

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 23 May 2012 at 17:00.

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### Agenda

- 1 Appointment of Chairman.
- 2 Appointment of Vice-Chairman.
- 3 Apologies.
- 4 Minutes of the meeting of the Planning Committee held on 18 April 2012 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 52/12/0006 - Outline application for the erection of a dwelling and garage, and formation of vehicular access to the rear of 24 Comeytrowe Lane, Taunton.
- 8 51/12/0004 - Conversion of redundant farm building to form dwelling at Sunny Farm, Stanmoor Road, Burrowbridge.
- 9 45/12/0005 - Demolition of staff accommodation and erection of holiday chalet at Crowcombe, The Combes, West Bagborough.
- 10 43/11/0127 - Erection of 5 no dwellings and 2 no flats on land off Gay Close, Wellington.
- 11 38/12/0095 - Erection of single storey extension to rear and first floor extension to side at 49 Shoreditch Road, Taunton.
- 12 30/12/0010 - Change of use of land from paddock to parking area, relocation of stable buildings and alterations to gate at Red Lane Cottages, Poundisford (retention of works already undertaken).
- 13 E/0040/48/12 - Change of use of agricultural land to a builders yard adjacent to Four Poplars and The Lodge, Hyde Lane, Taunton.

- 14 E/0284/47/11 - Alterations to hay/straw barn to facilitate the keeping of greyhounds, together with exercise area and shelters, the siting of two catering trailers and mobile home on land adjacent to Two Trees, Meare Green, West Hatch.
- 15 E/0033/38/12 - Unauthorised works at Mambo, Mill Lane, Taunton.
- 16 E/0041/34/12 - Building not in accordance with approved plans at Taunton Vale Sports Club, Gipsy Lane, Taunton.
- 17 Planning Appeals - Details of the latest appeals received.

Tonya Meers  
Legal and Democratic Services Manager

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

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

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**Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
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 F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Planning Committee – 18 April 2012**

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

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

Also present: Mrs A Elder, Chairman of the Standards Committee; and Councillor Mrs  
Warmington in connection with application No 45/11/0016.

(The meeting commenced at 5.00 pm)

### **48. Apologies/Substitutions**

Apologies: Councillors Mrs Messenger, D Wedderkopp and Wren

Substitutions: Councillor Horsley for Councillor D Wedderkopp and Councillor  
Nottrodt for Councillor Wren

### **49. Minutes**

The minutes of the meeting of the Planning Committee held on 21 March 2012  
were taken as read and were signed.

### **50. Declarations of Interest**

Councillor Govier declared a personal interest as a Member 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 Tooze declared a personal  
interest as an employee of UK Hydrographic Office. Councillor Mrs Reed declared  
a personal interest as her daughter works as an administrator in Development  
Control. Councillor Watson declared a personal interest in application No  
45/11/0016 as he knew the applicant. Councillor Govier declared a personal  
interest in application No 43/12/0020 as the item had been discussed at Wellington  
Town Council. However, he had not pre-determined his decision. Councillor  
Govier also declared a prejudicial interest in agenda item 15 and left the meeting  
during the consideration of this item.

### **51. Applications for Planning Permission**

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

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

**43/12/0020**

**Conversion of bungalow with erection of first floor extension into 2 no two storey dwellings at 30 Blackmoor Road, Wellington**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Prior to their installation, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The first floor window in the north-west elevation 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 approved in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (f) The driveways hereby permitted shall be surfaced in permeable materials, not loose stone or gravel, or provision shall be made for the disposal of surface water within the site in accordance with details that shall first have been agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such;
- (g) The area allocated for parking on the submitted plan drawing No 2328 4B shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of vehicles only.

(Note 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 would require a Section 184 Permit).

**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 highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review, or Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy.

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

**11/12/0005**

**Replacement of entrance gates, erection of railings and reconstruction of stone wall at the Old Manor House, Combe Florey (retention of works already undertaken)**

**Reason**

The metal railings and gates, by reason of their design, were considered to be at odds with the character of the listed building and were therefore detrimental to its setting and detrimental to the character and appearance of the Conservation Area, contrary to Policy S1 of the Taunton Deane Local Plan, DM1 of the Taunton Deane Core Strategy, the duties outlined at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Section 12 of the National Planning Policy Statement.

**11/12/0006/LB**

**Replacement of entrance gates, erection of railings and reconstruction of stone wall at the Old Manor House, Combe Florey (retention of works already undertaken)**

**Reason**

The metal railings and gates, by reason of their design, were considered to be at odds with the character of the listed building and were therefore detrimental to its setting, contrary to the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Section 12 of the National Planning Policy Statement.

**45/11/0016**

**Erection of agricultural workers dwelling and detached garage at Crossways Farm, adjacent to London Farm, West Bagborough**

**Reason**

The site lies in a countryside location where it was the policy of the Local Planning Authority to resist new housing development unless it was demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the business being operated from the site comprises a mix of enterprises, the overall business appears to be of a nature where the vast majority of work can be carried out during part of the normal working day (however long that day may be). As such, it has not been proven that there was an essential need for a worker to live permanently on the site and the proposal therefore represents an unjustified dwelling in the countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.

**52. Construction of three jetties alongside the canal at Waterleaze, Maidenbrook Farm, West Monkton**

Reported that it had come to the Council's attention that three jetties with fencing and gates had been erected along the top of the canal bank on the canal side at Waterleaze, Maidenbrook Farm, West Monkton without the necessary planning consent.

The owners of the site had submitted an application for planning permission to regularise the position but this had been refused in February 2012.

**Resolved that:-**

- 1) Enforcement action be taken to remove the three jetties erected alongside the canal at Waterleaze, Maidenbrook Farm, West Monkton;
- 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. However, the serving of the enforcement notice should be deferred until September 2012.

**53. Metal spiked gates and fence erected in field adjacent to Broad Lane, North Curry**

Reported that it had come to the Council's attention that metal spiked gates and fencing over 1m in height had been erected in a field adjacent to Broad Lane, North Curry 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 reduce the height of the gates and fencing to 1m in height measured from the adjacent ground level in the field adjacent to Broad Lane, North Curry;

- 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 weeks.

**54. Storage of caravan in field at Dull Cross, Trebles Holford, West Bagborough**

Reported that it had come to the Council's attention that a caravan was being stored in a field at Dull Cross, Trebles Holford, West Bagborough 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 caravan on land at Dull Cross, Trebles Holford, Westborough;
- 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.

**55. Land used for storage of builders materials, Minster Edge, Pitminster**

Reported that it had come to the Council's attention that building materials and equipment were being stored at Minster Edge, Pitminster 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 builders materials stored at Minster Edge, Pitminster;
- 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.

**56. Area created for car parking to rear of Havelock Cottage, 49 Kingston Road, Taunton**

Reported that it had come to the Council's attention that an area of land to the rear of Havelock Cottage, 49 Kingston Road, Taunton was being used for the parking of vehicles 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 cease the use of the land to the rear of Havelock Cottage, 49 Kingston Road, Taunton for the parking of vehicles;
- 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 weeks.

**57. Unauthorised sign to rear of Smiles Cosmetic Centre, 62 Black Horse Lane, Taunton**

Reported that it had come to the Council's attention that a sign was currently being displayed on the rear boundary wall of 62 Black Horse Lane, Taunton without the necessary advertisement consent being granted.

Although the sign was in a prominent position, the street scene of the rear of retail premises was already cluttered.

In the circumstances, the Growth and Development Manager considered that the sign did not harm the visual amenity of the area.

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

**58. Fences erected at The Orchard, Linden Hill, Wellington**

Reported that it had come to the Council's attention that fencing had been erected over 1m in height had been erected at The Orchard, Linden Hill, Wellington 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 been refused on 27 January 2012 and an appeal had been lodged.

**Resolved** that:-

- 1) Enforcement action be taken to reduce the height of the fencing to 1m at The Orchard, Linden Hill, Wellington;
- 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.

## **59. Appeals**

Reported that two new appeals had been lodged and two appeal decisions had been received, details of which were submitted.

(The meeting ended at 7.10 pm)

## **Declaration of Interests**

### **Planning Committee**

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

52/12/0006

MR K HEAL

**OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE,  
AND FORMATION OF VEHICULAR ACCESS TO THE REAR OF 24  
COMEYTROWE LANE, TAUNTON**

Grid Reference: 320899.123724

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon residential amenity, visual amenity and the character of the area or highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), M4 (Residential Parking Provision); Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Development); or Policy DM1 (General Requirements) of the emerging Taunton Deane Core Strategy.

