement below:*

*Revised Comments 22.12.11*

The dormouse survey report dated November 2011 confirms that dormice are still using the site and are impacted upon by the development. A European Protected Species (EPS) license is required from Natural England before the construction of the road can proceed. The new road severs the habitat for dormice (and other protected species) and the impacts are high. It is noted that the report suggests that a detailed method statement will be produced at a later date to accompany the license application including detailed mitigation.

The concerns for the hazel dormouse we raised in our previous response still apply. The species range over a large area and are known from recent research to cross some roads with widths similar to the B3187. In this case they are impacted upon more than we had first envisaged because of the requirement of the Highway Authority to construct a roundabout. The impacts upon their habitat both sides of the road are high, and will limit their movements within the site and beyond. The habitat links will be severed and habitat connectivity broken without sound mitigation, we would support an alternative if it was available. In the dormice report it suggest planting up the roundabout to assist the dormice to disperse off the site but before this is included in a licence application it would need the support of the Highway Authority.

We note that the site will be developed over a period of time and under Article 12 of the Habitats Directive member states, of which this country is one, we are required to prohibit the deterioration and destruction of breeding sites and resting places for EPS. The Commission guidance makes it clear that 'deterioration' must be linked to an action (in this case isolating good quality hedgerows), which can take place over an extended period. The Article 12 guidance summarises this as: 'deterioration can be defined as physical degradation affecting a breeding site or resting place. In contrast to destruction, such degradation might also occur slowly and gradually reduce the functionality of the site or place'.

The Commission Guidance also goes on to note that breeding sites and resting places are crucial to the life cycle of the animals and that the aim of the protection under the Directive is to safeguard the continued ecological functionality (CEF) of such places. Functionality in this case of the dormouse would mean trying to retain connectivity of dormouse habitat through the maintenance of hedgerows, scrub etc, to allow for an appropriate level of movement of the species for distribution across their habitat but also to maintain woodland, scrub, hedgerows etc for the purposes of



breeding and nurturing young.

Taunton Deane District Council as the planning authority has to have a due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9(5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied that the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. In addition the authority must be satisfied that, (a) that there is no satisfactory alternative and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This advice is not a guarantee that the License Team will be able to issue a license, since this will depend on the specific detail of the scheme submitted to them as part of the license application. They will require a mitigation scheme that ensures no net loss of habitat, maintains habitat links and secures the long-term management of the site for the benefit of the European Protected Species. They will wish to see that the CEF for the species is maintained.

*COUNTY COUNCIL BIODIVERSITY OFFICER* – Comments as follows:

I have attended several meetings with regard to the wildlife issues on this site and assume that the agreed mitigation has been carried forward into the application. My views echo those of Barbara and Linda. I would like to be assured that public access to fields through the woodland buffer planting would not be possible – currently the cross section in 43/11/105 shows only badger proof fencing and as I understood it at a meeting there would be fencing to prevent access. I would also emphasise the need for sensitively designed lighting scheme. Lighting schemes for developments are usually designed by SCCs street lighting section and the developer will need to stress the requirement for this due to effects on European protected species. It is also stressed that the complete buffer planting scheme be commenced as soon as possible.

*ENVIRONMENT AGENCY* - No objections subject to the requirement for a surface water drainage scheme and site investigation be secured by condition. The proposed roundabout and access road are included within outline planning application 43/11/0104 for which the principles of surface water disposal has been agreed in a Flood Risk Assessment prepared by MJA Consulting, dated October 2011 and referenced 11/0136/4492 Rev C.

In the FRA, it was proposed that surface water drainage from the access road and roundabout be discharged to an underground attenuation tank. This is still the case, although when reviewing the application against the outline proposals, the tank appears to be located in a landscape buffer. We would like to highlight that it might be better to investigate using a soakway or above ground storage area instead, particularly from a maintenance (and therefore contributions) point of view.

Whilst we are satisfied that the drainage proposals for this application generally accord with the principles of the above FRA, we recommend that the above condition is imposed on any permission granted as further details are sought.

Ideally, the details of the drainage of the roundabout and road should come after the condition for a surface water masterplan imposed on any outline permission granted. This is advised so that there is some clarity on how drainage from the residential areas ties in with the drainage from the infrastructure network.

Conditions should be placed on any permission granted to secure details of the works agreed in the surveys for dormice, badgers and Great Crested Newts. This will include detailed design of the ponds for surface water attenuation and we wish to be consulted on any such details.

We understand that maintenance of the SuDs features on site is to be offered for adoption by TDBC. Contributions and requirements for this need to be agreed with your Drainage Engineer and secured in an appropriately worded Section 106 Agreement attached to any permission granted. Maintenance responsibilities for the ecological mitigation measures will need to be agreed and included in the Section 106 Agreement too.

## **Representations**

6 letters of OBJECTION have been received. Summary of OBJECTIONS: (some of which relate to the application for 503 houses that is not under consideration)

### Policy

- Site is not allocated in adopted Local Plan;
- Previously dismissed by Local Plan Inspector on the grounds of its unsuitability – ‘loss of large area of best and most versatile land [grade 1] and a scale of development proposed is not appropriate to Wellington’;
- Contrary to paragraph 69 of PPS: Housing in that it is not environmentally sustainable;
- Conflicts with and is contrary to emerging government guidance set out in the draft National Planning Policy Framework in that it would not protect and enhance the natural resources;
- Council’s draft Core Strategy has not yet been the subject of an Examination and has not been tested; until it has been tested little weight can be attached;
- Proposal does not accord with Policy SP3 in that it fails to ‘Provide a Northern Relief Road...’ as an integral part of the development and as part of its initial phases;
- Provision of Northern Relief Road is reliant upon the relocation of Relyon and Swallowfield as they are in the path of the proposed route; due to economic reasons the relocation of Relyon and Swallowfield premises is unlikely to be achieved as the costs will significantly exceed value; area identified for relocation not of sufficient size;
- Provision of the entire Northern Relief Road is a key justification for the draft identification of the site as a Strategic Site in the draft Core Strategy; in bringing forward only part of the Relief Road the proposal is contrary to Policy SS3;
- Site identified as a Strategic Site to deliver 900 houses; however, due to ecology constraints this scale of development is not achievable.
- Core Strategy Policy SS3 identifies essential elements of infrastructure that should be delivered as part of the development of this site. These include:
  - Local Centre

- Doctors Surgery
- Community Hall
- Places of Worship
- Local Convenience Shopping
- Bus loop linking the site to the Town Centre and Railway Station;
- 11 ha of employment land

These elements have not been provided and there is no guarantee they will in the future or subsequent phases;

- The current planning application must be viewed as part of the whole of the Longforth Farm development if development planning is to mean anything at all.
- The Wellington Relief Road would not be necessary if Relyon re-located to the industrial estate and sold their land for the building of houses; An incentive scheme to enable this to happen would save money;
- Why were the developers of the 800 plus houses at Cades Farm and Victoria Green not asked to contribute to the building of the road thus saving the despoliation of yet more countryside by the construction of more houses?

### Sustainability

- The site is poorly served by public transport and will therefore not encourage travel by sustainable modes;
- The Transport Assessment acknowledges that, without the completion of the Northern Relief Road, it would not be viable to penetrate the site with bus services, with benefit outweighed by delays to current bus users;
- This means that all of the proposed residential development is further than the accepted maximum 400m (5 minute) walk distance of bus stops on Taunton Road and Station Road, with some of the residential development in excess of 1km distance from the nearest shops;
- The completion of the Northern Relief Road is therefore vital as part of this application to provide realistic travel choices, for the majority of trips, other than by private car.

### Ecology

- The site has a number of European Protected Species (EPS) and will necessitate a license from Natural England;
- It is questionable whether the development satisfies two of the derogation tests under the Habitats Directive;

### Amenity/Public Safety

- The proximity of buildings adjacent to the railway will give rise to problems relating to the safety of the railway and stability of the embankment;
- Is the housing adjacent to the railway social housing?
- Network Rail has objected to this proposal;
- Noise and vibration (development east of Longforth Farm 26/08/0011 refused on noise grounds);

### Visual Impact

- Development would adversely affect the character of the Farmed and Settled Low Value landscape (EN12), and the landscape setting and character approach route into Wellington on Taunton Road (W14)
- The proposals will have a visual effect on the Nynehead Court registered park and garden (EN20).
- Landscape mitigation is necessary;

### Access

- There should be no future access from Nynehead Road to any development at Longforth Farm as:
- It would be impossible to adequately screen the development from view (as it's the case with the unsightly Chelston Business Park and Cades developments);
- The access would detract from the historic significance of the Nynehead Court entrance gates/driveway;
- It would increase traffic on the Nynehead Road;
- What is the long-term proposal for the management of business traffic to designated employment areas on the Longforth Farm development?
- Do not meet the needs of existing industries;
- No vehicular access to Brendon Road or beyond;
- The rural nature of Nynehead Road should be retained and the Nynehead Court gates enhanced in a similar manner to the enhancement schemes currently taking place on Hornshay Farm;
- The relief road will funnel the traffic onto the congested A38, the traffic situation has been exacerbated by the traffic situation in Wellington;
- Loss of ancient footpath from Parish Church to Nynehead;
- Any benefit from removing HGV's from town centre will be replaced by the vehicles of 500 new houses.

### Facilities

- Will local schools be able to cope until new school provided;
- Site area allocated for sports pitches is insufficient for all 3 uses.

1 letter requesting the following to be taken into account:

- As the site has easy car access away from the town A38/M5 it is important that there are lit walking and cycling routes into Wellington High Street; including upgrading existing routes where necessary;
- Public footpaths towards Nynehead (north) should be seen as a benefit not a burden, accessing fine countryside, and is currently well used;
- Installation of a safe railway crossing will be a considerable social benefit – planning gain;
- Important to have attractive frontage at the gateway to Wellington;

4 letters of SUPPORT have been received. Summary of support:

- Any relief from the large vehicles along Taunton Road and High Street is supported;
- Road should have been built years ago.

5 letters confirming NO COMMENTS/OBSERVATIONS have been received.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,  
PPS9 - Biodiversity and Geological Conservation,  
PPG13 - Transport,  
S1 - TDBCLP - General Requirements,  
ROW - Rights of Way,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN12 - TDBCLP - Landscape Character Areas,  
STR1 - Sustainable Development,  
S&ENPP42 - S&ENP - Walking,  
S&ENPP44 - S&ENP - Cycling,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
SS3 - TD CORE STRATEGY WELLINGTON LONGFORTH,  
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
W14 - TDBCLP - Landscape Setting of Approach Roads,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that the main issues in the determination of this application relate to: Policy; Highways; Character and appearance; Drainage and Ecology.

### Policy

This application details the proposed primary means of accessing Longforth Farm from Taunton Road. The site is allocated within the emerging Core Strategy – Policy SP3 and SS3. This proposal would provide certainty that a suitable means of access can be provided and expedite the ability of the developer to submit a European Protected Species license to undertake necessary ecological mitigation this year. The first part of the Northern Relief Road, that forms this detailed application, would be constructed up to the point of the proposed developable land identified in the outline application.

The outline application will be assessed on its merits and will be reported to Members, once all matters have been fully considered. This will include full consideration of those issues which have raised in the consultation response which do not directly relate to this application.

### Highways

The response of the Highway Authority indicates that there is no fundamental objection to the proposal. However, further revisions have been sought following an updated safety audit. The applicant has confirmed, verbally, that these changes will be made. Members will be informed of progress and any further views of the Highway Authority through the committee update sheet procedure.

### Character and appearance

The proposed roundabout and initial section of the relief road will be constructed at the height of Taunton Road, which sits beneath the existing ground level of Longforth Farm. This infrastructure will therefore be dug into the existing landform by approximately two and a half metres with roadside embankments created to the north and west. Within the site, the road follows the contours of the existing landform, so far as is practically possible, thereby helping to minimise the landscape impacts.

It is accepted that the proposed roundabout and highway works would have a significant impact on the approach route into Wellington. However, any access into the site from Taunton Road would also have an impact on the approach route into Wellington. The roundabout provides a suitable means of access, in close proximity to the town centre, and would comply with the Highway Authorities technical requirements as a means of access into the site. Therefore, it is considered that the harm arising from the highway works would be outweighed by the wider public benefits of providing a means of access to a sustainable urban extension.

The landscape officer considers the proposed landscape mitigation measures to be acceptable and the landscape buffer planting, and formal street trees, will help to soften the impact of the works.

### Drainage

The scheme includes the provision of a sustainable drainage scheme, as part of the surface water drainage solution for the highway works. However, they are designed (subject to final detailing) to cater for the surface water drainage of the wider allocation. The Environment Agency has raised no objection to the proposals subject to details of a surface water drainage scheme, to be secured by condition, and confirmation of its operation and management. The views of the drainage officer will be reported to Members by way of the update sheet.

### Ecology

An ecological survey has indicated that the proposed development will impact upon wildlife. Importantly, both bats and dormice, which are European Protected Species, will be directly impacted upon by the proposal, and as such requires due consideration.

The ecological survey indicated that dormice currently live in the hedges on the application site. The works involved in the development will see new breaks formed in the hedgerows in order to accommodate the highway works. In addition an Oak tree is identified to be felled, which although in poor health, has been identified as a likely roost for common pipistrelles.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

(i) Whether the development is for one of the reasons listed in Regulation 53(2).

This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);

(ii) That there is no satisfactory alternative;

(iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

*(i) Overriding reasons of public interest for disturbance*

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable and well planned sites. The site is identified within the emerging Core Strategy as a Strategic Site for future development and the position of the access point, in relation to the town, is supported.

*(ii) That there is no satisfactory alternative*

The emerging Core Strategy identifies a need for Wellington to accommodate a substantial number of new dwellings, including residential development of Longforth Farm. The emerging Core Strategy considers the site to be a sustainable location for development and accordingly other alternatives would result in less sustainable development, which is clearly not satisfactory. Furthermore, other sites (including those also proposed for further development) are also known to accommodate European Protected Species, including dormice, and as such, the development of these sites would similarly impact upon the species.

In terms of an alternative junction design the current position of the Highway Authority is that a roundabout is necessary to meet highway standards. The proposal is therefore put forward to satisfy the technical requirements of the County Highway Authority.

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

Considerable time resources have been expended by the developer, Natural England, and County and District Biodiversity Officers during pre-application discussions, to ensure the minimal impact on protected species and their habitat. The proposed mitigation measures include: bat boxes; three wildlife (badger/newt) tunnels; sensitive (or directional) lighting; pinch points for mature planting where links intersected; and, provision of extensive native planting. The Biodiversity Officer is now content that FCS for protected species can be maintained, subject to those measures being carried out and secured by condition.

The Highway Authority has also confirmed that there is no objection to the provision of vegetation on the roundabout below 300mm. This vegetation cover will provide additional habitat for dormice and form *part* of the mitigation measures. The agent

has confirmed this will be incorporated into the mitigation proposals.

In summary, it is considered that the impact on wildlife can be adequately mitigated and that the principles of an ecological management plan that have been submitted are acceptable for this purpose. Subject to the imposition of conditions, the impact on wildlife is considered to be acceptable.

### Conclusion

It is considered that, subject to resolution of technical highway details, the provision of a roundabout and distributor road provides a suitable means of access to Longforth Farm, the principle of which is established through the emerging Core Strategy. The proposal incorporates suitable landscape proposals to assimilate the development. Furthermore, due consideration has been given to the impact of the works on wildlife and having regard to the proposed mitigation the Favourable Conservation Status of Protected Species will be maintained. The application is therefore supported subject to the requirements set out in the recommendation.

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

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**



42/12/0001

AP & SM PARRIS & SON

**FORMATION OF AGRICULTURAL ACCESS AND CLOSURE OF PREVIOUS ACCESS TO THE FIELD OFF AMBERD LANE, STAPLEHAY AS AMENDED**

Grid Reference: 321671.121651

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 harm the landscape character of the area, highway safety or flood risk and would harm neither visual nor residential amenity. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and S7 (Outside Settlements) or policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

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

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

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

(A4) Existing & Proposed Plan of Stonework  
(A4) Existing & Proposed East & West Elevations  
(A4) Existing & Proposed South & North Elevations  
(A4) Closure Of Existing Field Access

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

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

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

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

5. Details of the means of preventing surface water draining to the highway shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented as agreed prior to the access being brought into use.

Reason: To prevent discharge of water to the highway in the interests of highway safety.

#### Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at Burton Place, Taunton, TA1 4DY. Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

## **PROPOSAL**

The proposal is to allow a new agricultural access to a field off Amberd Lane and utilises an area of temporary access allowed to provide a new bridge on the Sherford Stream. The new access will allow for wider farm equipment to access the field and will provide a new gate set back from the road with a splay bounded by a new bank and hedging. The existing access will be closed off with a bank and hedge.

## **SITE DESCRIPTION AND HISTORY**

The site consists of an agricultural field currently in grassland. The only relevant history is 42/11/0022OB which was a County Council application for the Construction Of Bridge And Associated Fencing And Gate Along The Newly Diverted Route Of

The Public Footpath, Including The Removal Of Current Bridge On Land Between Amberd Lane And Church Road, Trull. This involved the removal of a section of hedge to allow for a temporary access.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TRULL PARISH COUNCIL* - This gives safer and easier access for farm vehicles.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The application is for the closure of the existing agricultural access and the formation of a new agricultural access off Amberd Lane. This access was previously used as a temporary access by SCC in order to gain access to the weir for repair works. Amberd Lane is an unclassified highway. In the vicinity of the site the speed limit changes from unrestricted to 30mph, however due to the road geometry and presence of the bridge, traffic speeds were observed to be in the region of 25 – 30mph. The proposed access would consist of a 4.5m wide gate with concrete hardstanding. The 10m set back will allow agricultural vehicles to wait off the highway whilst opening and closing the gate, therefore the impact on the free flow of traffic on the highway will be minimised. On site observations have shown that the achievable visibility splays as shown on the proposed plan are incorrect, and visibility is actually much lower than shown. However the available visibility is considered to be an improvement over the existing situation.

It is noted that the design of the proposed access does not accord with the Somerset County Council standard agricultural access detail. However, as the proposed access is an improvement over the existing access, it is on balance considered to be acceptable.

*LANDSCAPE LEAD* - Subject to implementation of the landscape features as detailed the proposals are acceptable.

### **Representations**

Ward Cllr unhappy with the proposal as the entrance was constructed to allow a new footbridge to be constructed and there was a condition requiring replanting of the hedge. The entrance will bring the farm vehicles entering the field closer to the present footpath.

24 letters of objection on grounds of:

- access too close to humpbacked bridge with limited visibility,
- danger to traffic,
- loss of hedge,
- ecological loss,
- no need for proposed changes as field is small and large machinery not needed to work it, the lane is narrow and used by pedestrians and is not suitable for heavy plant,
- it would be a danger to pedestrians,
- the information submitted is inadequate for determination and compliance,
- the visual impact would be unnecessary, ugly and incongruous for an area noted for its landscape value,

- proposal is suspicious,
- breach of previous condition to replant hedge,
- drainage issues as in flood zone 2 and with run-off from the field impacting the highway; and proposal is an attack on the green wedge.

## **PLANNING POLICIES**

PPG13 - Transport,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 S7 - TDBCLP - Outside Settlement,  
 EN12 - TDBCLP - Landscape Character Areas,  
 EN28 - TDBCLP - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposal is to close an existing access and form a new access to this field in an area where a temporary access has already been formed. The main considerations are flood risk, landscape impact and highway safety.

### Flood risk

The proposed access point is in flood zone 2 however given the nature of the agricultural access concerned there is not considered to be a suitable alternative location that would be safer and not cause more hedge or tree loss.. An agricultural access is categorised as a less vulnerable use and is considered to be appropriate development in zone 2. The proposed submission indicates drainage would be installed to prevent discharge to the highway and consequently the development as proposed is considered to be acceptable.

### Landscape impact

The new access would be 13m wide with a gate set back 10m and new bank and hedge planting to either side. The existing access would be closed with a new bank and hedge in the position of the existing gateway with indigenous planting. The landscape bank and hedge planting proposed is considered acceptable and satisfactory to the Landscape Lead and would be of ecological benefit. The site lies within the Green Wedge, however farm accesses in such instances are acceptable in principle and do not affect the open character of the area.

### Highway safety

The Highway Authority consider the new access to be satisfactory from a safety point of view with the set back of the gateway the visibility available. The Parish Council also consider this gives a safer access for farm vehicles. A number of objectors have stated the access is not needed, however this is refuted by the applicant and the reason for the access is as specified above.

The proposal will provide a new access with adequate drainage and visibility and will provide over 23m of new hedge to the sides of the splay and to block the original

access and this is greater than the length of hedge originally removed. The visual impact of the proposal is considered an acceptable one and it is recommended for approval.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

41/12/0001

MR & MRS S BOLTON

**ERECTION OF SINGLE STOREY AND TWO STOREY EXTENSIONS TO THE REAR OF DOBLES FARM, TOLLAND**

Grid Reference: 310398.132128

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal for the following reason:

- 1 The proposed extension would project significantly to the rear of the building perpendicular to the original linear form and layout of the dwelling. The proposed extension will be of a scale and finished appearance that fail to incorporate an acceptable degree of visual subservience to the original dwelling and as a result the proposals represent a large overpowering and incongruous addition. By virtue of the form, scale, design and appearance the proposed extensions will have a detrimental impact upon the traditional rural character and appearance of the original dwelling. The proposals therefore conflict with Taunton Deane Local Plan Policies S1 (D) (General Requirements), S2 (A) (Design) and H17 (C) (Extensions to Dwellings).

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

Notes for compliance

**PROPOSAL**

Permission is sought for the erection of a two storey and single storey extension to the rear of Dobles Farm, Halse. The proposed two storey extension will provide a new kitchen and entrance hall with stair well at ground floor level and an en suite bedroom and landing above. The proposed single storey extension will form a new 'infill' link between the proposed two storey extension and the existing single storey section at the rear of the original building that provides a bathroom and entrance hall way. Internally, the existing kitchen area will be converted to a study with hallway from the main entrance leading to the lounge area.

The proposed two storey extension will have a footprint of 35.5 sq metres measuring 7.3m x 4.9m approximately; the extension will have an approximate height to eaves and ridge of 3.7m and 6.3m respectively. The proposed single storey section will measure approximately 3.3m x 3.0m with a maximum height to a mono pitched roof of 4.0m.

The extensions will be finished externally in stone walls, slate roof and timber fenestration. The lean-to extension will have a large triple rooflight to the roof and an entrance door and window to the north elevation.

## **SITE DESCRIPTION AND HISTORY**

Dobles Farm is a detached dwelling set largely over two storeys with a small single storey section to the rear (north). The dwelling was formed as a result of a barn conversion scheme, which according to council records was granted planning permission under LPA reference 41/88/0002. The historic details show planning permission having been granted for a two bedroom dwelling at Dobles Farm. As part of the planning permission, permitted development rights for any addition or extension to the dwelling were removed in order to protect the original character of the building and visual amenities of the area.

The original dwelling is finished externally in stone and rendered walls, natural roofing slates and timber fenestration throughout. The single storey section to the rear is part stone and part render to its walls. The dwelling is served by a rear hardstanding and parking area together with a garden to the north with mature domestic planting and lawn area; to the east is a formal agricultural yard area, which comprises a range of buildings that vary in their scale, design and appearance. The dwelling is accessed via a private stone track that derives access from a classified unnumbered highway to the south west; through the application site public footpath T28/2 runs along an east-west axis behind a range of farm buildings to the south of the dwelling. The site is surrounded to the west and south by residential properties and by agricultural land and buildings to the north and east.

Planning permission has been refused previously for a similar extension to the rear of the dwelling, being the erection of a two storey and single storey extension with canopy porch, under LPA reference 41/11/0002. Permission was refused for the following reason:

*The existing dwelling is the result of the conversion of a former agricultural building of traditional character, where the Local Planning Authority's policies require that the character, appearance, structure and surroundings of the building should remain materially unharmed. The proposed extension would project significantly at the rear thereby constituting an incongruous and overpowering element to the appearance of the original dwelling. By virtue of the form, scale, design and appearance the proposed extensions will have a detrimental impact on the appearance and traditional character of the existing dwelling and therefore the proposals conflict with Taunton Deane Local Plan Policies S1 (D) (General Requirements), S2 (A) (Design) and H17 (C) (Extensions to Dwellings).*

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

SCC - TRANSPORT DEVELOPMENT GROUP - No comments

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL - Support the proposals - the property (which is otherwise largely screened from the public highway) is more in the style of a house than that of a converted former agricultural building. We have therefore formed the view that the proposed works will have no impact upon the character of the area and other buildings in close proximity. Further, I understand that the proposed works have been discussed in detail with

the immediate neighbors and that they in turn have written to support the application.

For these reasons support is given to the application.

## **Representations**

4 letters of support from neighbouring properties raising the following planning related matters:

- Design is sympathetic to surroundings and will retain character of traditional farm house;
- An improvement to the existing house;
- House is too small for the growing family and layout does not suit the use;
- Not able to see the extension from neighbouring property, road or surroundings;
- In keeping with the original building;
- The extension will not be detrimental to the village or area as a whole;
- Proposal improves amenities without detriment to the area.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in the determination of the proposed development are the impact of the extensions upon neighbouring residential amenity and the character and appearance of the dwelling.

### Residential amenity

The proposed extension will be sited to the north of the dwelling and away from the boundary's of the curtilage that abut neighbouring residential properties. The extensions have been designed to ensure that no new window openings will directly face towards neighbouring properties to the west whilst the original building and those surrounding the dwelling will help screen the proposed extensions from the residential property to the south. As such, I consider that the overall design of the proposed extension will not materially harm the amenity of neighbouring residential properties with regard to noise, outlook, privacy or light and is acceptable in this with regard.

### Character & appearance of original building

The dwelling is traditional in its character and appearance having been formed through the conversion of a former agricultural building. Great attention was paid to the original planning application to convert the building to a dwelling (planning reference 41/88/0002) so as to ensure that the agricultural character of the building was preserved as far as practicable. As a result the dwelling is considered to have an appearance that was once typical of many working farm holdings within rural areas; it is of a linear form with one projecting element to the north. A number of



attractive features have been retained including the range of steps to the rear of the property that provide pedestrian access into the dwelling via an doorway within what is thought to be a former granary opening. All original openings within the building were utilised with only three new openings created for additional lighting (one to each of the north, south and west elevations). As a result the dwelling has successfully retained the simple appearance of the building that is typical within rural areas such as this.

Local Plan policies S1 (D) and S2 (A) require proposals for development to reinforce and not harm the appearance, character and distinctiveness of any landscape, settlement, building or street scene involved in a development. Policy H17 goes on to state that extensions to dwellings will be permitted provided that they do not harm the form and character of the dwelling and are subservient in scale and design.

The proposed extension will increase the overall footprint and floor area of the building by approximately 60% or 71 sq metres over 2 storeys. The two storey element is subservient to the original building with regard to the lowered ridge and eaves levels as well as the proposed west elevation being set back from the end gable of the original building by approximately 300mm. Despite this element of subservience, the two storey section will project beyond the rear elevation by 7.3 metres and as a result it is considered to represent a significant addition to a dwelling that is of a modest scale at present. At such a scale, the proposed extension will have an overpowering impact upon the appearance of the original dwelling. The combination of the extensions' scale and the use of matching materials is also likely to cause difficulty in defining between the original element of the building; this lack of visual subservience will thereby result in a loss of the dwellings simple rural character.

The original building has a linear form set along an east-west axis; it is considered that projecting to the north of the dwelling at the scale proposed will intrinsically alter the form and layout of the building without respecting its linear characteristics. Additionally, the proposed extensions will result in the removal of the rear range of steps that provide access into the lounge area. These steps have been retained as a feature of the buildings historic past and as a result they are considered to form an intrinsic part of the dwellings character when viewed from the rear yard and garden. The removal of this feature together with the enclosure of the entire rear facade of the dwelling will further erode the dwellings' character and appearance and with it the significance of the property as a vernacular building within the area.

Glimpses of the extension will likely be available to members of the public using the public footpath to the south that runs along the site access track. As a result of the factors set out above, when viewed from the side (east) and rear (north) and from glimpses of the side elevation from the south, the proposals are considered to materially harm the appearance and original character of the dwelling with the extensions representing a significant addition that will overpower the traditional character and integrity of the property.

### Conclusions

The proposed extensions have been amended in design and scale slightly since the previously refused scheme, however there remains significant concern as to the impact of the scheme upon the dwelling. I acknowledge the support of local residents for the proposals however having regard to the character and traditional appearance of the existing dwelling, I am of the opinion that virtue of the scale, form, design and

appearance, the proposed extensions will result in significant harm to the character and appearance of the original dwelling. The proposals therefore fail to accord with policies S1, S2 and H17 of the local plan and it is recommended that planning permission be refused.

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

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

CREST NICHOLSON (SW) LTD AND ABBEY MANAGEMENT DEVELOPMENTS

**APPLICATION FOR THE APPROVAL OF RESERVED MATTERS FOLLOWING APPLICATIONS 38/99/0394 AND 38/06/0135 FOR THE ERECTION OF 36 NO. 2 BEDROOM APARTMENTS WITH ASSOCIATED INFRASTRUCTURE AND EXTERNAL WORKS, AREA J, FIREPOOL LOCK, TAUNTON**

Grid Reference: 323237.125411

Reserved Matters

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**ADDENDUM TO PREVIOUS REPORT**

Following the Planning Committee meeting on 11th January, when Members deferred a decision on this application for further discussions on design, a meeting has taken place between the case officer, applicants and architects. A number of amendments and variations were considered in order to create a more vertical emphasis of the apartment blocks, and vary the rhythm of materials and fenestration.