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

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

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

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

Notes for compliance

**PROPOSAL**

This application seeks outline planning permission, with all matters reserved, for the

erection of a single detached dwelling and garage. It would be sited to the rear of the existing 24 Comeytrove Lane, accessed via a private access track to the north. The indicative plans show that the existing garden would be split in half, and that a dwelling could be sited facing north, towards the existing garage buildings, with a garden to the south, behind. The existing garage, within the site, would be demolished to allow access to the site.

## **SITE DESCRIPTION AND HISTORY**

The site comprises an existing garden. To the rear (north) is an access track that appears to be owned by Somerset County Council, but is not adopted public highway. It is, therefore, a private access track. This access track serves a block of 6 flat-roofed garages that form the northern site boundary, an electric sub-station and rear accesses to adjoining properties on Somerset Avenue. Whilst 24 Comeytrove Lane has a main access to the front (south) directly from Comeytrove Lane, there is an existing double garage to the rear accessed from the private track.

The site itself is relatively flat and contains some small garden trees and is landscaped in a domestic manner. The West boundary is a low timber panel fence which separates the site from the neighbouring dwelling and garden; the dwelling is sited broadly in line with 24 Comeytrove Lane and is also accessed to the south. To the east, the boundary is a low hedge, which also separates the site from the neighbouring dwelling, although this dwelling is set well back on the plot at the northern end of the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – No objection

"The proposed development is situated within the development limits of Taunton, therefore the principle of development is acceptable in this location.

This site is located along Comeytrove Lane, a designated unclassified highway, to which a 30mph speed limit applies. However, the proposed development is to be situated to the rear of the property and vehicular access will be obtained from a private service road which meets the designated unclassified publicly maintained highway at the junction with Somerset Avenue.

In detail, the outline application seeks to erect a dwelling, garage and formation of vehicle access. Having made a site visit and studied the drawings accompanying the planning application, I have the following comments relating to the detail of the development.

### Access

The proposal will utilise an existing private access which in turn gains access off of an unadopted section of carriageway. Drawing No. 12003-02P1 names the access track as 'council owned lane', but it is not adopted highway. The residential junction with Somerset Avenue is shown as adopted (unclassified).

Visibility for vehicles at the adopted junction with Somerset Avenue is adequate to cope with the proposed dwelling. However, the Highway Authority has concerns over the access track leading to the development. It should also be noted that there is a public urban footpath F11227 running across linking Somerset Avenue to Comeytrove Lane.

The private access track currently serves access to a number of properties garages (including the applicants) and a sub-station. The access itself is not properly consolidated nor is it adopted and is approximately 2.8m in width which is inadequate.

### Vehicle Movements

Based on TRICS datasets the dwelling has the potential to generate 6-8 vehicle movements per day, although not substantial, it is likely to lead to a conflict in vehicle movements along the access track, which currently serves the garages. However, this is set a significant distance away from the public highway.

### Internal Layout

Commenting further on the scheme, Taunton has been identified as a 'Zone A' for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states that a 4 bedroom property requires 3 parking spaces. However, given the location of the development it is considered that there is local provision of public transport, walking and cycling links to adequate services. Therefore, in this instance a lower level to that of the optimum standards can be applied.

Additionally these parking spaces should measure 4.8m x 2.4m in dimension. It is noted from Drawing No. 12003-02P1 that the proposed property is provided with a garage, the Somerset County Council – Parking Strategy (adopted March 2012), provides minimum dimensions for garages both single and double of 6m x 3m.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m and will allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation.

The access into the site for parking will replace the existing garage to No. 24 Comeytrove Lane. The arrangement is constricted, however, the site is set back from the public highway.

Having been queried on their comments regarding a potential conflict of vehicle movements and the inadequacy of the access track, the Local Highway Authority have confirmed that they do not believe that the development would be detrimental to the local adopted highway network. They, therefore, raise no objection, subject to conditions that the parking area is kept clear of obstruction and that the garage should not be used other than for the parking of domestic vehicles and not further residential accommodation."

*COMEYTROWE PARISH COUNCIL* – The Council agreed to oppose the above application on the grounds that it is unacceptable backland development; the access is poor; there would be no suitable visibility splay for access onto the Lane from the proposed dwelling; the Lane is narrow and not properly surfaced; it is inappropriate development for this location; it would be a cramped site; the dwelling would be out of keeping with surrounding properties and there is a potential precedent being set if this application was approved, as it would be difficult to refuse similar applications in the future from surrounding properties.

## **Representations**

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

- The lane down to the proposed property is very narrow and is not metalled. Traffic on the lane is not limited to the owners/tenants of the six garages. It is also used for off road parking for 36 and 37 Somerset Avenue. Further vehicles would cause erosion to the surface. It is not 'safe and convenient for pedestrians and the surface and condition would cause difficulty for any person with impaired mobility or disability and is, therefore in conflict with TDLP policy H2.
- The existing access is rarely used by the current owner.
- There is no provision for visitor parking, which would place further pressure on Somerset Avenue.
- Access to the Western Power substation would have to be maintained.
- Cars are often parked near the junction with Somerset Avenue. 8 properties on the bend do not have off road parking.
- 37 Somerset Avenue also has a garage to the rear, accessed via double gates that open onto the proposed turning circle. The space is too small to be an effective turning circle.
- It would be impossible for large vehicles to access the lane both during construction and for subsequent refuse collection or access by the emergency services. It would appear that the closest point for refuse collection would actually be on Comeytrove Lane.
- The fences to the rear of 35 Somerset Avenue and 28 Comeytrove Lane have been damaged by vehicles trying to navigate the access. Builder's lorries may cause further damage.
- The new dwelling would overlook the rear of 26 Comeytrove Lane, 35, 36 and 37 Somerset Avenue and their gardens.
- It is likely that the construction and contents of the existing garages would pose a fire risk.
- The application does not justify 'Sustainable Development', in accordance with the NPPF.
- New National Policy does not give a presumption in favour of garden land, which cannot be taken to be 'previously developed'.
- If the application is passed, it would set a precedent for the other two properties on Comeytrove Lane and 3 in Somerset Avenue that back onto the same roadway.
- This part of Taunton was carefully planned and laid out to provide a good relationship between dwellings and gardens. The development would compromise this.
- The relationship between the proposed new dwelling and the existing garages is poor. The new site would be too small and provide a poor level of amenity.

for its occupiers.

- The applicant refers to a previous permission tot he rear of 22 Comeytrowe Lane (now lapsed). However, this would not have required access along the lane.
- Access to existing dwellings would be compromised during construction.
- The applicant may not possess a right of way over the access.
- Neighbouring properties would be devalued.

## **PLANNING POLICIES**

T1 - TDBCLP - Extent of Taunton,  
STR2 - Towns,  
STR4 - Development in Towns,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1359
Somerset County Council (Upper Tier Authority)	£340

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8154
Somerset County Council (Upper Tier Authority)	£2039

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Taunton where development is considered to be acceptable in principle. As noted by the Local Highway Authority is in a sustainable location, in transport terms. The main issues in the consideration of this application are the impact on neighbouring property; the site layout and impact on the character and appearance of the area; and the impact on highway safety.

### Neighbouring property

The site is on an area of 'backland' and is, therefore, surrounded by existing neighbouring dwellings. Assuming that the resultant dwelling would be two-storey, the potential for overlooking of these neighbours must be considered.

The gardens to the dwellings on Comeytrowe Lane are long and the indicative plans indicate that the new dwelling could be sited 25m from the rear face of the existing 24 Comeytrowe Lane and this distance is considered to be an acceptable 'back to back' direct relationship. The plans also show that the dwelling could be a minimum of 24m from the neighbouring 26 Comeytrowe Lane and this would be at an angle, so the separation is also considered to be acceptable. The neighbouring dwelling to

the east is broadly in line with the proposed dwelling and, whilst it has some windows facing the site, the proposed dwelling could be designed so that it did not overlook this dwelling.

In terms of the dwellings to the north, on Somerset Avenue, these do not face the application site, rather they are sited perpendicular to it. The closest rear elevation is around 35m away and it is not considered that they would be overlooked unacceptably by the proposals. Their gardens are around 12m away on the opposite side of the access lane and this relationship, too, is considered acceptable. 35 Upcot Crescent, a bungalow off the northeast corner of the site, is around 21m away at its closest and this is also an acceptable separation.

The above shows that the proposed dwelling would not cause unacceptable overlooking of existing neighbouring property. The indicative plans show that the gardens of 22 and 26 Cometyrowe Lane could be around 5 and 6m respectively from the proposed two-storey element of the proposed house. At this distance, and given the larger distances to the dwellings themselves, it is not considered that the proposed dwelling would be unacceptably overbearing on these neighbours. The dwelling would be a similar distance from 35 Upcot Crescent.