The approved buildings on the opposite side of the NIDR have provided the architectural lead for the variations in appearance of the three buildings which were previously identical. Greater emphasis has been placed on the corners of the buildings and this has resulted in a stronger streetscape.

Below (in italics) is a copy of the report that was presented to the January Committee and the recommendation is the grant conditional approval.

***RECOMMENDATION AND REASON(S)***

*Recommended Decision: Conditional Approval*

The development represents a sustainable use of brown field land for residential purposes of design layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprises details pursuant to an outline consent for development and is considered to constitute an acceptable form of development in accordance with the requirements of PPS3 and Policies S1, S2 & T3 of the Development Plan

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

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule\*

\* TO BE INCLUDED WITH THE COMMITTEE AMENDMENT SHEET

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

2. 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.

3. No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

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

*Notes for compliance*

## **PROPOSAL**

*This is a reserved matters application for the erection of 36 apartments on Area J of the East Goods Yard (Firepool Lock) in Taunton. Outline planning permission was granted in 2004 with a Section 106 legal agreement that secured Highway works, a footway/cycle link on the northern bank of the canal, contributions towards off-site transport infrastructure, education, public open space and 21% affordable housing.*

*This application seeks consent for the appearance, access, landscaping, layout and scale of the development and includes three blocks of twelve apartments that front onto the proposed Northern Inner Distributor Road and back onto the railway line.*

*There would be 36 parking spaces (1 space per dwelling) and the development would include secure indoor cycle storage for a further 36 bicycles. The proposal has a contemporary feel based and the palette of materials includes render, brick and timber with flat roofs.*

## **SITE DESCRIPTION AND HISTORY**

*The site lies to the north of the Bridgwater and Taunton Canal on land that was formerly operational railway land. It is generally known as East Goods Yard although it has also been referred to as Firepool Lock in the Town Centre Area Action Plan (TCAAP). The proposed Northern Inner Distributor Road (NIDR) runs through the centre of the site and this section of the new road has been constructed. To the north of the site is the main rail line, with Winkworth Way to the East. The entire site that has outline planning permission is approximately 4.8 Hectares.*

Development is underway on Area E with the new Knightstone properties nearing completion and the remaining areas A, B, C, D (which are the subject of the associated application) have been re-graded as part of decontamination works and construction of NIDR. Area J is currently the building compound and site offices for Area E.

The allocation in the TCAAP reflects previous planning permissions and states:

Policy FP3 - The Firepool Lock development will provide:

- a. approximately 500 dwellings, including 21% affordable housing.
- b. at least 7,00 square metres of office space.
- c. refurbishment of the listed pump house building.

### Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matter applications for 6 years until 19<sup>th</sup> May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, as masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year and remains extant. (ref 38/07/0193) – Area I does not form part of the current reserved matters application although Area J is the subject of a separate application.

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but the development has not progressed.

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*ENVIRONMENT AGENCY – no objections (conditions on the outline permission will need to be complied with)*

*NATURAL ENGLAND – This application does not appear to fall within the scope of consultations that Natural England would routinely comment on.*

*NETWORK RAIL – There are restrictive covenants in place that protect Network Rail's position regarding access to our retained operational land and provided these are complied with we have no objection in principle to the proposed layout.*

*HERITAGE LEAD – no comments*

*COMMUNITY LEISURE – As this is a reserved matters application and not a full application I am unable to request contributions to community development*

*DRAINAGE ENGINEER – No objection*

*ECONOMIC DEVELOPMENT - no comments received*

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND – contaminated land requirements are subject to a planning condition on the outline permission therefore no further comment*

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION –*

*I refer to the information that has been submitted regarding noise issues at the above site.*

*- Noise and Vibration Assessment, December 2011, Hydrock.*

*I also refer to my previous memo of 14<sup>th</sup> November 2011 and the Hydrock Noise Assessment from 2007, which has also been submitted with the application.*

*The 2007 report assumed that Area J (covered by this application) would be offices. This has been reviewed in the 2011 report which makes an assessment of the noise impact on a residential use at Area J.*

*Both reports include details of noise and vibration monitoring carried out at the site, and an estimate of the noise levels from the railway and the proposed strategic road at the site of the proposed development. Recommendations are made of for noise mitigation.*

*The Assessment recommends that where any residential premises are within a part of the site that falls within Noise Exposure Category C (NEC C) a higher standard of glazing and ventilation should be used to achieve an acceptable internal noise level.*

*The 2011 Assessment includes plans of the site showing which areas in each Noise Exposure Category. These show that the southern part of Area J (adjacent to the proposed Northern Inner Distributor Road (NIDR)) would be in NEC C and the northern part of the site in NEC B.*

*However, I note that the noise monitoring carried out in 2007 at 10m from the railway line found levels that would put that part of the site in NEC C. Also, the noise*

contour maps in the 2007 report show the northern edge of the site to be in NEC C.

I have spoken to the consultant at Hydrock about the predicted noise levels and it was confirmed that even though some of the modelling showed the northern part of the site to be in NEC B, it was only just below the level required to be in NEC C. This was due to the noise levels being averaged over the whole of the night or day-time period; the noise from individual movements of trains will be high at the northern side of Area J.

The Hydrock report recommends that in areas of NEC C upgraded glazing of 6/12/6.4 PVB inner layer should be used, with passive acoustic ventilation of a standard approved for use under the Noise Insulation Regulations.

Due to the high levels of noise from the railway I would recommend that all the façades on residential properties within Area J are subject to a higher standard of noise attenuation, not just those facing the Distributor Road. The developer should use the glazing and ventilation systems outlined in the Hydrock report or a system that provides at least the same level of noise attenuation.

N.B. even with a higher standard of glazing and acoustic ventilation it is likely that noise from the railway and road will be clearly audible inside the flats on this site.

STRATEGY AND COMMUNICATIONS – no observations

HOUSING ENABLING LEAD – The affordable housing provision has been provided within the 108 units under construction within Area E of Firepool Lock.

LANDSCAPE LEAD – There is little opportunity within the proposed development to provide any landscape mitigation as seen from the road or rail side. The proposed tree planting does little to integrate the proposals into what is a 'hard' urban situation. At the very least I would like to see more tree planting along the northern aspect of the site and larger growing trees wherever feasible

PROJECT TAUNTON – no comments received

POLICE ARCHITECTURAL LIAISON OFFICER –

Having reviewed the documentation submitted in support of the application, I would comment as follows:-

Design & Access Statement - PPS1 Makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design & Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places. The Planning System and Crime Prevention'. Whilst the applicant's DAS mentions some measures like 'clear distinction between public and private areas', 'internal streets will have active frontages', 'all streets overlooked', I feel that more comprehensive details relating to safety and security should be provided, as required by paragraph 132 of CLG publication 'Guidance on Information Requirements and Validation'.

Crime Statistics - reported crime statistics for the area of this proposed development (within a 500m radius of the grid reference) during the period 01/10/2010 - 30/09/2011 reveals the following:-

Arson - 2 Offences  
Burglary - 59 Offences  
Criminal Damage - 57 Offences  
Drugs - 21 Offences  
Fraud/Forgery - 11 Offences  
Other - 7 Offences  
Robbery - 2 Offences  
Theft & Handling Stolen Goods - 179 Offences  
Violence Against the Person - 86 Offences  
Total 424

This level of crime is classed as 'Average' but it does provide a clear indication of the sort of offences that could affect this development when complete.

Layout - roads, cycleways and footpaths appear to be open and direct and should not undermine the defensible space of neighbourhoods. Where it is necessary to limit access to residents and their visitors e.g. the parking area, the use of physical or psychological features such as rumble strips, change of road surface by colour or texture or similar can help define defensible space, giving the impression that the area beyond is private. Footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings.

Perimeter Block Boundaries - it is important that boundaries between public and private areas are clearly delineated. I have some concerns regarding the lack of any defensible space around the blocks which enables the potential offender to have direct access to ground level doors, windows etc. In addition, the lack of any defensible space creates an increased risk of vandalism, graffiti and anti-social behaviour adversely affecting residents in the ground floor flats. To deter this, I would strongly recommend the implementation of some form of defensible space around the blocks, even if only in the form of low level planting of thorny shrubs or similar. This would also give the residents a sense of ownership of the semi-private area around the block.

Natural Surveillance - optimum natural surveillance should be incorporated whereby residents can see and be seen. Measures should include an unobstructed view of all external areas, roads, footpaths, parking area etc. Also, the avoidance of any recesses, blind corners and potential hiding places. The design of the blocks is such that, generally speaking, this appears to be the case. The proposed Bin and Cycle Stores do not appear to be overlooked from this particular block but should be visible from blocks opposite in due course. The Bin and Cycle Stores appear to be of substantial construction, being part of and connecting with the three accommodation blocks. Stores should be lockable to prevent theft of cycles and misuse of 'wheelie' bins as climbing aids and for ASB.

Car Parking - the proposed communal car parking at the rear of the block appears to be well overlooked from residents' flats and spaces should be allocated to be close and adjacent to owners' homes and within view of active rooms within these homes.



Planting/Landscaping - planting/landscaping should not impede natural surveillance and must not create potential hiding places for intruders close to footpaths or buildings, where doors and windows may be obscured. Frontages should be open to view and any boundaries e.g. low walls, fences, hedging that are implemented should no more than 1m in height. Mature trees should be devoid of foliage below 2m thereby creating a 1m clear field of vision. Defensive planting i.e. thorny shrubs can be used in appropriate locations to deter unauthorised access.

Lighting - street lighting on both adopted and unadopted roads should comply with BS5489. Security lighting should also illuminate communal doors, Bin & Cycle Stores and any other potentially vulnerable areas. Such lighting should be vandal-resistant and low wattage, operated by photoelectric cell or time switch.

Communal Entrances - form a first line of defence and should be fitted with an access control system e.g. video door entry phone system with electronic lock release or similar, followed by controlled entry onto each floor and the final individual flat lockable doorset. Utility meters and an appropriate system of mail delivery should be installed outside of individual flats in suitable locations within the blocks, or externally, to deter bogus callers and not compromise the security of the blocks.

Physical Security of the Flats - individual flat doorsets should comply with PAS 24 and windows with BS 7950. Ground floor and easily accessible windows should be laminated to provide additional security and resilience to attack. However, care needs to be taken with regard to doors and windows to ensure means of escape in the event of fire.

Secured by Design(SBD) - is the official police initiative supporting 'designing out crime' and the applicant is advised to consult the 'New Homes' and ' Multi-Storey Dwellings' design guides contained within the SBD website - [www.securedbydesign.com](http://www.securedbydesign.com) - for more comprehensive information and advice.

SCC - ECOLOGY - no comments received

SCC - CHIEF EDUCATION OFFICER - no comments received

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - no comments received

SCC - TRANSPORT DEVELOPMENT GROUP – meeting held between applicants and Highway Authority on 22<sup>nd</sup> November resulting in amended plans being submitted. Detailed comments on amended plans are pending.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY – We have looked at the proposals in these applications and note that they recognise the importance of the Pumping Station as a key feature of the landscape. However, we do have some concerns over the relative heights of the proposed adjacent buildings. Unfortunately the contextual elevation drawings do not extend to show the Pumping Station, but the plans do show that the buildings immediately to the east of the Pumping Station are 4 storey, whereas most of the other canalside buildings are 3 storey. The Pumping Station is, and should remain, an imposing structure especially when viewed from the canal. We would therefore have preferred to see a lower building alongside.

*SOMERSET WATERWAYS ADVISORY COMMITTEE – SWAC would like to see gains for the canal as part of this development. They would include dredging the canal from Firepool to Obridge, refurbishment of the pumphouse, a landing and mooring stage, we would also recommend a wider grass margin between the path and the buildings.*

*SOMERSET WILDLIFE TRUST - no comments received*

*TAUNTON & DISTRICT CIVIC SOCIETY - no comments received*

*WESSEX WATER – no observations*

*WESTERN POWER DISTRIBUTION – There are high and extra high voltage cables in the vicinity of the development that will require deviation.*

*BRITISH WATERWAYS – comments on amended plans pending*

### **Representations**

*1 letter of support*

- *Good use of land and positive move for Taunton*
- *Wish to see the accommodation built to the highest environmental standards with consideration given to cycle paths, cycle storage space and green community growing and recreation spaces.*

*1 letter of objection*

- *Taunton requires houses with gardens for residents*
- *The plan is trying to fill their housing needs in one small area*
- *Apartments are often rented resulting in lack of upkeep*
- *Residents are looking for starter homes, not small properties to rent.*

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
FP3 - TTCAAP - Firepool Lock,  
T3 - TDBCLP - Firepool Major Development Site,

### **DETERMINING ISSUES AND CONSIDERATIONS**

#### *Principles of Development*

*The principles of residential development on this site have long-standing approval with an extant outline planning permission. Area J was originally identified in the Masterplan as the site for a multi-storey car park to provide residents parking for apartment development on other parts of the site. With the changes in the development proposed on Areas, A, B, C and D (where on-site parking will be provided) it is no longer necessary to have a multi-storey car park.*

*The Masterplan also proposed an office/employment ‘wrap ‘ to the multi storey car*

*park, however there have been significant changes in the market and an outline planning permission granted for employment development on Priory Bridge Car Park. It is considered that employment development of an appropriate height and scale is unlikely to come forward in the short to medium term that will require this part of the site to be reserved for additional employment uses.*

*There remains the extant planning permission for 7,200 square metres of employment on the adjoining Area I and this includes a sufficient amount of undercroft car parking for the location. Therefore, granting permission for this part of the site for residential development would not undermine the TCAAP policy FP3 which requires at least 7,000 square metres of office space.*

*The outline planning permission included a Section 106 Agreement that secured contributions towards open space/recreation and education and also required the provision of highway improvements, a pedestrian/cycle footpath along the canal and onsite affordable housing. The affordable housing is currently being provided as part of the Knightstone development that is nearing completion. As this is a reserved matters application that is not considering the principles of development, matters such as community development contributions have already been secured and are not open for consideration now.*

### *Design*

*The submitted Design and Access Statement sets out the design concept and principles that are based on the Masterplan, TCAAP and Design Code. These include:*

- A general orientation towards the canal and river corridor;*
- A well-defined built form achieved through the establishment of continuous frontages and consideration of building height in response to street hierarchy; and*
- New streets that are orientated perpendicular to the canal to capitalise on views towards this landscape feature and to allow solar penetration taking into account the solar pathway.*

*The proposed blocks are of a suitable height and scale to address the NIDR where a strong urban form is required and provide a sense of enclosure and rhythm along the wide distributor road.*

*The palette of materials and window proportions result in a contemporary approach to the redevelopment of this site that accords with the principles of the Design Code and represents a strong architectural response on this important town centre site.*

### *Pumping Station*

*It should be noted that Firepool Pumping Station is not included in this reserved matters application and will come forward as a separate proposal under the outline planning permission.*

*A comment has been made on this current application with regard to the impact of the Development on the Pumping Station which is a listed building and heritage asset. The previous application for 100 apartments on Area A (immediately to the east of the Pumping Station) has a planning committee resolution to grant*

permission. This included a five storey block, of a similar height, adjacent to the Pumping Station. A further two storeys were proposed on the building fronting onto the NIDR which would be higher than the Pumping Station. The current proposal for a four storey apartment block has a much better relationship with the heritage asset and is of an appropriate scale.

### Landscaping

The comments of the Landscape Lead are noted however, the landscaping strategy has been design for the site as a whole, including areas A through to D. Tree planting is proposed along the route of the NIDR but again, the design philosophy is for strong urban frontage to the public realm and therefore specimen feature trees would be planted rather than thicker 'belts' of landscaping.

Planting between the site and the railway has not been an option on any of the previous forms of development and has not been required on the adjoining sites that both have permission. It is therefore considered that the landscaping strategy is appropriate to the form of development .

### Conclusion

This proposal is a well considered development that allows an important town centre site to be redeveloped in a difficult housing market. Although it differs from what may have been expected in 2007 when the Masterplan proposed a greater number of apartments and multi-storey car park, the scale is appropriate for Taunton and will deliver a high quality housing scheme. The proposals are therefore recommended for approval.

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

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**

24/11/0039

MR K MADGE

**CHANGE OF USE OF AGRICULTURAL LAND FOR STORAGE WITH LANDSCAPING AND ACCESS ENHANCEMENTS AT MOOR COTTAGE, NORTH CURRY**

Grid Reference: 331837.125842

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal for the following reason

- 1 The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway, with consequent additional hazard to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).
  
- 2 The application, which proposes the removal of a substantial area of existing roadside vegetation, is considered to be unacceptable as it would have a detrimental landscape impact on the character of the area, contrary to Taunton Deane Local Plan Policies EN6 and EN12.

ALSO

As this is a partially retrospective application that was submitted as a result of an enforcement complaint and investigation, it is further recommended that the Solicitor to the Council be authorised to serve an Enforcement notice and take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- Cessation of the use of land for the delivery, storage, processing and distribution of firewood/logs.

Time for compliance - 9 months

**PROPOSAL**

The application is to change the use of agricultural land for the storage, processing and delivery of firewood together with landscaping and access enhancements. The agent considers the use ancillary to agriculture and appropriate in the countryside. A highway assessment, a landscape report, a protected species survey and flood risk assessment have been submitted. The applicant previously worked from a site in Thornfalcon, but this was too expensive to operate.

The agent states that it is an enterprising rural business in connection with the adjoining dwelling where the operator lives. Cordwood (resembling freshly cut tree trunks, comes from Somerset and Devon, and is all FSC sourced) is usually delivered 2 to 5 times a year, the initial delivery was 3-4 times a year to provide a stockpile, with each delivery taking about 20 minutes to off load, the delivery vehicle stands on the highway to off load. The deliveries are just to the north of the southern access, where an area of 16m is shown for HGV delivery, from which it was taken to the northern part of the site by tractor and mechanical arm. It is stacked and stored for 18 months, chopped and split using a mechanical splitter and stored in bags for a further 12 months to season. It is delivered to customers, 6-8 deliveries per day usually through the winter, this being in 1 or 2 round trips. Thus there are around 2 traffic movements per day in winter and 2-3 per week in summer. The deliveries set out from the northern access.

The highway assessment considers that the delivery and unloading of the cordwood is similar to refuse collection or recycling vehicles from a number of properties, or to a builder's lorry to construction site or a vehicle bringing white goods to a domestic property. The assessment considers that this section of the road serving the site which is about 100m from the 30mph speed limit, outside the village, is not a trunk road, and thus considers the standards set out in "Manual for Streets" rather than "design manual for Roads and Bridges" to be appropriate. The assessment considers that there will be no greater use of the northern access than that generated by agricultural use of the fields. And that there is basically no increase in traffic generated by the lawful use.

The proposal includes amendments to the northern point of access and additional landscaping. It is proposed to create additional structural landscaping to the southern and eastern boundaries with a new east-west 5m landscaping area across the site to screen the log storage. Landscaping required for a previous approval for a stable block is also shown. A new hedge is shown to the west adjacent to the area shown as being removed for visibility improvements. The area shown for visibility improvements to achieve 2.4 x 60 to nearside in a northerly direction and 2.4 x 43m to centre line in a southerly direction, would remove a significant amount of vegetation.

## **SITE DESCRIPTION AND HISTORY**

The site is on the eastern/right-hand side of Moor Lane, being the last dwelling, as one leaves North Curry. The site is currently grassed for the main part with the northern end already used for the purpose of log storage and sawing of the wood for firewood and subsequent storage of sawn/cut wood in large 'dumpy' bags. Vehicular access is at three locations, the southernmost is an agricultural access for the applicant's field and other agricultural land, the access closest to Moor Cottage is to just to the south of the dwelling itself, and the third is approx. midway between the dwelling and the northern end of the site. This access is to the garage of the property and the log business. It has a significant bend around prior to reaching the field, which results in the storage area currently being screened from this aspect. There is a substantial tree and hedged boundary alongside Moor Lane, which separates the northern part of the site from the highway. The land is generally more open to the south and the site can be seen from the churchyard and adjacent public footpath.

In the Taunton Deane Local Plan, the site is open countryside, with the majority of the site within the Levels landscape area, and in an area liable to flooding, and within

close proximity to an area of high archaeological potential to the south and the Curry and Hay Moors SSSI to the north.

### History

24/77/0013 erection of dwelling to north of Moor Cottage, REFUSED as in open countryside and not for agricultural use, 13/06/77;  
24/80/0044 erection of dwelling to north of Moor Cottage, REFUSED as in open countryside, in special landscape area and not for agricultural use, 20/11/80;  
24/93/0039 extension of residential curtilage into field, APPROVED 27/09/93;  
24/02/0013 erection of single storey side extension and change of use of part of field to garden, APPROVED 21/06/02;  
24/05/0052 erection of stables (four stables and tack room) to north of Moor Cottage, APPROVED subject to implementation of a landscape scheme to the east of the stables, 16/02/06;  
24/05/0054 formation of vehicular access, this was to the south of the dwelling, County Highway Authority APPROVED subject to conditions, 24/02/06.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTH CURRY PARISH COUNCIL* - supports the granting of permission subject to the following conditions:

1. The landscaping bordering the South side of the working area to be increased in width to double that shown on the plan and for it to consist of a variety of native shrubs and trees, so giving a dense screen from ground level to a considerable height as soon as possible.
2. The trees to be planted adjacent to the road close to the track beside Whitewell Cottage to be set back from the road so as not to impede visibility when exiting that track.
3. Working hours to be limited to those suggested by the Environmental Protection team.
4. A lay-by to be created sufficient to accommodate lorries delivering cord wood to the site, and cord wood to be moved to the processing area within 48 hours.
5. The size of the operation to be limited to that shown on the plans.

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

I refer to the above mentioned planning application and following a site visit, I have the following observations on the highway and transportation aspects of this proposal.

The proposal seeks retrospective planning permission for a change of use from agricultural land to business use, for the storage, processing and delivery of firewood.

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of their daily needs, deliveries and customers. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the

provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of District Local Plan.

However, it must be a matter for the Local Planning Authority to decide whether the change of use of this land or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The site is located on Moor Lane, a classified unnumbered road subject to the national speed limit of 60mph. However, it is accepted that in this location vehicle speeds will be lower than this due to the width, horizontal alignment and rural nature of the road. Moor Lane is well used, and traffic volumes are considered high for this type of road.

In terms of the detail, the proposal seeks to improve and use an existing access into the site. The improvements include the provision of a 2.4m x 60m visibility splay to the north and 2.4m x 43m to the south. Whilst these are not in accordance with the Highway Authorities usual standards, there is a reasoned argument for this particular application of betterment to the existing access. Also, and more importantly is the argument that a larger visibility splay would improve visibility along Moor Lane and therefore increases the potential for increased traffic speed which is not considered appropriate along this route.

Therefore, the visibility splays are considered adequate in this instance.

However the area marked as the 'HGV delivery Area' does raise the concern of the Highway Authority, and in particular highway safety issues. This issue has been highlighted by the Highway Authority, during pre-application discussions with the Applicants agents.

The parking of a large HGV on the highway, as proposed by this application, causes an obstruction to other motorists using the highway. Vehicles approaching the parked HGV (whilst delivering for 20-30minutes) travelling south, would have approx. 80m of clear visibility to realise that there was a parked vehicle and either brake to a full stop or decide to pull out and overtake.

The use of Manual for Street visibility distances, are applicable in urban (built-up) environments where motorists behave in a different manner and are likely to encounter obstacles such as parked vehicles or junctions, etc The Design Manual for Roads and Bridges visibility distances should be applied in rural settings where these obstructions are less likely to occur and as such motorists do not anticipate such hazards readily.

Using the DMRB guidance on visibility, 80m clear visibility to the parked HGV would be sufficient for vehicles travelling at approx. 35mph, but any vehicle travelling at a higher speed, as is likely to be the case, would require greater visibility.

In addition to the above concerns, the inter-visibility between vehicles travelling in both directions (and wishing to manoeuvre around the HGV) is restricted to approx. 50m due to the road alignment and this distance is not considered sufficient.

For these reasons, the Highway Authority suggested during pre-application discussions that a loading/unloading area should be considered within the application site, which would remove this particular safety concern.

I would recommend that this application be refused on highway grounds for the



following reason:

The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway, with consequent additional hazard to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).

*LANDSCAPE LEAD* - The proposed visibility splay requirements will have a significant impact on the existing hedgerow and its removal will have a detrimental landscape impact on the landscape character of the area.

*BIODIVERSITY* - The roadside hedge to be removed for visibility, should be checked for wildlife prior to any removal. On receipt of ecology survey of hedgerow, - if pp granted, condition suggested.

*ENVIRONMENT AGENCY* -no objection subject to conditions on not raising the ground level or storage within 3m of watercourse.

*DRAINAGE ENGINEER* - no observations.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - I note from the application (sec 22) that the development relates to the storage, splitting and delivery of firewood. There is no mention of any plant or machinery that would be used as part of this process, or of the proposed hours that the site will operate.

If machinery is to be used as part of this development there is the potential for it to be operating throughout the year, whereas machinery on agricultural land tends to be used for short periods of time at each location. If any machinery is used at unreasonable times, or is loud and persistent it could disturb nearby residents.

Therefore, if the development will involve the regular use of plant and machinery I would suggest a condition to limit the hours that this can be used. This would need to be amended to include details of the plant that will be used on site.

## **Representations**

13 Letters of objection (11 from North Curry) raising the following points:

### Traffic/Access

- Dangerous access to and egress from the site;
- There is no proper access to the site;
- Unloading takes place on the road close to a blind bend and on a road with no speed restriction;
- There are about 200 dumpy bags, this will result in 200+ traffic movements; Given that the area can be waterlogged in winter, a significant amount of mud will be left onto the road at a place where drivers often brake;
- There will have to be a relaxation of Highway regulation which would be a dangerous situation;
- Previous highway objections;
- The tree trunks are delivered in a double load lorry with grab arm which parks in the middle of the road, obstructing the flow of traffic in both directions;

- Deliveries have taken place early morning and late afternoon when the light can be subdued;
- There have been several deliveries in one day;
- When Moor Lane is closed due to flooding, there are always more vehicles in the congested centre of the village;
- The Traffic Commissioner would be unlikely to issue an operating licence to allow goods vehicles exceeding 3.5 tonnes from what is an inappropriate vehicle operating base, thus most journeys will be done in small vehicles and there will be significant traffic generation;
- There have been numerous near misses in the vicinity of the site, as there is a blind bend at the bottom of the hill;
- Even if wholesale distribution to other sources takes place, the number of movements will not reduce;

### Environment

- Noise from machinery running all day and into the evening;
- The use of chain saws for many hours is disturbing to neighbours;
- Debris and off cuts are burnt on site with smoke and smells to the discomfort of neighbours;
- The smell drifts across roads;
- The dumpy bags are an eyesore;
- There are visible from the Church which stands in a designated landscape feature;
- Previous applications for applications which affect the view of the Church have been refused in the past;
- The noise of machinery will be audible from the Church and Churchyard;
- The piles of wood and other paraphernalia is an eyesore in a picturesque area;
- The dumpy bags are not temporary and unsightly;
- The land is prone to flooding, generally water logged in winter, any access into the field would have to have a 'sound' base which would add to the 'eyesore';
- This site is not suitable for such a business;
- An inappropriate location on a floodplain, if the site is raised, the floodplain capacity would be reduced, if moved to the higher land it would be more visible;
- Multicoloured plastic bags are very visible across the moor;
- There are locations within one of the many disused dairy units around where large farm traffic is established;
- The description omits the processing and delivery of firewood as this is integral to the business;
- Objections are based on the observations of a neighbour of the ongoing activities, there is noise, trade waste, policy, road safety and visual effects;
- There has been noise of a mechanical splitter and movement of large vehicles in the evenings and at weekends, outside normal working hours;
- Considerable debris is left at the side of the road following unloading;
- The cordwood is left adjacent to the roadside for 3 weeks after delivery – not moved straight away as stated by the agent;
- The road has become muddy and slippery due to lorries;
- The changes to access will not solve the problems and will result in the removal of established hedgerow which will have a detrimental impact on the landscape;
- The view across the moors should be protected;
- No amount of landscaping will disguise the visual mess that has been made to the most beautiful side of North Curry village;

### Policy/Other

- For more than 30 years I have supported rural industry, however this activity is in

the wrong place;

- There is no reference to storage of house coal and smokeless fuel which are stored on site;
- The applicants view that the use is akin to forestry is misleading as forestry is growing, harvesting and felling of trees, none of these activities take place on site, the business has been relocated following purchase of the site;
- This application does not secure sustainable economic growth, so should not be treated favourable under policy PPS4, as there is only one employee and there is no intention to expand;
- This is not a diversification of a farm based enterprise – there was no farm based or other at this site previously;
- This is not agriculture or forestry, it is processing of wood grown elsewhere;
- The use does not respect the distinct character and appearance of the Landscape Character Area – Policy EN12.

25 Letters of support (10 from North Curry) raising the following points:

### Traffic

- Move the 30 MPH sign to north of Lawnmoor Farm will help;
- Mud on the road applies to most agricultural accesses;
- When Moor Lane is closed due to flooding, there is less traffic as a short cut is closed;
- The increased visibility will increase road safety;
- The 2002 access was for non agricultural use, for vehicle movements in excess of current scheme;
- The deliveries are no different to other large vehicles such as heating oil, septic tank disposal, refuse and recycling lorries;
- The main danger on Moor Lane is from drivers who lack judgement of width of road, bends and show no consideration of other road users including pedestrians, cyclists and horse riders;
- There is only minimal extra traffic, and only from smaller vehicles than the average local “Chelsea tractor”;
- Cars can pass the lorry whilst unloading takes place;
- The recycling lorry blocks Queens Square every week;

### Environment

- Support, provided the landscaping is provided;
- It is not a noise nuisance, and wood is only cut in spring and summer;
- Extensive landscaping is to be provided;
- Smoke also comes from the withy beds;
- There has always been a certain amount of mud on this road, there has not been an increase in the last few months;
- This is similar to other rural enterprises such as silage bales, storage barns and farm machinery;
- Farm vehicles are more culpable in mess on the roads;
- Minimally invasive;

### Rural business/other

- Encourages a working community;

- Local business helps the area;
- The ideal location for such a business;
- A sustainable energy source;
- An appropriate use of the land;
- Proposal is modest;
- Complies with policies;
- Applicant is my supplier.