With regard to these considerations, it is considered that the impact of the proposal on existing neighbouring dwellings would be acceptable.

#### Site layout and impact on the character and appearance of the area

As already stated, the site is a backland site without any frontage to the public highway. As such, the development is, somewhat, at odds with the prevailing character of the area, which generally fronts the main roads through the area. However, it does front an existing private lane and has not been formed by forcing an access between two existing properties. In this respect, it would not result in a development that was overly visible within the public realm and would not appear visually incongruous. In addition, the neighbouring 22 Cometyrowe Lane is set back on its plot, broadly in line with the proposed dwelling. Having considered these matters, and, in particular the lack of visibility of the proposal from the public realm, it is not considered that the development would cause harm to the visual amenities of the area or its prevailing character.

The proposed dwelling would be sited behind a block of garages and this relationship is slightly uncomfortable. If this were a main street, such a relationship may appear incongruous, however, they are only single storey and the dwelling would already be tucked back away from the main areas of public realm. The main concern, therefore, would be the impact on the amenity of the future occupiers and it is not considered that this should be attributed significant weight in this regard and this case.

Whilst National Policy now removed garden land from the definition of 'previously developed' or 'brownfield' land, this does not make development of gardens automatically unacceptable, where there is no harm to the character of the area or neighbouring property. In this case, for the reasons given above, the proposal is considered to be acceptable.

#### Highway safety

The Local Highway Authority have raised some concern about the suitability of the access road, but have concluded that there would be no adverse impact on the public highway. Given the limited number of accesses from the private lane, it is considered in this case, that any inconvenience caused by conflicts in vehicle movements carry limited weight.

Concern has been raised in the representations that the proposal would be accessed by an un-metalled road that would not be suitable for disabled residents. However, this is considered to be a matter for the building regulations or would be a private concern of the future occupiers.

The Highway Authority have recommended two conditions relating to keeping the parking area and garage available for parking. However, given the distance from the public highway and proposed provision of two parking spaces in addition to the garage, such conditions are not considered to be necessary in this instance.

### Other Matters

Comments relating to the ownership of the lane and damage to surrounding property by vehicles accessing the site are considered to be civil matters that are not material to the consideration of this application. The receipt of the New Homes Bonus is noted, however, your officer's consider that this matter carries very limited weight in this case.

Some concern has been raised by neighbours and the Parish Council about the precedent that would be set for further similar developments off the private lane. This is considered to be a justifiable consideration in this instance. This Highway Authority have been questioned on the cumulative impact of such developments, but do not feel that it could be a reason for refusal of the current application. If a precedent were established, therefore, it is not considered that this would necessarily be harmful and each application, if made, would be capable of being judged on its own merits.

### Conclusions

The proposed development is considered to be acceptable in principle and would not impact unreasonably upon other nearby property, the character of the area or highway safety. As such it is considered to be acceptable and it is, therefore, recommended that outline planning permission is granted.

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

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

51/12/0004

MR & MRS DAVID

**CONVERSION OF REDUNDANT FARM BUILDING TO FORM DWELLING AT SUNNY FARM, STANMOOR ROAD, BURROWBRIDGE**

Grid Reference: 335762.130057

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

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

1. The application site lies within the countryside in an unsustainable location and the applicant has failed to demonstrate that the buildings could attract a suitable business or community use. As such the application is considered contrary to Taunton Deane Local Plan Policies S7 and H7 and Taunton Deane Core Strategy Policy DM2.

Notes for compliance

**PROPOSAL**

Planning permission is sought for the conversion of a redundant agricultural barn and attached cow stall and store into a dwellinghouse. The application is accompanied by a Flood Risk Assessment, a Design and Access Statement, a Protected Species Survey Report and a Structural assessment.

The proposal involves; repairs, internal works and insertion of windows and door to the west elevation of the two storey barn; reinforcement and repairs to walls, replacement of roof and formation of new window and door openings to the cow stall and store; alterations to the access and formation of parking and turning areas.

**SITE DESCRIPTION AND HISTORY**

The site is located along the western bank of the River Tone. It lies with Flood zone 3 with the site being classified as Flood Zone 3b (functional floodplain) and the buildings being with Flood Zone 3a (high flood risk). The site is outside of the designated settlement of Burrowbridge.

The site comprises a derelict two storey barn with attached cow stall and store and some open faced, corrugated roof barns. There is an existing access off Stanmore Road.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BURROWBRIDGE PARISH COUNCIL* - strongly support this application as they see no reason to refuse it especially as it was originally a house. Also it will be an asset to the village providing extra housing.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Initial response:

The Highway Authority was consulted for pre-application advice on the 9th November 2010 to which my colleague responded on the 30th November 2010. It is noted from my colleague's comments that visibility splays of 2.4m x 90m have been recommended and that these would need to be provided as part of any planning application. In this instance my view differs to that of my colleagues, based on Manual for Streets (MfS) documentation and given that the property is located within a 30mph speed limit, it is advised that a visibility condition of splays based on co-ordinates of 2.4m x 43m (to the nearside carriageway edge in each direction), with no obstruction greater than 900mm, should be applied to this development. Additionally any vegetation to either side of the access should be maintained at all times by the applicant, to prevent any obstruction of visibility.

However, I am not aware of any visibility splay drawings submitted with the application. Therefore, please could you clarify whether these drawings will be provided so that the Highway Authority can make a comprehensive response.

*ENVIRONMENT AGENCY* - No objection subject to;

- Conditions regarding finished floor levels to be set no lower than 6.5m above AOD, submission and approval of a scheme to incorporate flood proofing measures;
- Informatives regarding no interruption to surface water drainage system of the surrounding land, consultation with the Somerset Drainage Board Consortium, The Water Resources Act 1991 and Land Drainage Bylaws, Floodline Warnings Direct Service, Sustainable Construction, Pollution Prevention During Construction and Waste Management.

*BIODIVERSITY OFFICER* - Recommend condition and informative for Protected Species.

### **Representations**

Cllr Stone - I want to support the application at Sunny farm for a new dwelling. I feel that this application should be viewed positively for the following reasons ;-

First the building was obviously was once a house, not a barn which appears to have been its most recent use. Development of this site would have little impact on neighbours as it is a large site with only one house nearby. The site is presently a bit of a mess and planning consent would inevitably result in an improved appearance of this part of the village. Other infill sites such as this have been developed in Burrowbridge in the past with no detriment to the village as a whole.

Most of this narrow strip between the road and river is already developed and so this would be in character with existing development.

The wothy boiler on the adjacent plot is an important feature and ways of retaining this should, if possible, be explored as part of the application.

I understand that the initial view of the planning officers may be to refuse the application and it will need local support to ensure that it goes to committee which is likely to improve the chance of it being approved.

I understand that the Parish Council fully Support the application and this should be an important factor in a rural location such as this. I also understand there have been a number of other letters of support and this should ensure that the application will come before the planning committee.

Four letters of representation have been received supporting the application ;

- the building in its current state is an eyesore and falling further into disrepair;
- it would be a shame if it was not possible to retain the original building;
- the site is in a residential area;
- it would have little or no impact on the environment;
- it will continue to keep the village viable;
- it will bring people into the village who were originally born here and help sustain existing services.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EC6 - TDBCLP - Conversion of Rural Buildings,  
H7 - TDBCLP - Conversion of Rural Buildings,  
EN12 - TDBCLP - Landscape Character Areas,  
EN28 - TDBCLP - Development and Flood Risk,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1359
Somerset County Council (Upper Tier Authority)	£340

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8154
Somerset County Council (Upper Tier Authority)	£2039

## **DETERMINING ISSUES AND CONSIDERATIONS**

Prior to the application being submitted the agent applied for pre-application advice on the site for conversion of the building to a dwelling. The advice given was that the site lies outside of the defined settlement limits and the proposal would be subject to Policy H7 of Taunton Deane Local Plan. As such one of the main concerns would be whether the building could attract a suitable business re-use. It was stated that a successful application for residential use would have to clearly demonstrate why a business use is not being pursued, usually including marketing the building for business use for at least 1 year. No marketing or business use statement was submitted with the application.

The use of the barn and the attached cow stall has been abandoned. The lies outside of the defined settlements limits of Burrowbridge and as such must be thought of as a building in the open countryside and is therefore in an unsustainable location. Despite the proximity to the nearby settlement the application must be considered in line with local and National Policy.

Taunton Deane Local Plan Policy H7 states that, along with other criteria, conversion of buildings to residential use will not be supported unless the building is unlikely to attract a suitable business use. Policy EC6 promotes the conversion of rural buildings to business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating uses provided certain criteria are met.

In addition to the policies of the Local Plan, and following the advice set out in paragraph 216 of the National Planning Policy Framework (NPPF), greater weight is now being attributed to the emerging Taunton Deane Borough Council Core Strategy 2011 – 2028 by virtue of its advanced stage. Following the Examination in February, there are no major modifications proposed to policy DM2 and as such, significant weight can be attributed to policy DM2. Section 7 of DM2 covers the conversion of existing buildings and states ;

"A sequential approach must be followed in the following priority:

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism;
- v. Affordable, farm or forestry dwellings;
- vi. Community housing;
- vii. In exceptional circumstances, conversion to other residential use."

The sequential approach enables existing buildings to be used in the manner which is most supportive to the viability and vitality of the rural area. Any of the uses in

criteria i to vi would benefit the local community at a greater level than a dwelling. In the event that other business uses were not suitable then the buildings should be used to provide community housing which would be of benefit to the local community. The sequential approach has not been undertaken in respect to this application nor does it demonstrate why any of the other uses may not be implemented.

The NPPF is explicit in its support for sustainable development. Section 3, para 28, states; "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should ... support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;

The Core Strategy is inline with this advice and the sequential approach seeks to support the rural economy. In any event, the relevant policies of the Local Plan, which still carry full weight for 12 months until 26 March 2013, have a clear presumption in favour of conversion of rural buildings to other business uses.

In summary the Council is clear in its policies that it supports the re-use of rural buildings of permanent and substantial construction, but that other uses must be considered before private residential. As it stands the application does not demonstrate why the barn cannot be used for other business or community uses and is therefore recommended for refusal.

The receipt of the New Homes Bonus is noted, however, your officer's consider that this matter carries very limited weight in this case.

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

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**

45/12/0005

ENGLISH & CONTINENTAL PROPERTY CO LTD

**DEMOLITION OF STAFF ACCOMMODATION AND ERECTION OF HOLIDAY CHALET AT CROWCOMBE, THE COMBES, WEST BAGBOROUGH**

Grid Reference: 315736.132663

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The National Planning Policy Framework seeks to locate developments in areas that facilitate the use of sustainable modes of transport, while development plan policies specifically direct permanently built holiday accommodation to within existing settlements, which are accessible by public transport, cycling and on foot, unless the proposal would support the vitality and viability of the rural economy in a way that cannot be sited within the defined settlement limits. The proposed holiday accommodation would not utilise an existing building, but would require the erection of a new purpose-built building in a remote, rural location, distanced from adequate services and facilities, which would result in future occupiers being largely reliant upon the use of the private car. The proposal would not support the rural economy in a way that could not be achieved if located within the defined limits of a settlement, nor would it support economic diversification of existing farming or service enterprises. As such, the proposal is contrary to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, policies DM1 (General Requirements) and DM2 (Development in the Countryside) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028, policies S1 (General Requirements), S7 (Outside Settlements) and EC23 (Tourist Accommodation) of the Taunton Deane Local Plan and sections 3 (Supporting a Prosperous Rural Economy) and 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

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

Notes for compliance

**PROPOSAL**

The Combes is a complex of four timber and tile holiday units. The site lies to the south of West Bagborough, outside of the Quantock Hills Area of Outstanding Natural Beauty, just north of the A358. The complex is accessed by an unmade track, which also serves a scattering of residential properties to the south and north-west of the buildings.

Within the grounds are two timber and corrugated sheet buildings, that the applicant's representative claims has recently been occupied by cleaners working at the holiday site. Last year an application was received seeking planning permission to link the two buildings together to form a three bedroom property with two bathrooms, a kitchen/dining area, a lounge, linen store and laundry. This was refused as it was considered tantamount to a new dwelling in the countryside, in a location remote from adequate services, employment, education, public transport, etc, which would increase the need for journeys to be made by private vehicles.

This application now seeks to demolish the buildings and erect a further holiday chalet on the site of a similar footprint. This would be constructed of timber and clay tiles and would provide 6 en-suite bedrooms, a lounge, kitchen and swimming pool. Three parking spaces would be provided to serve the holiday chalet.

Supporting information submitted with the application indicates the occupancy rates for 3 of the adjacent holiday chalets to be between 75 – 80%.

## **SITE DESCRIPTION AND HISTORY**

Planning permission was initially granted for the four holiday units in June 2007 (application 45/06/0025), with an amended scheme granted in October 2007 (application 45/07/0018). A further application in 2008 sought to amend the wording of the condition limiting the occupancy to holiday units (application 45/08/0007).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The application relates to the removal of staff accommodation and erection of a holiday chalet at The Combes. Access to the site is gained via an existing private access off New Road, which is a classified unnumbered highway. Visibility from the access onto the highway is considered to be substandard. Although the existing access visibility is poor, consideration is given to the fact that the access is already used by traffic associated with the existing chalets and adjacent dwellings. Furthermore, the staff accommodation would have generated traffic in its own right. Therefore, it is considered that any traffic generation associated with the proposed chalet would not have a material impact on the access or the operation of the highway.

Three parking spaces are proposed for use in relation to the chalet. This level of parking provision is deemed to be sufficient for the proposed chalet. Notwithstanding the above comments, there are concerns regarding the location of the site. 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 its staff, deliveries and residents daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF 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 S7 of the Local Plan. On this basis, the proposals are considered to be unacceptable.

*WEST BAGBOROUGH PARISH COUNCIL* - No further comments

*THE QUANTOCK HILLS AONB SERVICE* - As this is an enclosed site and the proposals are to replace one building with another (similar or the same as the other holiday properties at the site), it would appear that visual impacts would be negligible. The character of the site is already set by the existing holiday accommodation and so we do not have any comments to make in terms of changes to the character of the landscape. The AONB Service does not therefore wish to make any detailed comments.

*ECONOMIC DEVELOPMENT* - Support as it would stimulate private investment in the Borough and the resultant holiday accommodation will generate expenditure by visitors amongst local people, businesses and service providers. Being in a rural part of the Borough local businesses depend heavily on spend by accommodation providers and their staying guests, for example, cleaners, caterers and other local service providers to maintain the property, and visitors to the accommodation to spend in local pubs, cafes and shops during their stay. That expenditure is a local investment that sustains other local businesses and jobs.

We need to resist the potential future redevelopment of the property for residential purposes, and I would expect the current applicant to have demonstrated that there exists adequate demand for the proposal to sustain the business for the foreseeable future. Clear and objective evidence of unmet local demand for this type of accommodation in recent years as well as a business plan that clearly sets out income streams going forward would suffice.

Tourism is one of the mainstays of Taunton Deane's economy, and more and more people are coming to Taunton Deane to enjoy our outstanding natural and built environment; the proposal would augment the Borough's capacity to attract visitors, and particularly those with a higher level of personal finance.

*LANDSCAPE* - Subject to suitable landscaping the proposals are acceptable.

*NATURE CONSERVATION* – As there is always a possibility that bats or birds may be present in any building to be demolished, suggest note regarding bats.

## **Representations**

Cllr Warmington – Requests application to go to committee.

Cllr Beaven – Support – a very worthwhile proposal.

Four letters of objection received on the following grounds:

- Too high a density of housing in small area. Should be no approval for yet another holiday chalet on a small site, would not improve appearance of present arrangement. Proposed building much larger than present buildings it would replace. Cannot see how such a large building will fit on site with enough space for parking. If permission given, feel a smaller family unit would be more appropriate with less traffic and disturbance to residents.
- Query whether another unit would create an oversupply of luxury type holiday homes in area.
- No infrastructure in place to cope with drainage, electricity, supply roads. Current

obligations from previous planning permissions being ignored relating to tree and plant management. Treatment digester that holiday homes use is already believed to be working at capacity. Query if another holiday home will use a different system. Concerns regarding drainage and run-off. Query where soakaway would be located/where it would drain.

- Concerned that traffic using shared road will increase significantly beyond already high amounts of traffic and does not appear to be enough space for parking. Holiday homes encourage large groups, often with 4-6 cars, therefore if all homes occupied, sometimes 12-16 cars using entrance, adjacent to Parkgate House, substantially increasing noise on an already noisy site. Speed at which traffic travels on this private lane has already caused a motor accident and countless damage to fencing.
- Concerned regarding disturbance to Lower Toollands, sound travels from courtyard/swimming pool area, disturbing, particularly at night. Query whether lower Toollands will be overlooked?
- Established trees, previously screening site were removed last year and replaced with unattractive fencing. These were required, along with hedges to provide landscaping under application 45/07/0018 and condition stated that these must be maintained for five years. Informed by owner that the trees would be thinned, but all were removed. More trees planted, query assurance that these trees will be preserved and hedging planted, as per plan. This would form a more attractive screen and lessen the noise.
- Informed that there is no certificate of lawfulness for this accommodation, therefore property (shed) should be vacant.
- Accommodation should not be termed staff accommodation as inhabitants spend majority of time working at other sites, work a maximum of 10 hours per week.