## **PLANNING POLICIES**

PPS7 - Sustainable Development in Rural Areas,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

EN12 - TDBCLP - Landscape Character Areas,

EN28 - TDBCLP - Development and Flood Risk,

EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The business is in operation at the present time, so the impact of the use can be assessed. There are several main issues and these are addressed below:

### Traffic/loading/unloading.

The lorries bringing the cordwood presently unload on the highway close to the southern access. This process apparently takes about 20 minutes and results in one part of the road being blocked. Vehicles can pass the lorry, but there would be restricted visibility due to the lorry itself and the curve of the road with Moor Cottage and then the associated vegetation along the area to the north. The planning application includes plans to remove a significant area of vegetation alongside the highway, but it is difficult to see how this would significantly help the vision for motorists when Moor Cottage is end on to the highway in a prominent position. The County Highway Authority recommends refusal on the basis that the development does not make adequate provision for the loading and unloading of goods vehicles, and would therefore encourage such vehicles to park on the highway, with consequential hazard to road users.

The smaller lorry which delivers the firewood uses the northern access point, and this would benefit from these increased visibility splays. The area between the highway and the field is surfaced such that mud is not deposited onto the highway.

The agent and some supporters of the scheme have commented that there are many other vehicles which stop within the highway to collect (refuse/recycling lorries) and others which deliver (builders merchants, oil tankers etc.). Whilst such a statement cannot be contradicted, it could be said that such instances are accepted as part and parcel of driving. One will expect refuse and recycling lorries on a regular basis, but these vehicles usually do not stay for more than a few moments before moving off. Delivery vehicles are a feature of both urban and rural areas, but deliveries are usually infrequent; the Local Planning Authority has to consider that if permission were granted for this application this could be seen as encouraging such unsocial, and potentially hazardous, unloading. It is considering that unloading from

a position on the highway is unacceptable.

The traffic generation from this site is not considered to be such that it warrants a reason for refusal. The County Highway Authority does not have records of any traffic accidents along this section of road, either as there have been no personal injuries or as there were no reports to the police.

#### Environment:

The dumpy bags are seen from Moor Lane to the south of the Cottage and from the public footpath beside the churchyard, these are generally screened from most of Moor Lane. If the area of roadside vegetation is removed, there is a possibility that more of these bags will be visible from public viewpoints prior to the proposed landscaping becoming established.

The additional landscaping would help screen some of the storage area from the elevated public footpath, and the boundary treatment will help in overall landscaping but a 12m long area is left un-landscaped to allow for the unloading, with an area of 16m shown on the highway for the unloading area. Thus the site will be visible from this point. The proposed cross field landscaping could help mitigate this in due course.

The loss of the vegetation alongside the highway is in itself an issue and the Landscape Lead objects to this element of the proposal. Whilst this site is on the way to/from the levels, which are more likely to be demarked by ditches with some willows, this area of Moor Lane is characterised by this area of roadside vegetation. It is considered that there will be landscape impact from the removal of the existing established roadside vegetation, which will not be mitigated for several years, by the proposed replacement planting.

There have been several comments about hours of operation and noise from machinery. These could be conditioned such that the hours are normal working hours with no evening or Sunday working and a noise condition could be imposed. Bonfires are more difficult to control, however the applicant has stated that most of the off cuts go for kindling, and sawdust in dumpy bags goes to farmers or for horses' bedding. He has stated that there is little 'debris' left for a bonfire, and his recent bonfires have been hedge trimmings and rubbish previously left in the dwelling. Much of the remaining wood related 'debris' is burned on his inside fire.

Given that there are withy beds on the moors, burning of cut vegetation does take place on occasions. There are often piles of plastic covered bales in the countryside, often forming significant eyesores, which are accepted as they are agricultural and usually temporary, even if that may be for some years. It is not the intention of the applicant to expand over and above the level of activity currently undertake, and now that the stockpile has reached a particular size, the number of deliveries should be less this year.

In summary in respect of the objectors' view that visual intrusion is apparent, it is not considered that the impact is such that would warrant refusal. The site can be seen from public footpath by the churchyard, but it is not such that could not in due course be landscaped and mostly screened.

#### Policy/other

This site is outside development limits where new developments are strictly controlled, however PPS7 emphasizes both objective to raise the quality of life and the environment, and the promotion of sustainable economic growth and diversification. There should be good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources. There should be promotion of competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies. In respect to rural areas all development should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

### Summary

The current application is not a farm diversification, it is one person's main employment, with office support from his partner. It is not ancillary to an agricultural main business, where a wood business is carried out at quiet times, it is not forestry where the wood is grown, managed and cut for timber, this is a main industry in a location close to a village. There are some limited economic benefits, this use employs one person full time with clerical support, it is his source of income and it provides a local source of firewood. However it could be carried out in a location within an established range of farm buildings or farm yards or within an industrial area. Given the source of the cordwood is from outside the immediate area, the main reason which brings the operation to this site, is land ownership. It is not considered that the economic benefit for this applicant outweighs the detrimental impact of the removal of the vegetation or the unloading hazards and the application is therefore recommended for refusal.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**

14/11/0051

MR P TARR

**INSTALLATION OF 2 DORMER WINDOWS TO THE FRONT ELEVATION OF 3 CROWN LANE, CREECH HEATHFIELD**

Grid Reference: 327807.127247

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval for the following reason:

The scale and design of the proposed dormers is considered to be acceptable and it is not thought that they will harm the appearance of the building or street scene or neighbouring amenity. Therefore, the scheme accords 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:

(A1) DrNo 2611-01 (received 31/1/12) Existing and Proposed Floor Plans  
(A4) DrNo 2611-03 Site Plan  
(A4) DrNo 2611-02 Location Plan

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

Notes for compliance

**PROPOSAL**

The proposal is to erect two dormer windows to the front of the existing bungalow to allow for the loft conversion.

The application comes before Members as the agent is related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The site consists of a red brick bungalow with a concrete tile roof, similar to bungalows adjacent and opposite. Other bungalows have converted the loft and utilised roof lights or rear dormers. 14/02/0001 - single storey extension and loft conversion 7 Crown Lane.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*CREECH ST MICHAEL PARISH COUNCIL* - Support

### **Representations**

1 objection on basis of dormers to front and that rooflights should be utilised to protect the appearance of the lane.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The consideration here is whether the two dormer windows detract from the character of the building and street scene to warrant refusal.

The two front dormers are 1.6m high and 1.4m wide and appear in scale with the front roof slope and not to dominate the elevation. While there are no other front dormers visible in the adjacent properties the proposal is not considered to detract from the appearance of the street scene. Allowing the proposal would set a precedent for other similar schemes elsewhere but the character of the area is not a conservation area and the proposed change is one that is considered acceptable in terms of the street scene. While there is 1 local objection the Parish Council support the scheme and the impact of these dormers is considered to be an acceptable one.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**



02/12/0002

MS B ANDREWS

## **REMOVAL OF FLAT ROOF, ERECTION OF FIRST FLOOR EXTENSION AND OTHER ALTERATIONS AT THE OLD SCHOOL HOUSE, ASH PRIORS**

Grid Reference: 315212.129552

Full Planning Permission

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### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal for the following reason:

- 1 The proposed extension would, virtue of its scale, form, massing, design and lack of subservience constitute an incongruous and overpowering addition that would result in the complete erosion of the intricate character and appearance of the original building whilst also forming a prominent, detrimental feature within the street scene. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policies S1(D) (General Requirements), S2(A) (Design), H17(C) (Extensions to Dwellings) and EN14 (Conservation Areas). Further, as a consequence of this harm, the contribution of the building and its character made to the Ash Priors Conservation Area would be lost to the detriment of the designated area and therefore the proposals fail to satisfy the provisions set out within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Notes for compliance

### **PROPOSAL**

The application seeks planning permission for the erection of a first floor extension to The Old School House, Ash Priors. The existing footprint of the building will be increased by five square metres and a new first floor extension will be erected over the northern lean to element. The proposal will allow the existing one bedroom dwelling to be extended to a two bedroom property with kitchen, dining and living accommodation also. The extension will measure 10.4m x 6.1m with a height to eaves and ridge of 3.5m and 6.5m respectively; the proposal is of a pitched roof design with traditional gable ends and two pitched roof dormer windows to the north elevation.

The proposed extension will be finished externally in natural stone walls, artificial slate and oak effect uPVC fenestration. To the front of the property along the western boundary it is proposed to demolish a single bay garage, excavate ground and erect a retaining wall to form additional off road parking.

## **SITE DESCRIPTION AND HISTORY**

The Old School House is a detached single storey building that provides one bedroom residential accommodation within the village of Ash Priors. The original school house building has stone walls with brick detailing, an artificial slate roof (hipped in design), white uPVC windows and timber doors. The original building has been extended previously by way of a single storey lean-to the north elevation, which has a felt shallow pitched roof.

The property is located within the Ash Priors Conservation Area and is surrounded to the north, south and west by residential properties whilst to the east is agricultural land. To the east the site is bound by 2.0m timber fencing whilst to the west the site is open, being set above the level of the highway. The gardens have mature domestic planting to the north and south boundaries.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*ASH PRIORS PARISH COUNCIL* - Wholeheartedly support this excellent development to restore The Old School House. The design is in keeping with the style and proportions of the existing dilapidated property and will enhance the surrounding environment.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments.

*HERITAGE* - The Old School House has some historic significance for Ash Priors being built in 1833 by Sir Thomas Lethbridge who built the rectory and restored the church during this period. It was identified within the 2012 draft appraisal as being a locally important building and makes a positive contribution to the character and appearance of Ash Priors Conservation Area.

Much of the buildings character, and by extension the contribution it makes to the Conservation Area, is derived from its small scale and appearance. The proposed scheme in no way respects this and would completely swamp the original building. It cannot be seen as subservient.

Replacing uPVC windows in the school room with uPVC does not constitute an improvement and further underlines the unsympathetic nature of this scheme.

While the existing extension is not ideal it has a relatively low impact. No form of two storey extension to this building would be appropriate. The scheme would cause unjustified harm to the significance of both the school room and wider Conservation Area and in line with PPS5 I recommend refusal.

### **Representations**

1 neighbour response with no comments.

1 neighbour objection received raising the following planning related matters:

- Policy H17 states that extensions will be permitted where they do not harm the

form and character of the dwelling and are subservient in terms of scale and design; this proposed extension is clearly not subservient in that it creates a 2 storey structure besides the original single storey structure;

- The proposed ridge height is much higher than the original building;
- The bulk, form, scale and massing will dominate over the original dwelling;
- This is a conservation area and consideration must be given to preserving the architectural integrity of the building which is 174 years old;
- The proposal will dominate the original thereby harming the form and character;
- The proposal will have first floor windows looking into our garden;

18 letters of support received raising the following planning related matters:

- The plans will turn a demolition site into a very presentable property in keeping with the surrounding properties;
- An excellent plan to take a lovely but dilapidated Old School House and make it a modern home while preserving the original look;
- proposals will not only enhance the present building but also the local area; a very sympathetic application;
- Project will resurrect an old and failing building and will be an enhancement to the village;
- The Old School House is a very interesting building although in a state of disrepair; the plans look sympathetic to the building and will enhance it;
- This is an appropriate plan to rescue a failing building;
- This is a very sympathetic restoration of the building;
- The proposed restoration and development can only have a positive outcome, removing the shed felt roof and carbuncle of a garage;
- Proposal will be a great improvement to the building;
- The proposed redevelopment will greatly improve the historic building enabling the property to be brought back into family use and enhance other properties adjacent to it;
- Existing building resulted from a very poor conversion many years ago, utilising outbuildings to form living accommodation; this is damp, dark and cold and no more than a lean-to shed;
- Many inferior and inappropriate materials have been used; the building is below standards for living in the 21st century; proposals will tidy up the appearance of the property, creating an in-keeping and attractive property without spoiling the look or visual impact of it;
- Proposals are very sympathetic but the windows must be replaced with timber; new and old have been combined well by the architect;
- General condition of the property is dreadful with ugly uPVC windows, DIY electrics, collapsing floors and asbestos roof on the garage; the plans are in keeping with the character of the original building but windows should be timber.

Comments received from applicants in return of consultee comments:

- The Design and Access Statement submitted by the applicant does NOT say that the replacement windows would be made of uPVC. The wording in the application at paragraph 5 the unsympathetically designed uPVC windows in the schoolroom will be replaced. Officer assumption is incorrect as it is intended to replace the uPVC windows with traditional timber-framed windows;
- The applicant respectfully contends that the existing extension is in such a poor state that it is not fit for modern habitation and its size is too small to accommodate a family in the 21st century.

## **PLANNING POLICIES**

S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,  
EN14 - TDBCLP - Conservation Areas,  
S1 - TDBCLP - General Requirements,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in determining the proposed development are thought to be the impact of the extension upon the character and appearance of the original building together with visual and residential amenity. In addition to these matters, applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

### Impact upon original building and visual amenity:

The Old School House is a small building, vernacular in character and has retained a number of historic features despite the numerous changes that have been made to the original structure since its conversion into a residential property. The original aspect of the school house is of stone walls under a slate roof, hipped in its design with a maximum height of 5.1 metres to the ridge. The building has, unfortunately, been subjected to unsympathetic extension(s) historically which have resulted in a large lean-to being erected along the north elevation; this extension also projects beyond the principle elevation of the dwelling to the west by approximately 4.5 metres.

The site is set above the highway to the west and is considered to occupy a prominent position within the street scene. As noted by the Conservation Officers observations, the building makes a positive contribution towards the character and appearance of the Ash Priors Conservation Area. Notwithstanding the impact of the lean-to extension upon the appearance of the building, this positive contribution is in part the result of the original school building being the principle element that stands out within the site with the lean-to being subservient in scale and design. I acknowledge the degree of support that has been presented for the proposals and I agree that the site and original building requires some careful attention in order to improve its condition and contribution to the area. Notwithstanding this matter, it is important to ensure that any works respect the site and its surroundings, particularly where a vernacular building within a Conservation Area is concerned and such is a material consideration and set out within local plan policies.