Four letters of support received on the following grounds:

- Lodges have been successful with very high occupancy rates. The addition of a similar property would be welcome by visitors and a valuable addition to the local economy, providing further employment to local people and helping keep people employed. Units of this capacity fulfil a growing demand.
- Visitors regularly book large tables at local restaurants/pub benefitting trade throughout the year, not just in summer, helping keep staff employed and keeping turnover at a good level. Local pubs advertised in letting pack. External spend supports many local businesses. Tourism industry is main driver to sustainability of this rural area.
- Twice weekly input of around 50 new visitors to area has been good for business and increased purchasing of local produce, helping other local businesses.
- Another lodge should be looked at in positive way at a time when so many pubs/restaurants are struggling to stay in business.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,

S1 - TDBCLP - General Requirements,

S7 - TDBCLP - Outside Settlement,

EC23 - TDBCLP - Tourist Accommodation,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,

STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application comes before the planning committee following the support from a ward member and four letters of support from individuals.

Policy S7 of the Taunton Deane Local Plan states that outside settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and: (a) is for the purposes of agriculture or forestry; (b) accords with a specific development plan policy or proposal; (c) is necessary to meet environmental or other legislation; or (d) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits to settlements. Policy EC23 reiterates this in stating that permanently built tourist accommodation will be permitted provided that: (a) the proposal is within a classified settlement; (b) would not harm the landscape or environment; and (c) is accessible by public transport, cycling and on foot.

In addition to the policies of the Local Plan and following the advice set out in paragraph 216 of the National Planning Policy Framework (NPPF), greater weight is now being attributed to the emerging Taunton Deane Borough Council Core Strategy 2011 – 2028 by virtue of its advanced stage. Following the Examination in February, there are no major modifications proposed to policy DM2 and as such, significant weight can be attributed to policy DM2.

Policy DM2 highlights that outside of defined settlement limits, holiday and tourism accommodation uses will be supported, subject to: (a) the accommodation being within existing buildings where there is an identified need and it is compatible with and supports economic diversification of existing farming and service enterprises. The policy goes on to refer to touring caravan and camping sites and tourist and recreation facilities other than accommodation, but makes no reference to permanently built tourist accommodation.

Taking the above policies into account, there is a clear presumption against permanently built tourist accommodation unless within defined settlement limits, as set out in both of the above Local Plan policies. Whilst it is acknowledged that the site known as 'The Combes' already has four holiday units present, there are no other services or facilities on the site such as a shop or café, that a further holiday unit would support. Furthermore, it is accepted that the guests visiting the holiday unit are likely to spend in the local area, therefore supporting local businesses and contributing to the rural economy, but this could equally be the case if a further unit of accommodation was provided within the defined settlement limits of nearby villages, such as West Bagborough and Combe Florey. As such, it is not considered that a further unit in this remote location would support vitality and viability of the rural economy in a way which could not be sited within the defined limits of a settlement. There are no other Local Plan policies, with which the proposal accords, it is not necessary for the purposes of agriculture or forestry and the proposal is not necessary to meet a requirement of environmental or other legislation. The proposal is therefore wholly contrary to policy S7.

Returning to policy EN23, any new build tourist accommodation, in addition to being located within a classified settlement, also needs to be accessible by public

transport, cycling and on foot. The nearest shops available would be in Bishops Lydeard, over 4 km away, with the nearest large settlement, Taunton offering a greater range of retail facilities over 10 km away. Whilst such a distance may not deter the most committed cyclist or walker, the distance of local services and topography of the site location is highly likely to result in the majority of occupants being reliant on the private car for most of their daily needs. The proposed holiday unit would therefore not only be contrary to policy EN23, but also to the general thrust of the NPPF that seeks to locate developments in areas that facilitate the use of sustainable modes of transport.

It is noted that Section 3 of the NPPF supports sustainable rural tourism developments that benefit businesses in rural areas. It is acknowledged that sustainability does not only relate to the environment and transport needs, but also relates to economic and social elements. However, as mentioned above, it is not considered that a further unit in this location would support the vitality and viability of the rural economy in a way which could not be sited within the defined limits of settlements. As such, it is not considered that the social and economic benefits of the proposal would outweigh the disadvantages to the environment through the fostering of growth in the need to travel. It is also important to note that Section 3 goes on to say, this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. It should therefore be pointed out that it specifically mentions facilities rather than accommodation.

The proposed new build holiday unit is not linked to a farm or service business and would not therefore support the economic diversification of a farming or service enterprise, as required by Policy DM2. Although there are existing buildings on the site, these are proposed to be demolished and much larger buildings erected, hence the proposal would not utilise existing buildings. As such, the proposed holiday unit does not meet the requirement that tourist accommodation should be provided within existing buildings where there is an identified need, is compatible with and supports economic diversification of existing farming and service enterprises. It is therefore wholly contrary to policy DM2.

The agent is of the opinion that as policy DM2 does not say that new build tourism proposals in rural areas are unacceptable and the fact that the policy is silent on this matter, should mean there is a presumption in favour of this type of development. It should be noted that policy DM2 is a positively worded policy in accordance with recent guidance. Policy DM2 specifically refers to holiday and tourism, within the list of uses that would be supported outside of defined settlement limits. It then goes on to set out the ways in which the provision of holiday and tourism outside of settlement limits would be acceptable, i.e within existing buildings where there is an identified need and it is compatible with and supports economic diversification of existing farming and service enterprises. On the basis that the policy clearly sets out cases which would be supported, it would follow that those not mentioned, would not be supported. Furthermore, the list of the types of uses supported is detailed and clear. The policy is silent on a great deal of uses, which would clearly not be acceptable in a countryside location.

In any event, the relevant policies of the Local Plan, which still carry full weight for 12 months until 26 March 2013, have a clear presumption against new build tourist accommodation, as stated above.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

SOVEREIGN HOUSING ASSOCIATION

**ERECTION OF 5 NO DWELLINGS AND 2 NO FLATS ON LAND OFF GAY CLOSE, WELLINGTON**

Grid Reference: 314418.120828

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Subject to the prior signing of a Section 106 agreement to secure:

1. Two units of affordable housing
2. Contributions, towards the provision of community leisure facilities as follows:
  - a. £1454 per dwelling towards the provision of active outdoor recreation
  - b. £2688 per 2+ bedroom dwelling towards children's play provision
  - c. £1118 per dwelling towards community halls
  - d. £194 per dwelling towards the provision of allotments.

Recommended Decision: Conditional Approval

The proposal will provide affordable housing in a sustainable location in the centre of Wellington. It is considered not to have an unacceptable impact upon visual or residential amenity or the local highway network and is therefore acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Policy DM1 and CP4 of the emerging Taunton Deane Core Strategy and 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) Site Plan  
(A4) Layout Plan  
(A2) DrNo 790/06 Floor Plans and Elevations units 6 -7  
(A2) DrNo 790/05 Floor Plans and Elevations Units 4-5  
(A2) DrNo 790/04 Floor Plan and Elevations Units 1-3  
(A2) DrNo 790/03 Rev A Site Plan as Proposed

(A4) DrNo 790/08 Refuse Vehicle Turning Diagram  
(A2) DrNo 790/02 Site Plan- Existing  
(A4) DrNo 790/01 Location Plan  
(A3) DrNo 790/07 Block Plan  
(A4) DrNo 790/01A Location Plan

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

3. Prior to the commencement of any other development on site, the parking and turning area at the northern end of the site shall be laid out, surfaced and brought into use in accordance with drawing 790/03 rev A and shall thereafter be retained as such.

Reason: To ensure that the existing parking provision is retained for existing neighbouring residents and that adequate facilities are available for the traffic likely to be attracted to the new development in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Prior to the occupation of the development hereby permitted, the parking area to the south of the site and footpaths giving access to the development shall have been laid out, surfaced, brought into use and shall thereafter be retained as such.

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

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

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

6. Prior to the commencement of the development hereby permitted, full details of the means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that there is no increased risk of off-site flooding, in accordance with the National Planning Policy Framework.

## Notes for compliance

1. The Local Highway Authority have noted the following points:
  - The highway works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Area at Burton Place, Taunton, TA1 4DY. Tel No 0845 345 9155,, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
  - The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advanced Payments Code.
  - Where works have to be undertaken within or adjoining the public highway, a Section 50 license will be required. These are obtainable from the Street Works Co-ordinator on 01823 483135.
  - The applicant should be aware that a street lighting unit may require relocating in order to accommodate the proposed works. The applicant should contact the Highway Lighting Manager on 01823 483011 to discuss its possible relocation.

## PROPOSAL

This application seeks full planning permission for the erection of 7 dwellings. The development would take the form of a terrace of 3 no. 2 storey dwellings accessed from a parking area to the north of the site; and 2 no. semi detached 2 storey dwellings and a detached 2 storey block of 2 no. flats accessed from Gay Close to the south. A parking area for 10 cars would be provided along this length of Gay Close.

The existing parking area to the north would be reconfigured such that 3 spaces were provided in addition to the 9 existing. Across the whole development 13 additional parking spaces would be provided.

The development is proposed by a registered housing provider and it is their proposal that it would be 100% affordable housing.

## SITE DESCRIPTION AND HISTORY

The site is a broadly flat grassed area between two existing parking courts to the north and south of the site. There are a number of small trees within the site. To the west, a chain link fence forms the boundary to the rear gardens of dwellings on Priory. The dwellings themselves have windows facing the site around 30m from the boundary. To the east, a mix of chain link fences, timber fences, hedges and brick outbuildings form the rear boundaries to numbers 12, 14 and 16 Gay Close. These dwellings have ground and first floor windows facing the site between 10 and 15m from the site boundary.

The parking courts to the north and south have some garages within them, but

otherwise are generally defined by the rear boundaries of neighbouring existing dwellings, either brick walls or timber fence enclosures.

The site appears to be used informally as a footpath, with a clear trodden line crossing it. There is a further formal path from the end of the northern parking area to the front of 12 Gay Close.

Planning permission was granted in April 2008 under application reference 43/07/0003 for the erection of 6 dwellings on this site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – Initially expressed concerns about the width of footpaths and abilities for refuse vehicles to access the site and turn.

Amended plans have been received, which the Local Highway Authority have verbally confirmed address their concerns: The car parking area adjacent to plots 1 – 3 has been amended to take into account existing parking facilities whilst providing parking for plots 1 – 3 and still retaining the ability to allow service vehicles to turn. This manoeuvre is shown within drawing number 790/08, and is now considered to be acceptable.

The proposed bank of 10 parking bays has been amended to reflect previous comments and is now shown to have a length of 5.5 metres.

The proposed amendments have addressed previous concerns. The proposals are now considered to be acceptable, subject to conditions requiring details of the road design to be submitted, wheel washing facilities to be installed, surface water to be disposed of so as not to discharge onto the highway, a network of cycleway and footpath connections to be constructed within the development site, a condition survey of the existing public highway to be carried out, and a construction environmental management plan to be submitted.

*WELLINGTON TOWN COUNCIL* – Recommend that permission be refused for the following reasons:

- This development would result in the loss of amenity land removing much needed green and open space.
- The development would generate additional traffic and parking on the surrounding highways.
- There is a possibility of overlooking from the new development.

Following consultation on the amended plans, the Town Council have reiterated their previous objection and added that the amendments do not solve the parking problems identified. They also raised concerns that rights of way may be obstructed and that the single point of access into the Priory estate could present a safety issue if emergency services could not access dwellings.

*WESSEX WATER* – New water supply and waste water connections will be

required.

A public combined sewer is shown on record plans within the land identified for the proposed development. The applicant should contact Wessex Water for advice. No building is permitted within 3m of a sewer without agreement from Wessex Water.

*COMMUNITY LEISURE* – In accordance with Policy C4, contributions of £1,454 per dwelling should be made towards the provision of facilities for active outdoor recreation and £2,688 should be made towards children's play provision. £194.00 per dwelling should be sought for the provision of allotments and £1118 per dwelling towards the provision of community halls.

## **Representations**

8 letters of concern/objection from residents of 7 different properties have been received making the following points:

- The residents of 6 Gay Close will not be able to park at the rear of their property. Parking is very limited and increased traffic would make a very quiet area into a nightmare.
- The grassed area is sometimes used for putting out bins for collection.
- Query whether there would be enough room for refuse lorries, fire engines and ambulances to turn.
- Query how close new dwellings would be to 6 Gay Close. There may be noise and disturbance.
- The dropped kerb is used for disabled buggies.
- There is insufficient space for the new dwellings and cars that will be generated. Most families now have more than one car. Existing parking will be taken away.
- Children enjoy playing in the green area. There would be a loss of greenery.
- There are many young children in the area who play outside safely, increased vehicles would make it very dangerous for children.
- The new dwellings will overlook 16 and 20 Gay Close. The new dwellings would be overlooked by the Priory flats.
- There will be more traffic into the Priory Estate which only has one very busy access route.
- The public footpath from Gay Close to the garages would be lost.
- There will be an increase in flooding in Gay Close.
- The development would appear unsightly.
- There would be discomfort between the existing and future residents due to the small area.
- People park outside the 'run in' to 20 Gay Close even though they have been asked not to.
- Existing houses would be devalued.

In response to the amended parking layout plans, 7 further letters have been received, including two from the same household, but raise no new issues. One questions whether the amendment really provides sufficient space for refuse and recycling lorries to turn.

## **PLANNING POLICIES**

W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£9,513
Somerset County Council (Upper Tier Authority)	£2,378

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£57,081
Somerset County Council (Upper Tier Authority)	£14,270

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, the design and layout, the impact on neighbouring residents and highways.

### Principle

The site is within the settlement limit for Wellington, so the development is considered to be acceptable in principle. Policy CP4 of the emerging Core Strategy states that developments of over 5 dwellings should provide affordable housing at a rate of 25% of the development. This particular development is proposed by a registered provider and is grant aided. It is, therefore, intended that the development will be 100% affordable. However, the planning permission will run with the land and in order to guarantee the required provision of affordable housing, the applicant has agreed to enter into a Section 106 agreement to secure two of the dwellings as affordable in perpetuity.

In accordance with Policy C4 of the Taunton Deane Local Plan, which is retained by the Core Strategy, the Community Development Team have sought contributions towards the off-site provision of children's play facilities, outdoor recreation and sports pitches, community halls and allotments. The applicant has agreed to pay the required contributions and this should be secured via a Section 106 agreement.

### Design, layout and impact on neighbours

The proposed layout of the site is fairly cramped, being tight up on its boundaries and close to existing neighbouring residents. The layout has been designed such that the relationships between existing and proposed dwellings are acceptable in terms of window to window distances for overlooking – the rear elevations of Priory are 30m distant and 4 and 6 Gay Close are around 18m on a 45 degree angle, for

example. Within the site, the rear elevation of plot 1 is very close (around 11m) from the proposed side elevation first floor windows to plot 4.

However, the existing resident's gardens will be overlooked by the proposed development at a considerably shorter distance than the customarily accepted rules of thumb. The rear elevation of the proposed unit 3 would be sited 3.35m off the boundary with this neighbour, 12 Gay Close. However, this relationship is very similar to that which was previously considered acceptable when permission was granted for the previous scheme in 2008. Compared to that, it is not considered that the overlooking caused by the development to this neighbour is significantly more harmful.

Units 4-7 also have first floor windows facing towards the rear of 12-16 Gay Close, although these will be small and high-level and will, therefore, not result in significant overlooking. Windows to the west of units 6 and 7 will provide light to the main living room and bedroom of the first floor flat. These windows would be only 4m from the boundary with 39/40 Priory and that garden space will, therefore, be overlooked by the development. However, as noted above, the dwelling itself is some 35m from the rear face of the proposed dwellings and the chainlink boundary provides some visibility of the garden from passers by in the current situation. 39/40 Priory are also flats and the garden spaces are, therefore, no altogether private in any case. Therefore, it is considered that the loss of privacy would not be severe enough to warrant refusal of the application.

### Highways and parking

The proposed development would build on some of the existing parking area to the rear of Gay Close. However, the existing parking spaces would be rearranged so that the existing provision was retained. In addition, 13 spaces would be provided for the 7 dwellings and the Local Highway Authority has not objected to this level of parking. An amended plan has been received addressing previous concerns that refuse lorries and emergency service vehicles may have difficulty turning in the rearranged space. In light of these amendments, the impact on the local highway network is considered to be acceptable.

The Local Highway Authority has recommended a number of conditions. However, given the small scale of the development proposed, and distance from major roads, it is not considered necessary to require wheel cleaning facilities or a construction environmental management plan. Condition survey's and repairs to damage are more of a civil matter between the developer and Local Highway Authority than something that should be subject to a planning condition. Drainage could be dealt with within a site-wide drainage strategy. The request for a network of cycleway and footpath connections is rather strange, since the development will not be able to provide any more than is shown on the submitted plans. The requirement to submit further details of the road construction is not considered necessary in this case, if the road is ultimately to be adopted, then the Highway Authority would have to approve such details through their Section 38 adoption agreement. Conditions are recommended, however, that the parking areas are provided prior to occupation.