The proposed extension will increase the footprint of the existing lean-to very slightly, however the principle concern arises from the increase in height to this section of the building. It is proposed to build over the lean-to constructing a pitched roof with a height of approximately 6.1 metres. As a result the extension will be significantly taller than the original school building and when this factor is combined with the enlarged element being set forward of the principle elevation of the building,

projecting towards the highway, it is clear that the proposal will dominate the original structure. The application includes details to remove the existing garage and to excavate the site alongside the highway to provide an extended vehicular parking area. The garage is relatively inconspicuous in its presence along the highway when viewed from the north and south; whilst this facet of the development is unlikely to result in any significant harm to the immediate area, it will open the site up along the roadside frontage and result in the enlarged element of the building new gable end to the west elevation forming a highly prominent feature within the street scene that will conflict with the visual characteristics of the site. The extension will range above the original building, dominating it in both scale and appearance. As noted by the councils Conservation Officer, much of the buildings character is derived from the buildings small scale; it is considered that this character would be completely eroded were the proposed extension to be approved due to the lack of subservience within the scale and massing of the proposal.

With regard to the design, whilst I acknowledge that the materials proposed generally reflect those of the existing dwelling house, it is considered that the proposals fail to respect key elements of the original building that contribute towards the unique appearance and character of the building. The proposed roof form, which incorporates gable ends, fails to replicate the design of the original building which has a hipped roof. This, together with the uncharacteristic dormer windows to the north elevation are thought to have evolved through the need of the applicant to provide additional living space at the property, however it is felt that providing such additional accommodation should not come at a cost to the original building. When viewed from along the highway to the west, which is open to public views along the road and public footpaths, significant conflict will arise visually between the original building and proposed extension virtue of the adopted design. The proposals will result in a contrived and unsympathetic addition to the dwelling as a result of its failure to respect the character and design of the original building.

#### Residential amenity:

The proposed extension will be located to the north of the building and away from the nearest property to the south; the land to the east is an agricultural fiend and to the north the residential properties are separated by a large degree of planting. Despite its increased height the proposals are not likely to result in any loss of light or outlook to neighbouring properties. Concern has been raised by a neighbouring occupant with regard to overlooking from the dormer windows; the only property which the windows would look out towards is approximately 50 metres away and separated by trees and part of an open field; as a result any potential loss of privacy is likely to be so minimal it would not warrant refusal. With regard to these matters the proposed extension is not considered to result in any significant detriment to neighbouring amenity.

#### Other matters:

Concern had been raised as to the use of uPVC windows within the proposals however the applicant has confirmed that timber fenestration will be used throughout and, were permission to be granted it would be possible to ensure that timber was used and retained by way of condition.

The proposal to remove the existing garage is, in principle considered to be acceptable. The site currently has one narrow parking space as the garage does not

look to be in a useable condition or of a scale that could accommodate a modern vehicle. The only space has a very steep gradient and in a location such as Ash Prior's, two spaces would be preferable for residential properties. Whilst there would be some harm visually within the street scene, the benefits to improving parking provision for the property and reducing the need for vehicles to park along the already narrow single lane highway are likely to outweigh these concerns.

### Conclusions

It is clear that the building is in need of repair and upgrading in order to bring it up to an acceptable standard of living however any proposal must respect both the original building, its surroundings and the Conservation Area. Having regard to the matters set out above, by virtue of its excessive scale and inappropriate design, it is recommended that planning permission be refused for the proposed extension.

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

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

# Taunton Deane Borough Council

Planning Committee – 29<sup>th</sup> February 2012

E/0025/07/11

## UNAUTHORISED RESIDENTIAL OCCUPATION OF LAND TO REAR OF LANGS FARM, BRADFORD ON TONE

**OCCUPIER:** MR D K HOWELL

**OWNER:** MR D K HOWELL  
LAND TO REAR OF LANGS FARM, BRADFORD ON  
TONE

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### PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the land for residential purposes.

### RECOMMENDATION

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

The Enforcement Notice shall require:

- The cessation of the residential use of the site and removal of the unauthorised chalet.

Time for compliance: 6 months from the date on which the Notice takes effect.

### SITE DESCRIPTION

The site lies to the North of Lang's Farm which is adjacent to the highway that runs from Oake to Bradford on Tone. Access to the site is off a track which runs to the West of the site. The mobile home/chalet is sited next to the agricultural barn.

### BACKGROUND

A complaint was received in January 2011. A site visit was carried out and contact was made with the owner Mr Howell. Mr Howell advised that he had decided to opt out of conventional living and now lives as a traveller. A letter was sent to Mr Howell in May 2011 outlining the options he had. Mr Howell called at the office and spoke with the Senior Enforcement Officer to advise

he was submitting a Planning application. To date this has never been received.

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

The site is in open countryside and accessed along a track off the main road between Oake and Bradford on Tone. The erection of the chalet (approximately 4mtrs wide by 12mtrs long with a pitched roof) is considered to constitute a building operation and does not fall within the definition of a caravan.

This is also considered to be a change of use of land for residential purposes for which no planning application, including any supporting evidence has been submitted.

In order to remedy the breach it would be necessary to cease the occupation of the building for residential purposes and remove the building from the site.

## **RELEVANT PLANNING HISTORY**

There are no planning applications for this site.

## **RELEVANT PLANNING POLICIES**

### Taunton Deane Local Plan

- S1 – General Requirements
- S2 – Design
- S7 – Outside Settlements

### Somerset and Exmoor National Park Joint Structure Plan Review

- STR1 – Sustainable Development
- STR2 – Development outside Towns, Rural Centres and Villages
- 49 – Transport Requirements of new development.

### National Planning Policy

- PPS7 – Development in the Countryside
- PPG18 – Enforcing Planning Control.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is in the open countryside where planning policies place a strict control on new development. As such, new residential development, be that in a permanent dwelling or temporary caravan/chalet, is considered to be unacceptable and contrary to Policy S7 of the Taunton Deane Local Plan. Collectively, such sporadic development could have a detrimental impact upon the open character and landscape in such rural locations.



In discussion with the owner/occupier of the site, your Enforcement Officers have been advised that the owner has opted out of conventional living to live as a traveller. However, planning policies cannot be set aside simply because somebody has decided that they no longer wish to live a conventional lifestyle. No evidence has been submitted to suggest that the owner is seeking an exception to planning policy on the basis of claiming Gypsy or Traveller status within the meaning of Circular 01/06. As such, it must be concluded that the current occupation of the chalet is unacceptable.

Given the isolated nature of the site, and strong tree cover in the vicinity the unauthorised chalet is not prominent in the local landscape, nor is it considered to have an unacceptable impact on the amenities of nearby property.

The access to the site is via a long loosely surfaced track from the main public highway between Bradford on Tone and Oake. Visibility to the left (towards Bradford on Tone) is severely restricted by the presence of three large trees on the highway verge. However, the track formerly provided access to the agricultural barns also on the site and, in this context, it seems unlikely that there would be significant additional loading on the local highway network. It is not, therefore, considered appropriate to take enforcement action on the basis of the poor visibility at the access.

However, the development is considered to be unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

- The residential use of the site results in sporadic development in the open countryside that, collectively, would be detrimental to the visual amenities of the area contrary to Policy S1 of the Taunton Deane Local Plan.
- The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Policies S1 and S7 of the Taunton Deane Local Plan and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

CONTACT OFFICER: MRS A DUNFORD

Tel: 01823 356479

# Taunton Deane Borough Council

Planning Committee – 29<sup>th</sup> February 2012

E/0231/27/11

## **ROUNDHOUSE CONSTRUCTED IN FIELD OPPOSITE THOMAS'S HOUSE, OAKE, TAUNTON**

**OCCUPIER:** MR R ANDERSON

**OWNER:** MR R ANDERSON FIELD OPPOSITE THOMAS'S HOUSE, OAKE, TAUNTON

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### **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of buildings and reinstatement of agricultural land at a field opposite Thomas's House, Oake, Taunton.

### **RECOMMENDATION**

That no further action be taken.

### **SITE DESCRIPTION**

The site lies along the road between Oake Manor Golf Course and the turning to the Anchor Inn at Hillfarrence and south of Oake House at National Grid Ref: 316085 124687.

### **BACKGROUND**

A complaint was received in August 2011. A site visit was carried out, photographs were taken and a Land Registry Search was carried out but the land was unregistered. A letter was pinned up at the site in September 2011 and again in October 2011. A response was received from Mr Anderson who advised he was the person responsible for the erection of the roundhouse and various other structures that had been erected on the land.

A meeting was arranged on site in November with Mr Anderson and he explained his intentions for the site. Mr Anderson has commenced the reconstruction of an Iron Age farmstead with the intention of it becoming an educational resource for local schools and the community. The structures on site are of natural materials, with hazel and wattle walls coated with a mud/clay daub and thatched with reed. A series of activities during the summer of 2011 has seen great interest from the general public and from various education and youth groups.

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

The construction of roundhouses on agricultural land without the benefit of planning permission.

The buildings/structures are not for agricultural purposes and constitute operational development. They do not benefit from any permitted development rights and in order to remedy the breach of planning control, they need to be removed from the site.

## **RELEVANT PLANNING HISTORY**

There are no other planning applications for this site.

## **RELEVANT PLANNING POLICIES**

### National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control,  
PPS25 – Planning and Flood Risk.

### Taunton Deane Local Plan 2004

S1 – General Requirements,  
S2 – Design  
EN12 – Landscape character Areas  
EC21 – Recreational and Tourist Development.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the open countryside where, in general planning policy terms, there is a presumption against development. However, policy EC21 of the Taunton Deane Local Plan, relating to recreation development, permits new proposals outside of settlements provided that increased visitor pressure would not harm natural or man-made heritage; and any new buildings would be of a scale appropriate to the location of the site.

The owner's proposal is to reconstruct an Iron Age farmstead with the intention of it becoming an educational resource for local schools and the community. As such, it is intended that the main use would be by parties of school children, as has already been the case while the site was being developed last year. However, at the present time, having been advised that planning permission is required, his insurance is invalid to have members of the public on the site. As such, the site, currently a roundhouse and small ancillary structure remain without any particular use and it is considered that the only breach of planning control at the present time is the unauthorised structures.

The site is in a broadly flat landscape, although is raised up slightly from the

stream off the southern boundary. This means that it is not overly prominent in the landscape, especially when viewed against the backdrop of trees and hedgerows. The Council's Landscape Lead agrees that the proposal is acceptable in this location in landscape terms. In the event that the structures remain unused and fall into disrepair, they will simply rot into the landscape, being constructed entirely of natural materials.

Should a use as a tourist attraction/educational facility commence in the future, then this may warrant further investigation at that time. However, given the owner's stated position regarding his insurance policy, it is considered that such unauthorised use is unlikely and that should he wish to pursue his business plans, he is likely to seek planning permission beforehand. Such a use, and its impact on the highway network can be assessed at that time.

The site is identified as being in flood zone 2. However, it is clearly significantly elevated from the stream and a wide, lower floodplain to the south. Given the limited structures on the site and their open nature, it is not considered expedient to take enforcement action on this ground.

With regard to the above, it is considered that the structures that have been erected on the site do not have an unacceptable impact on the visual amenities of the area. Given the current lack of use, there is no significant impact on neighbouring property or the local highway network. It is, therefore, not considered to be expedient to take enforcement action at the present time.

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

CONTACT OFFICER: Mrs A Dunford

01823 356479

# Taunton Deane Borough Council

Planning Committee – 29<sup>th</sup> February 2012

E/0302/27/11

## **CHANGE OF USE OF AGRICULTURAL LAND TO SITE A TEMPORARY MOBILE HOME AND RETENTION OF BUILDINGS IN CONNECTION WITH THE OPERATION OF A FALCONRY BUSINESS ON LAND TO THE NORTH OF HIGHER KNAPP FARM, HILLFARRANCE**

**OCCUPIER:** MR I HEAL

**OWNER:** MR I HEAL  
LAND TO THE NORTH OF HIGHER KNAPP FARM,  
HILLFARRANCE

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### **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the land for residential purposes together with the removal of buildings in connection with the operation of a Falconry business.

### **RECOMMENDATION**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- the cessation of the land for residential purposes and removal of a mobile home.
- the removal of buildings and structures in connection with the operation of a Falconry business.

Time for compliance: 9 months from the date the notice comes into effect.

### **SITE DESCRIPTION**

The access to the site lies off the road between Allerford and Hillfarrence. The track leading to the site is approximately 75mtrs and the mobile home and Falconry pens lie to the North of the site. The Mobile home is in the far North West corner with the pens for the Falcons.

### **BACKGROUND**

A complaint was received in November 2011. Investigations were carried out and a Planning application was submitted on 30 November 2011. The

application was unregistrable and further information was requested. The application was registered 22 December 2011. However, the applicant has now withdrawn the application and therefore the use and structures are unauthorised.

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

The access to the site lies off the road between Allerford and Hillfarrence. The track leading to the site is approximately 75mtrs and the mobile home and Falconry pens lie to the North of the site. The Mobile home is in the far North West corner with the pens for the Falcons.

Although the mobile home is not occupied on a permanent basis, planning permission is still required as it constitutes a change of use of land for residential purposes. The buildings and structures used in connection with the Falconry business also require planning permission as this use is not associated with agricultural.

## **RELEVANT PLANNING HISTORY**

27/11/0021 – Change of use of agricultural land to site a temporary mobile home and erection of associated buildings in connection with the operation of a falconry business on land to the north of Higher Knapp Farm.

Application withdrawn by applicant 15 February 2012 prior to determination.

## **RELEVANT PLANNING POLICIES**

### National Policy and Guidance Documents

PPG 18 -Enforcing Planning Control  
PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS7 – Sustainable Development in Rural Areas  
PPG13 - Transport

### Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development  
STR6 – Development Outside Towns, Rural Centres and Villages  
Policy 49 – Transport Requirements of New Development

### Taunton Deane Local Plan 2004

S1 - General Requirements  
S2 – Design  
S7 – Outside Settlements  
EC7 – Rural Employment Proposals  
EN12 – Landscape Character Areas

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are:

- The use of land for operating a falconry business;
- Whether the continued siting of a mobile home on agricultural land and its residential occupation is acceptable in this location and
- The visual impact of the mobile home and associated falconry buildings and structures upon the landscape character of the area.

### Use of land for Falconry business

The falconry business which has been established on the site primarily involves flying birds of prey at specific contracted locations within the wider area in order to provide a pest control service. Birds of prey are not used to control pests on the land attached to the business nor am I aware that the business operates within the immediate vicinity of the site.

No reason other than having sufficient space to shelter and exercise birds were submitted previously as justifying the need to operate the business from this site. The exercising of the birds alone is considered to be an acceptable use over the land and will not materially harm the landscape character or ability to return the use the land to agriculture in the future.

In my opinion, the harm arising from the use of the land for a falconry business as is currently the case relates to the residential occupation of the site and the erection of buildings on the land in relation to the business enterprise. These issues are considered later within the report.

### Residential use of land

The site is located within the open countryside, where there is a general presumption against new residential development. Planning Policy Statement (PPS) 7 sets out exceptional circumstances in which dwellings may be permitted in such locations where there is a genuine need for a worker to live at or near their place of work. The recent planning application submitted against the background of guidance contained within PPS7 for the residential development at the site has been withdrawn and, therefore, this is the main consideration in determining this enforcement case.

Annex A of PPS7 sets out stringent tests, which govern whether an agricultural workers dwelling is acceptable in principle. The main issues here, having regard to the existing business which appears to be developed towards pest control, the experience of the proprietor as a falconer and the location of the site, are whether there is a 'functional need' and whether there are any other dwellings that could fulfil the functional need (if there is one).

PPS 7 defines a functional need as being whether it is essential for the proper functioning of the enterprise for "one or more workers to be readily available

at most times". Guidance contained within Annexe A of PPS7 relates primarily to agricultural enterprises however consideration should be given to other enterprises that require a particularly rural environment in which to be located.

Justification for requiring a key worker to be on hand day and night, in this instance might include the need to provide essential animal care at short notice or to prevent theft. Falconry is a unique enterprise that does, to a degree, require an open environment such as that found within rural landscapes, particularly for bird exercise and training.

Having regard to the justifying the residential occupation of the site, I am not aware of any breeding or similar activities being undertaken as part of the business operations. Therefore with the exception of exercising birds by way of walks across open land the main use of the site is for bird housing within timber weatherings. These activities, in essence, are considered to form the justification for requiring residential use at the site together with security and prevention of theft.

The decision of the business owner to keep the birds of prey on the site seems to me to be one of personal preference rather than to meet the essential need of the birds. There can be no doubt that the sheltering and exercising of the birds is an integral part of the owners business and the future success of the business will rely heavily upon ensuring good animal welfare. However it would seem more reasonable, having regard to planning policy, to expect birds to be kept at a place of residence within a sustainable location with sufficient space, where security can be provided and space for exercise available nearby, than it would be to locate and operate the business on land within the open countryside where access to day to day services, including the sites at which the falconry pest control business are employed, are more readily available and accessible.

I do not consider the need to provide shelter, exercise or security for the birds of prey to satisfy the functional test set out within Annexe A of PPS7 and little other justification leads me to conclude that there is a need for a worker to be readily available at most times on the site, in order to allow for the proper functioning of the falconry business. The use of the land for walking and exercising birds may alone be acceptable however the accumulative effect of establishing a business and residential use at the site is not. Therefore the development fails the functional test set out in Planning Policy Statement 7, Annex A. The proposal therefore represents an unjustified residential development in the open countryside, contrary to planning policy.

### Landscape impact

The site is located within open countryside, with the surrounding landscape being within the River Floodplain Landscape Character Area (LCA). The application site slopes steeply uphill to the east and south east making the site prominent within the surrounding area, particularly to the north and west.



The field is bound in all directions by traditional hedgerows whilst the west boundary is strengthened in one corner by a small group of trees. Notwithstanding the screening around the site boundaries, the site is clearly visible from public vantage points to the west. An unclassified public highway runs along a SW-NE axis approximately 175 metres to the North West. In addition, public footpath WG9/31 crosses the adjoining field to the north and is within 90 metres of the site.

The proposed bird weathering boxes are small, of timber materials and relatively inconspicuous at present, being largely hidden by the mobile home and storage buildings. Accumulatively, the bird weathering boxes, mobile home and workshop/storage sheds are locally prominent and out of keeping with the surrounding area; in particular the white exterior finish to the mobile home is clearly visible and incongruous within the landscape. The structures and buildings are considered to materially harm the visual amenity and landscape character of the area and therefore conflict with Policy EN12 of the Local Plan.

#### Conclusions:

With regard to the above the occupation of a mobile home at the site represents an unjustified dwelling in the open countryside, which would foster the need to travel by private car, contrary to LP Policy S7 of the Taunton Deane Local Plan, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Guidance note 13. The location of the site is considered to be unacceptable for new business as; LP Policy EC7 restricts this to sites near a public road, adjacent to existing settlements and where there would be no harm to amenity, landscape or highway safety. Finally the accumulative effect of buildings sited on the land is to the detriment of the landscape character of the area and therefore contrary to LP Policy EN12.

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

CONTACT OFFICER: MRS A DUNFORD

Tel: 01823 356479

# Taunton Deane Borough Council

Planning Committee – 29<sup>th</sup> February 2012

E/0129/38/11

## **UNAUTHORISED ILLUMINATED SIGN AT ROOF LEVEL AT OKOKO, DELLERS WHARF, BRIDGE STREET, TAUNTON**

**OCCUPIER:** 241 LEISURE

**OWNER:** UNKNOWN

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### **PURPOSE OF REPORT**

To consider whether it is expedient to take prosecution action for the unauthorised display of an advertisement

### **RECOMMENDATION**

No further action be taken

### **SITE DESCRIPTION**

Dellars Wharf is situated on the North side of the River Tone on the corner of Town Bridge.

### **BACKGROUND**

The sign was first brought to the Council's attention in May 2011 and an application for advertisement consent was requested. Several e-mails have been exchanged but to date a valid application has not been submitted.

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

The sign has been erected at roof level and under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 3 Part 1 any sign 4.6 meters above ground level requires consent.

### **RELEVANT PLANNING HISTORY**

An advertisement application for an internally illuminated fascia sign was submitted by the previous occupiers of the building and approved in December 1997. This was erected but has subsequently been removed.

### **RELEVANT PLANNING POLICIES**

National Policies

PPG 18 -Enforcing Planning Control  
PPG19 – Outdoor Advertisement Control

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and signs

**DETERMINING ISSUES AND CONSIDERATIONS**

The sign is internally illuminated and slowly changes colour in the night, during the day the sign has a white background. The sign is displayed 12m above the ground on the side of a nightclub. The submitted application indicated that the illumination level was low at 35 cd/m, though this cannot be clarified.

Whilst signage at this height (12m above ground level) may not normally be considered acceptable, the sign is sited in a position that historically displayed a sign for 'Dellers'. There have been previous illuminated signs on the building and although some signs have not been authorised, they did not raise any objection or harm amenity of the area. A nearby retail building (Debenhams) has a high level sign on the side of the building.

Given the above, in this circumstance the sign is not considered to harm visual amenity or public safety does not warrant any further action being taken.

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

CONTACT OFFICER: Mrs A Dunford

01823 356479

# Taunton Deane Borough Council

Planning Committee - 29 FEBRUARY 2012

E/0145/42/11

## **ACCESS NOT BUILT IN ACCORDANCE WITH APPROVED PLANS AT LOWER KIBBEAR FARM, KIBBEAR, TRULL**

**OCCUPIER** KIBBEAR FARM PARTNERSHIP

**OWNER:** KIBBEAR FARM PARTNERSHIP  
LOWER KIBBEAR FARM, KIBBEAR LANE, TRULL,  
TAUNTON, TA3 3LN

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### **PURPOSE OF REPORT**

To consider whether it is expedient to take Enforcement action to secure compliance with the approved plans.

### **RECOMMENDATION**

No further action be taken.

### **SITE DESCRIPTION**

The access to the field was formed following the granting of planning permission on 5th July 2007. The access is off an classified/unnumbered from Trull to Pitminster. The access as originally proposed was 6m wide and 9.6m deep. As constructed it is approximately 12m wide and approx 20m deep of hard surfaced apron. The track to the farm is approx 3.3m wide.

### **BACKGROUND**

A complaint was received in May 2011 that the entrance was not built in accordance with the approved plans. The plans indicated that a new hedge was to be planted either side of the entrance with a post and rail fence in front leading to the gate. Additional planting either side of the entrance was to be provided to reinforce the point of access within the existing hedge line.

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

The development carried out on site comprises of a curved natural stone wall either side of the access with pre cast concrete coping stones on top. At the front of the wall adjacent to the highway two piers have been constructed with pre cast concrete capping and acorn finials. The hedge planting has been carried out behind the stone wall.

## **RELEVANT PLANNING HISTORY**

42/07/0010 – Formation of access, hardstanding and farm track on land at Kibbear, Trull

## **RELEVANT PLANNING POLICIES**

### National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

### Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

S7 (Outside Settlement)

## **DETERMINING ISSUES AND CONSIDERATIONS**

The issue is whether the impact of this unauthorised access is such that it causes demonstrable harm to the character and appear of the area. The hardstanding is significantly larger than the approved scheme here, however the walling is around 1m high (at the road frontage) which is in line with permitted development rights and the fallback position must be taken into account.

The wall is constructed of a natural stone rather than the permitted post and rail fencing with hedging behind. In this case, it is considered that natural stone is an appropriate material for a low boundary treatment and does not cause significant harm to the character and appearance of the area.

The piers on the frontage are just over 1.3m high with acorn finials on top. While this is slightly uncharacteristic of the rural area and is higher than the fall back position for permitted development, the impact of these does not affect visibility and is not considered to harm the visual amenity of the area to such an extent to warrant enforcement action being authorised.

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

CONTACT OFFICER: John A W Hardy      Tel: 356466

# Taunton Deane Borough Council

Planning Committee - 29 February 2012

E/0240/45/10

## **ALTERED ACCESS AND FENCING ERECTED ADJACENT TO HIGHWAY PARKGATE HOUSE, NEW ROAD, WEST BAGBOROUGH**

**OCCUPIER:** MR D BRADBURY

**OWNER:** MR D BRADBURY  
PARKGATE HOUSE, NEW ROAD, WEST  
BAGBOROUGH, TAUNTON, TA4 3EP

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### **PURPOSE OF REPORT**

To consider whether it is expedient to take Enforcement action to secure the reduction of the fencing to a height of 1m and reinstate the access to its original width and to stop the unauthorised use of land as a logging business.

### **RECOMMENDATION**

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

The Enforcement Notice shall require:

- The cessation of the logging business.
- The reduction of the fencing to 1m adjacent to the highway.
- Reduce the width of the access back to its original size

Time for compliance - 2 Months from the date on which the notice takes effect.

### **SITE DESCRIPTION**

The access is located on a bend along New Road which is a classified unnumbered busy road and the main route into West Bagborough. The access has been widened and close boarded fencing 1.8m high provided either side of the access. Gates have been provided to the access constructed in similar materials to that of the fencing. The land immediately behind the gates is currently used to cut and store logs which in itself generate additional traffic.

## **BACKGROUND**

A planning application for a new access to serve Parkgate House was submitted and refused on 19th January 2010. A complaint was received in August 2010 that works to an existing access to the north of the refused access was taking place. A visit was made and it was found that the owner of Parkgate House owned the access and following refusal of a proposed access decided to utilise the existing access, albeit in a more dangerous location on a bend in the highway. The owner was informed that the fencing erected either side of the access required Planning permission due to it being over 1m in height. It was suggested that the access had also been widened.

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

The access is sited north of Parkgate House on the Eastern side of New Road, West Bagborough. The existing small access has been widened and 1.8m high fencing erected either side of the access adjacent to the highway. The access has a metal gate across that has been clad in similar materials to the fencing and is of a matching height.

As New Road is a classified unnumbered road Planning Permission is required for the altered access and for the gates and fencing that is in excess 1m in height.

The land is also being used as a logging enterprise; the timber is not sourced from the land on which it is being worked and therefore the use of land is also considered to be unauthorised.

## **RELEVANT PLANNING HISTORY**

45/09/0017 for the formation of a new access to Parkgate House, West Bagborough which was refused on 19th January 2010.

## **RELEVANT PLANNING POLICIES**

### National Policy, Guidance or Legislation

PPG 18 - Enforcing Planning Control

### Somerset and Exmoor National Park Joint Structure Plan Review

Policy 49 – Transport Requirements of New Development

### Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

EN12 – Landscape Character Areas

## **DETERMINING ISSUES AND CONSIDERATIONS**

The fences and gates have been erected alongside fronting onto the adjacent highway to the west; the horizontal timber shiplap style fencing which spans either side of the enlarged access has a height of approximately 1.8 metres. In addition, timber boarding has been attached to a metal field gate across the access and is of a similar height to the aforementioned fencing. The fencing and gate with attached timber are considered to represent incongruous features within the visual amenity of this rural lane and accumulatively they result in a dramatic adverse visual impact upon the character and appearance of the area.

Due to the close proximity of the fencing and gates to the highway, I do not consider there to be any scope for improving the visual impact of the fencing and gates to an acceptable level by landscaping. The solid timber fence and enclosed gate is out of character for use on a field in such a rural location and the height of the timber fence and gate result in magnified visual impact.

The erection of the timber fence and the widening of the access have resulted in the loss of modest section of hedgerow/trees. This loss and its replacement with timber fencing and gate has had significant impact upon the character and appearance of the area as well as on the wildlife that would have used it. Notwithstanding, the removal of a hedgerow does not require planning permission itself but permission is required as a consequence of these works resulting in the widening of the original access point which is derived off a classified highway.

The highway from which access is derived connects the B358 to the south with West Bagborough and the Quantock Hills to the north; it is a well trafficked stretch of highway which is generally well aligned with the exception of the point of access to the site concerned. The land that is served by the access constitutes two small paddocks to the north of Parkgate House; the larger field to the north has its own vehicular access off the highway to the north of the site whilst Parkgate House similarly has its own access.

The land to which the access relates is being used for the purposes of a logging enterprise, which utilises timber from trees that have been felled off site. This use is unauthorised and compared to the servicing of two small paddocks, the number of vehicle movements over the access on a daily basis is likely to be considerably greater than the authorised agricultural use. The access is positioned on a sweeping corner of the highway and the view to the north is blind although visibility in both directions is considered to be substandard being obscured by the hedgerow and trees that line the highway. Vehicles can travel up to the national speed limit of 60 mph along this stretch of highway and therefore being able to see and be seen upon access and egress at the site is imperative for highway safety reasons.

The unauthorised use of the land is likely to result in a significant intensification in the use of the substandard access by vehicles and therefore the impact upon highway safety is not thought to be acceptable. The works



undertaken to widen the original access do not provide for sufficient visibility in either direction to overcome these concerns.

The development does not relate well to the surrounding area and the design and appearance of both the fencing and timber clad gate is incompatible with the rural location of the site. The unauthorised development is considered to result in significant adverse impacts upon the character and appearance of the immediate countryside and upon highway safety.

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

CONTACT OFFICER: John A W Hardy

Tel: 356466

# Taunton Deane Borough Council

Planning Committee 29th February 2012

E/0167/53/11

## **CHANGE OF USE OF LAND TO FORM CAR PARKING AREA OPPOSITE 21 / 23 BURGE CRESCENT, COTFORD ST LUKE, TAUNTON**

**OCCUPIER:** MR P. S. MEDLOCK

**OWNER:** MR P. S. MEDLOCK  
LAND OPPOSITE 21 / 23 BURGE CRESCENT,  
COTFORD ST LUKE, TAUNTON

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### **PURPOSE OF REPORT**

To consider whether it is expedient to take Enforcement action to secure the removal of the hard standing for the parking of motor vehicles on land opposite 23 Burge Crescent, Cotford St Luke.

### **RECOMMENDATION**

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

The Enforcement Notice shall require:

- The removal of the loose stone/gravel in its entirety and restoration of the site to grass.

Compliance time – 2 months from the date on which the Notice takes effect.

### **SITE DESCRIPTION**

Access to numbers 19 to 23 Burge Crescent is via a driveway running past the frontages of the properties and terminating at a set of garages serving the respective properties. To the side of the access road where it accesses Burge Crescent a small hard standing area has been formed by hard surfacing an area of grass between the access drive and a footpath.