### Other matters

The receipt of the new homes bonus is noted, however, your officer's consider that this matter carries very limited weight in this case.

### Conclusions

The foregoing considerations indicate that there are a number of compromises in terms of the internal site layout and the proposed relationships with existing neighbouring residents. However, this development will deliver 100% affordable housing in a sustainable location in central Wellington and this is considered to carry significant weight. With regard the standards that were set in terms of the previous 2008 planning permission, it is considered that, on balance, the development is acceptable. It is, therefore, recommended that planning permission is granted.

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

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

38/12/0095

MRS C HERBERT

**ERECTION OF SINGLE STOREY EXTENSION TO REAR AND FIRST FLOOR  
EXTENSION TO SIDE AT 49 SHOREDITCH ROAD, TAUNTON**

Grid Reference: 323863.123006

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed extensions have been designed to be in keeping with the existing style of the property and are not considered to be excessively dominating to its appearance or that of the street scene. The extensions, by virtue of their positioning, are not considered to result in an unacceptable loss of light or overbearing impact to the adjacent dwellings and are not therefore considered to result in material harm to the residential amenities of the occupiers of those properties. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan and policy DM1 (General Requirements) of the Emerging Taunton Deane Core Strategy 2011 – 2028.

**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:

(A2) DrNo 003 Existing and Proposed North Elevations  
(A1) DrNo 002 Proposed Floor Plans and Elevations  
(A4) Block Plan  
(A4) Location Plan

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

Notes for compliance

## **PROPOSAL**

49 Shoreditch Road is a render and tile detached property with a single storey garage to the side, which abuts the boundary with no.51. It protrudes forward of the main dwelling, with a canopy running along the front, to form a porch. The surrounding properties are a mix of detached and semi-detached properties, some with gable features to the front.

This application seeks to erect a first floor extension above the existing garage to form a new en-suite bedroom. The extension would lie above the garage and therefore protrude forward of the existing dwelling. It is also proposed to erect a single storey rear extension to form a study. This extension would be a continuation of the current single storey element running along the rear of the property, which forms the kitchen/dining area.

This application comes before committee because the applicant is a TDBC Councillor.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

### **Representations**

Letter received from the occupiers of 47 Shoreditch Road stating that they have no observations.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The first floor side extension is of a roof style and fenestration to match that of the existing dwelling. However, policy H17 of the Taunton Deane Local Plan requires extensions to appear subservient and respect the form of the property. This generally requires applications to be set back from the front and on a lower ridge level, whereas the first floor extension in fact protrudes forward of the main dwelling. However, there is already a gabled element protruding forward to the front of the dwelling, which is also a characteristic of the adjacent property, no. 51. The proposed extension would reflect this existing feature, albeit in a narrower form and on a lower ridge level, with a hipped roof. Furthermore, the ridge height linking in to the main roof would lie on a lower level. Whilst the proposed extension would come forward, the bulk of the extension is reduced by the hipped style roof. This combined with the lower ridge level and narrower width, is not considered to appear excessively dominating to the appearance of the property. The property is set back from the road and although clearly visible from public viewpoint, the extension would

not appear prominent in the street scene.

The single storey rear extension would be a continuation of the existing single storey element, reflecting the same design and materials. It is not therefore considered to harm the appearance of the property. Over the boundary at no.47 is the garage, with the dwelling set to the other side of this. The single storey extension would not abut the boundary and is not considered to result in harm to the amenities of the occupier of that property. The occupier has stated that they have no observations to the application.

The first floor extension would abut the boundary with no.51 and lie alongside its side wall. Over the boundary in this side elevation, is a window to the garage and a secondary window believed to serve the kitchen, with the main window being to the rear. Above this at first floor level is a further window, understood to serve the bathroom.

Although the side window to the kitchen allows some light into this room, it is a secondary window facing north, with the main window being in the rear (east) elevation. Whilst it is acknowledged that the first floor extension may have some impact on light, the main window to this room is unaffected and it is not considered that an extension to the north side of the window would result in a material loss of light, which would cause detriment to the amenities of the occupiers of the neighbouring dwelling.

The design and forward projection of the extension is prominent, however it is not considered to result in sufficient detriment to the character of the property, the appearance of the street scene or material harm to the living conditions of the occupiers of the adjacent property and the application is therefore supported.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

30/12/0010

MR C HARRIS

**CHANGE OF USE OF LAND FROM PADDOCK TO PARKING AREA, RELOCATION OF STABLE BUILDINGS AND ALTERATIONS TO GATE AT RED LANE COTTAGES, POUNDISFORD (RETENTION OF WORKS ALREADY UNDERTAKEN)**

Grid Reference: 322402.121246

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and policy DM1 of the proposed Core Strategy.

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

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

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

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

(A4) DrNo 0512-01 Rev A Location Plan

(A4) DrNo 0512-02 Rev A Site Plan

(A4) DrNo 0512-04 Site plan

(A1) DrNo 0512-03 Stable plans and elevations and gateway elevations

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

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or

as otherwise extended with the agreement in writing of the Local Planning Authority.

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

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

- 4. The area allocated for parking on the submitted plan shall be used for the parking of ambulances, private vehicles or event trailers used by the occupier of 1 Red Lane Cottages only and for no other purpose.

Reason: To ensure that there is limited parking of vehicles on the site in the interests of visual amenity and in limiting traffic movements in accordance with Taunton Deane Local Plan Policies S1 and S2.

Notes for compliance

## **PROPOSAL**

The proposal is the change of use of an area of land in a paddock for the siting of timber stables and parking of ambulances (private event vehicles) as well as alterations to the existing metal gate to a close boarded timber gate. The gate would be 1.8m high while the stables are 3.7m x 12.7m.

## **SITE DESCRIPTION AND HISTORY**

The site is to the North of Poundisford and lies off a track that leads to Red Lane Cottages and Redland House. The site already has approved stables within it except in a different location.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*PITMINSTER PARISH COUNCIL* - Objects.

The access is a long narrow lane from the junction with Fosgrove Lane and Pitminster Lane which passes Corner Cottage. The ambulance and paramedic vehicles are large brash and conspicuous with their emergency sign lettering. They look out of place in their country setting and are harmful to the outlook of residential

neighbours and walkers when seen from the lane and would also be conspicuous from land in ownership of 2 Red Lane Cottages. The arrival and departures associated with the use would be annoying to the immediate neighbours. It is considered the site is unsuitable for development for commercial/business purpose by reason of

- a) its location in a predominantly rural area,
- b) its detrimental affect on the visual amenities of the area,
- c) its harmful affect on the residential amenity of the neighbouring houses.

The proposal is in conflict with Policy S1(D) of the Taunton Deane Local Plan - the appearance and character of any affected landscape, settlement, building or street scene would not be harmed asa result of the development.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Although the proposals are acceptable in principle, more information is required with regard to the desired use of the proposed parking area.

Further to the consultation dated 08 May 2012, the Agent has now provided additional information regarding the intended use of the parking area. This consultation is therefore based on the additional information which has been provided.

Access to the site would continue via the private access track which is known as Red Lane. This is unsurfaced, fairly narrow and serves a small number of dwellings. Available visibility from Red Lane onto the highway is considered to be substandard. The application proposals include the change of use of part of the paddock to form a parking area, relocation of the stables and alterations to the existing access.

The relocation of the stables and alterations to the access are considered to be acceptable and would not create any highway safety issues. The Agent has confirmed that up to three land rovers, an ambulance and a trailer will be parked within the site on the proposed parking area. The vehicles would generally be used at weekends only. The proposals are anticipated to result in a maximum additional 24 traffic movements per week.

This increase in traffic using the junction, although low, would not normally be considered to be acceptable due to the substandard visibility at the junction of Red Lane with Fosgrove Lane/ Pitminster Lane. However, consideration is given to the fact that no personal injury accidents have been reported at the junction, despite the poor visibility. Furthermore, the applicant could park the vehicles on Red lane without the need for planning permission. Should this occur, the parking of these vehicles on Red Lane would result in the reduction in available parking on the private road, which could in turn could create highway safety issues. On this basis, the proposals are on balance considered to be acceptable.

*LANDSCAPE LEAD* - Subject to suitable landscaping the proposals are acceptable.

## **Representations**

3 letters of no objection from local residents.