### **BACKGROUND**

A complaint was received in June 2011 that a hard standing had been created in an area of open space. A site visit was made and it was found that the owners of 23 Burge Crescent had formed a hardstanding for an additional car. The land, although not within the domestic curtilage of 23 Burge Crescent is

owned by them.

The owner was advised to submit an application for a change of use in order to use the land for the parking of a domestic vehicle. An invalid application was submitted in August 2011 but could not be registered. The owners decided to withdraw the application on 12th September 2011 as they stated they no longer wished to have the facility. A site visit was made on 19th January 2012 and it was found that the hard standing is still in place and being used to park a vehicle.

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

The area of hard surfacing is approx 6m x 5.5m in a tapered plan form. It is sited off the access drive serving 19 - 23 Burge Crescent and is within an area of open space. Although the land is owned by No 23 Burge Crescent the area is outside the domestic curtilage of the property therefore a change of use has occurred and engineering operations have been carried out through the creation of a hardstanding.

As the site is outside of the existing residential curtilage, permitted development rights do not apply for the creation of a hardstanding.

## **RELEVANT PLANNING HISTORY**

No valid applications have been submitted on this site.

## **RELEVANT PLANNING POLICIES**

### National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

### Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

S7 (Outside Settlement)

## **DETERMINING ISSUES AND CONSIDERATIONS**

An unattended visit was made to the site of the alleged breach on 7 February 2012 where the area of hardstanding concerned was observed. The hardstanding is of loose stone/gravel and has been formed over an area of land that was previously laid to grass with a small section of planting to one corner which included a small tree (species unknown).

Parking is provided for no. 23 Burge Crescent to the south of the terrace and this is accessed via the tarmac driveway to the front of the property. This additional parking area has been formed to the front of the principle elevation of no. 23 and is closer in terms of distance than the garage and parking space

to the south. The pertinent issues requiring consideration are thought to be the visual impact of the hardstanding and the impact of the new parking area upon highway safety.

With regard to the visual impact of the proposal, the hardstanding is of an unsatisfactory finish and conflicts with the main surface treatments within the area, which are tarmac and block paving. The colour and finish of the hardstanding combine to result in visual harm, particularly compared to the soft appearance that would have been presented previously by the grassed area and planting. It is generally accepted that on some new housing developments parking space is at a premium; in this instance vehicles have been observed on site as parking alongside and over the grassed area to the front of numbers 19 to 23 Burge Crescent and this uncontrolled parking is itself thought to result in visual harm when viewed within the street scene.

In terms of highway safety, it is considered that the parking space is of a scale that will allow the parking of up to two vehicles clear of the highway. The access drive provides space with clear views for vehicles to reverse and exit onto the adopted highway in a forward gear and therefore the hardstanding and access thereto is thought to be safe in highway terms. One matter of concern relates to the use of loose stone/gravel as a surface treatment. It is likely that loose material will be carried out of the site and onto the adjoining highway as a result and such is not thought to be acceptable having regard to highway safety.

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

CONTACT OFFICER: John A W Hardy

Tel: 01823 356466

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 29 February 2012**

<b>Proposal</b>	<b>Start Date</b>	<b>Application/Enforcement Number</b>
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)	16 FEBRUARY 2012	21/11/0004

**APPEAL DECISION FOR COMMITTEE AGENDA – 29 FEBRUARY 2012**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/D/11/2165994	ERECTION OF SINGLE STOREY EXTENSION TO THE REAR, ALTERATIONS TO PORCH AND EXTENSION AT THE FRONT AND REPLACEMENT OF CONSERVATORY WITH SINGLE STOREY EXTENSION AT 41 WELLINGTON ROAD, TAUNTON	The proposed front extension, by virtue of its size and design with projection forward, its roof pitch and window position, appears as an incongruous addition, to the detriment to the existing dwelling and the street scene. As such, the proposal is contrary to Policies S1(D) (General Requirements), S2(A) (Design), H17(C) (Extensions to Dwellings) of the Taunton Deane Local Plan.	38/11/0522	The Inspector considered that the scale of the proposed extension would dominate the front elevation of the house. Extensions at other neighbouring properties engaged more convincingly with the body of the house so avoiding harm to its character. He therefore concluded that the appeal should be DISMISSED.
APP/D3315/C/11/2163398	HARDSTANDING CREATED AND STATIONING OF TWO CATERING TRAILERS AT 31 SHOREDITCH ROAD, TAUNTON	A breach of planning control as alleged in the notice is without planning permission, changed the use of the land from residential to the storage of catering vehicles and catering trailers. An appeal against the refusal of this application was dismissed in August 2011.	E/0080/38/10	The Inspector considered the main issue in relation to the appeal is the effect of the development on the living conditions of neighbouring residential occupiers with particular regard to outlook, noise and disturbance. He found the trailer to be a large structure which stands out in a residential garden setting. He considered it looks out of place and is harmful to the outlook of residential neighbours. Bottled gas deliveries and the cleaning of

				trailers on site add to the intrusion. The Inspector found there were compelling objections to the use and DISMISSED the appeal, subject to corrections to the enforcement notice.
APP/D3315/A/11/2159989	ERECTION OF DOUBLE GARAGE WITH STORE AND FORMATION OF VEHICULAR ACCESS AT NORTHWAY FARMHOUSE, HALSE (AS AMENDED)	The proposed development, by reason of its siting and design, fails to preserve the setting of the adjoining listed building. It is, therefore, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	18/11/0001 18/11/0003	In appeal 1, the Inspector looked at all the factors in the commercial viability report and the possibility of residential use. Whilst it is accepted that the group of buildings will lose its rugged integrity as a working farm, the removal of modern buildings will return it to its historic layout, so enhancing its relationship with its landscape context. In appeal 2, the Inspector considered the proposed garage can be reasonably accommodated within the context of the listed building without material harm to its setting or significance with sensitive approach to landscaping, including earth profiling and careful rebuilding of the section of stone wall. Both appeals were ALLOWED.

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





## Planning Committee – 29 February 2012

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

Officers:- Mr T Burton (Growth and Development Manager), 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), Miss M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Stone in relation to application No 24/11/0039; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 20. Apologies/Substitution

Apologies: Councillors Bowrah, C Hill, Mrs Messenger and Tooze.

Substitution: Councillor Nottrodt for Councillor Bowrah.

### 21. Minutes

The minutes of the meeting of the Planning Committee held on 8 February 2012 were taken as read and were signed.

### 22. Declarations of Interest

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

### 23. Applications for Planning Permission

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

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

**38/11/0595**

**Application for the approval of reserved matters following applications Nos 38/99/0394 and 38/06/0135 for the erection of 36 no 2 bedroom apartments with associated infrastructure and external works, Area J, Firepool Lock, Taunton**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the letter and schedule attached to the letter dated 20 February 2012;
- (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) No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

**Reason for approving the detailed plans:-**

The development represented a sustainable use of brown field land for residential purposes of design layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprised details pursuant to an outline consent for development and was considered to constitute an acceptable form of development in accordance with the requirements of Planning Policy Statement 3 and Policies S1, S2 and T3 of the Development Plan.

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

**42/12/0001**

**Formation of agricultural access and closure of previous access to the field off Amberd Lane, Staplehay**

**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) (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;

- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 10m from the carriageway edge and hung so as to open inwards only;
- (e) Details of the means of preventing surface water draining to the highway shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be implemented as agreed prior to the access being brought into use.

(Notes to applicant:- Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit).

**Reason for granting planning permission:-**

The proposal was not considered to harm the landscape character of the area, highway safety or flood risk and would not harm either visual or residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and S7 (Outside Settlements) or Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**41/12/0001**

**Erection of single storey and two storey extensions to the rear of Dobles Farm, Tolland**

**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.

**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).

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

Members considered that the proposed development would not be detrimental to the character of the main dwelling.

**14/11/0051**

## **Installation of 2 dormer windows to the front elevation of 3 Crown Lane, Creech Heathfield**

### **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 scale and design of the proposed dormers was considered to be acceptable and it was not thought that they would harm the appearance of the building or street scene or neighbouring amenity. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

## **02/12/0002**

### **Removal of flat roof, erection of first floor extension and other alterations at the Old School House, Ash Priors**

### **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;
- (d) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (e) No development, excluding site works, shall begin until a panel of the proposed stone work measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such.

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

The proposed development was considered to preserve the character and appearance of Ash Priors Conservation Area and, by virtue of its scale and design, the proposals would not detract from the character of the original building. The proposals were therefore considered to be acceptable and accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

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

Members considered that the proposed development would not be incongruous and overpowering and would enhance the character and appearance of the Conservation Area.

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

**24/11/0039**

**Change of use to agricultural land for storage, processing and delivery of firewood with landscaping and access enhancements at Moor Lane, North Curry**

**Reasons**

- (1) The proposed development did not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway with consequent additional hazard to all users of the highway. The proposal was therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000);
- (2) The application, which proposes the removal of a substantial area of existing roadside vegetation, was considered to be unacceptable as it would have a detrimental landscape impact on the character of the area, contrary to Taunton Deane Local Plan Policies EN6 and EN12.

Also **resolved** that enforcement action requiring the cessation of the use of land for the delivery, storage, processing and distribution of firewood and logs be not taken.

**24. Construction of the first section of the Wellington Northern Relief Road with access junction with Taunton Road, landscape planting and drainage infrastructure at Longforth Farm, Wellington (43/11/0105)**

Reported this application.

**Resolved** that subject to:- (1) no adverse comments raising new issues being received by 7 March 2012 to the latest submission of plans and information; and (2) resolution of what species will make up the landscaping/ecological mitigation, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, conditions covering the following would be expected to be imposed:-

- (a) Time limit;
- (b) Schedule of plans;
- (c) Ecological mitigation measures;
- (d) Landscaping and long term maintenance;
- (e) Contamination;
- (f) Detailed design of the highway works prior to its construction (where considered necessary and reasonable);

- (g) Lighting;
- (h) Sustainable drainage scheme and long term maintenance and management;
- (i) Details of timescale for provision of temporary access, site compound and topsoil storage.

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

The proposed development would provide a suitable means of access to Longforth Farm, which was identified as a sustainable urban extension within the emerging Core Strategy for development. The proposal was accompanied by suitable landscape mitigation measures to help soften the impact of the development. Any impact on wildlife would be adequately mitigated and the favourable conservation status of European Protected Species would be maintained. The proposal therefore accorded with the provisions of Policies S1, S2, S7 and EN12, Policies STR1, 9, 42, 44 and 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy SS3 and SP3 of the emerging Core Strategy and advice contained within Planning Policy Statements 1, 3 and 9, and, Planning Policy Guidance13.

**25. Unauthorised residential occupation of land to the rear of Langs Farm, Bradford on Tone**

Reported that it had come to the Council's attention that a chalet was being used on land to the rear of Langs Farm, Bradford on Tone without the necessary planning consent.

The owner of the site had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

**Resolved that:-**

1. Enforcement action be taken to remove the unauthorised chalet on land to the rear of Langs Farm, Bradford on Tone;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be six months.

**26. Unauthorised construction of a Roundhouse in a field opposite Thomas's House, Oake**

Reported that it had come to the Council's attention that a roundhouse had been constructed in a field opposite Thomas's House, Oake without the necessary planning consent.

The owner of the site had confirmed that he intended to reconstruct an Iron Age farmstead as an educational resource for the local community but, without the necessary planning consent, he was currently unable to obtain insurance to enable members of the public to visit the site.

The Growth and Development Manager considered that the structures that had been erected on the site did not have an unacceptable impact on the visual amenities of the area. Given the current lack of use, there was no significant impact on neighbouring property or the local highway network. It was therefore not considered to be expedient to take enforcement action at the present time.

**Resolved** that no further action be taken.

**27. Change of use of agricultural land to site a temporary mobile home and retention of buildings in connection with the operation of a falconry business on land to the north of Higher Knapp Farm, Hillfarrance**

Reported that it had come to the Council's attention that a mobile home and buildings in connection with the operation of a falconry business were being used on land to the north of Higher Knapp Farm, Hillfarrance without the necessary planning consent.

The owner of the site had been contacted and an application for planning permission had been submitted. However, the application had now been withdrawn.

**Resolved** that:-

1. Enforcement action be taken to remove the unauthorised mobile home, together with the removal of buildings and structures in connection with the operation of a falconry business on land to the north of Higher Knapp Farm, Hillfarrance;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be nine months.

**28. Unauthorised illuminated sign at roof level at Okoko, Dellers Wharf, Taunton**

Reported that it had been brought to the Council's attention that an illuminated sign at roof level had been erected at Okoko, Dellers Wharf, Taunton without the necessary advertisement consent being granted.

The owner of the site had been contacted but, to date, an application for consent to regularise the situation had not been received.

Whilst signage at this height (12m above ground level) may not normally be considered acceptable, the sign was sited in a position that historically displayed a sign for "Dellers". Further reported that there had been previous illuminated signs on the building and, although some had not been authorised, they had not raised any objection to harmed amenity of the area.

In the circumstances, the Growth and Development Manager considered that the sign did not harm visual amenity or public safety and therefore did not warrant any further action being taken.

**Resolved** that no further action be taken.

**29. Access not built in accordance with approved plans at Lower Kibbear Farm, Kibbear, Trull**

Reported that it had come to the Council's attention that the entrance access at Lower Kibbear Farm, Trull had not been built in accordance with approved plans.

The Growth and Development Manager considered that it was not expedient to take enforcement action to secure compliance with the approved plans. However, during the discussion of this item, Members considered that the unauthorised access did cause harm to the character and appearance of the area.

**Resolved** that:-

1. Enforcement action be taken to secure compliance with the approved plans at Lower Kibbear Farm, Kibbear, Trull;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be nine months.

**30. Altered access and fencing erected adjacent to highway at Parkgate House, New Road, West Bagborough**

Reported that it had come to the Council's attention that the access to Parkgate House, New Road, West Bagborough had been widened and fencing over 1m in height adjacent to the highway had been erected without the necessary planning consent.

**Resolved** that:-

1. Enforcement action be taken to reduce the height of the fencing adjacent to the highway to 1m and to reduce the width of the access to its original size at Parkgate House, New Road, West Bagborough;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be two months.

**31. Change of use of land to form car parking area opposite 21/23 Burge Crescent, Cotford St Luke**

Reported that it had come to the Council's attention that a hard standing had been created outside the curtilage of 23 Burge Crescent, Cotford St Luke without the necessary planning consent.



The owners of the site had submitted an application to regularise the situation but this had been withdrawn on 12 September 2011. However, to date, the hard standing was still in place for the parking of motor vehicles.

**Resolved that:-**

1. Enforcement action be taken to remove the unauthorised hard standing opposite 21/23 Burge Crescent, Cotford St Luke;
2. The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
3. The time period for compliance with the enforcement notice be two months.

**32. Appeals**

Reported that one appeal had been lodged and three appeal decisions had been received, details of which were submitted.

(The meeting ended at 9 p.m.)