4 letters of objection on grounds that

- the land is agricultural,
- it should not be used for commercial use,
- it is used for parking ambulances,
- it will lead to contamination and if approved would be able to be used for any B1c or B8 user.
- concern over safety of road network, poor sight lines and commercial traffic will increase accident risk at dangerous junction where there have been previous accidents.

## **PLANNING POLICIES**

STR6 - Development Outside Towns, Rural Centres and Villages,  
S1 - TDBCLP - General Requirements,  
S7 - TDBCLP - Outside Settlement,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issue is the visual impact of the storage of ambulances on the land to the rear of the dwelling and the retention of stables. The vehicles are currently mainly visible when stored on the land from the access point to the field and from a short stretch of the motorway to the north as are the stables. The stables largely screen the ambulances from the access point and the proposed provision of solid timber gates to the access will further limit any visual impact of the vehicles.

The stables and vehicle parking is well related to the boundary of the existing residential curtilage. Despite the Parish Council view, the neighbours in the adjacent cottages have not objected. The area has limited visual impact when viewed in conjunction with the dwelling and existing hedge planting and is not considered to be so detrimental to the character of the area to warrant an objection. Hedge planting could be carried out adjacent to the nearby post and rail fence and to the north to further limit views from the M5. The scale of vehicle storage here can be controlled by condition and subsequent vehicle movements to attend events/festivals is not considered harmful and detrimental to the character of the area or to highway safety.

In order for the proposal to be acceptable the use needs to be restricted to prevent a general storage use for future occupiers and so a specific condition limiting parking to ambulances and event trailers is considered appropriate.

**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**



**E/0040/48/12**

**CHANGE OF USE OF AGRICULTURAL LAND TO A BUILDERS YARD  
ADJACENT TO FOUR POPLARS & THE LODGE, HYDE LANE, TAUNTON**

**OCCUPIER:** MR K HODGE  
K & R HODGE

**OWNER:** FEAR & HAWKINS LTD  
ESSEX HOUSE, 47 FORE STREET, CHARD  
SOMERSET  
TA20 1QA

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice to secure the removal of builders materials and equipment on the land and return the site to its former condition.

**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 has not been complied with.

The Enforcement Notice shall require:

- cease the use of the land for the storage of buildings materials,
- secure the removal of building materials, building equipment and other associated materials and
- reinstate the land to its former use.

Time for compliance - 3 months from the date the notice takes effect.

**SITE DESCRIPTION**

The site is in Hyde Lane, Bathpool and forms part of a field located between Taunton Rugby Club premises and a property known as Four Poplars. It is adjacent to the highway and is accessed via a standard field gate located at the Eastern end of the site. There is a high natural hedge along the frontage of the site so is obscured from view from Hyde Lane apart from the point of access, however the site is also visible from the railway line. The area of land is segregated from the majority of the field by 'Harris' type fencing panels. The site is used to store a number of items of materials associated with the building and ground working trades. Some of the items are stacked whilst others left in an untidy state having just been tipped on the land.

**BACKGROUND**

A complaint was received on 6th March 2012 that activity had been observed taking place on the field. Vehicles bearing the name K and R Hodge have been seen

entering the field and depositing various items. The existing field access is used which during wet weather causes mud to be left on the road as there is no hard surfaced access track in the field. A Land Registry search was carried out and it was found that the owners have leased the field to Taunton Rugby Club. The owners have been contacted regarding the unauthorised use but to date no response has been received.

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

The land is an agricultural field leased to the adjoining Taunton Rugby Club. The use of a section of the field to deposit and store a range of builders materials and waste items constitutes a change of use from agriculture to commercial storage. The site is also within a flood zone and therefore with the storage of the type of material deposited on the land constitutes a flood risk to adjacent residential properties. Although the site is relatively well screened from public vantage points it does not overcome the other concerns in respect of flooding and traffic movements.

## **RELEVANT PLANNING HISTORY**

No planning permissions exist on the site.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Enforcement (Paragraph 207)

Section 11 – Conserving and enhancing the natural environment

### Taunton Deane Local Plan 2004

S1 – General Requirements

S7 – Outside Settlements

EN12 – Landscape Character Areas

### Taunton Deane Core Strategy 2011 -2028

Policy DM1 – General Requirements

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site lies in a semi rural location within the countryside and consists of a field within the green wedge. There would be a need to travel to and from the site to collect/deposit materials, fostering growth in the need to travel. Use of this site within a flood risk area will lead to mud being tracked onto the road causing a highway safety hazard. On sustainability grounds, this countryside location within the green wedge is not considered appropriate for the storage of building materials, which should be taking place on a site designated for such purposes, such as an established industrial estate. While views of materials from the access point are limited the site is visible from the railway line and these materials appear alien and

stark in appearance and do not blend in with the natural features of the field and hedgerow.

The building materials therefore appear as incongruous features, alien to the appearance of this field within the green wedge and to the detriment of the landscape character of the area. The use of the field would result in mud being left on the road which could be a safety hazard. Furthermore, the continued storage of such materials would set an undesirable precedent for storage in inappropriate locations.

It is therefore considered that enforcement action should be taken to cease the storage of building materials on this site.

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

**PLANNING OFFICER: Mr G Clifford**  
**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

**CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466**

**E/0284/47/11**

**ALTERATIONS TO HAY/STRAW BARN TO FACILITATE THE KEEPING OF GREYHOUNDS, TOGETHER WITH EXERCISE AREA AND SHELTERS, THE SITING OF TWO CATERING TRAILERS AND MOBILE HOME ON LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH.**

**OCCUPIER:** MR BARRATT

**OWNER:** MR BARRATT  
4 KNIGHTSTONE, HENLADE, TAUNTON  
TA3 5LQ

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## **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice to cease the use of the land for keeping Greyhounds, remove shelters in the field to the side and rear of the barn, together with alterations to the barn and unauthorised storage of catering trailers at the above address.

## **RECOMMENDATION**

Take no further action regarding alterations to the barn e.g cladding and formation of internal pens and siting of shelter buildings in various locations within the site, together with the storage of the two catering trailers.

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 building and land for the keeping of dogs.

## **SITE DESCRIPTION**

The site lies off the road leading to Meare Green to the West of Meare Elm Cottages. The barn is to the West of the site and the land used for exercising the Greyhounds lies to the North East.

## **BACKGROUND**

A complaint was received in April 2011 regarding the change of use of land and an agricultural building for non agricultural purposes, including storage and the keeping of Greyhounds. A further complaint was received in October 2011 for the laying of a track, alterations to barn to form kennels and formation of individual pens and kennels on land to the rear, together with the storage of catering trailers. At the same time, it was stated that a mobile home on the site was being used for residential purposes. Contact was made with the owner and an application was requested. This was received but was not valid due to lack of the required information and plans. Due to the time lapse and the relevant papers not being submitted, this application has now been returned.

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

The division and formation of individual pens, some of which are used for Greyhounds, within an agricultural barn requires planning permission. The siting of buildings in a field for use as shelter also requires planning permission as the unit has no permitted development rights as the overall holding is less than 5 hectares. The storage of a catering trailers on agricultural land also requires planning permission.

There is a mobile home on the site, which is used for making a cup of tea and toilet facilities, together with the storage of medical supplies, dog food and other sundries required for the animals/poultry on the site. As part of the land is used for the keeping of poultry, which is classed as agriculture and the mobile home is used in association with this, it is considered that in this case, the mobile home can be sited under permitted development rights.

## **RELEVANT PLANNING HISTORY**

In 2005 an agricultural notification for the erection of a hay and straw storage barn was submitted for the barn in question, which at that time formed part of Meare Court Farm. As the holding, at that time, exceeded 5 hectares, the land benefitted from certain agricultural permitted development rights and as such an agricultural notification was sufficient. A letter was sent to the applicants on 3<sup>rd</sup> March 2005 stating that TDBC did not wish to become involved in the proposal and that works could commence subject to obtaining any other approvals that may be required.

The barn has now been sold off from the farm holding, to Mr Barrett and his holding is less than 5 hectares and therefore does not have any permitted development rights.

Members may recall that this case was presented at the March committee and subsequently deferred for Environmental Health to carry out noise monitoring and a further site visit was to be carried out.

The Enforcement Officer's site visit (which was not pre arranged) was carried out on the 8th May 2012 when photographs were taken . There are sixteen individual pens inside the barn and five of these are being used as kennels. One of the pens/kennels has the mother greyhound and the other four are her puppies. Mr Barrett informed the officer that the mother greyhound was a rescue dog (and he was unaware that she was in pup) and he does not breed greyhounds. The remaining pens had items stored in them relating to other agricultural use, this can be viewed on the presentation. The touring caravan has been removed from the site.

Environmental Health have had noise monitoring equipment in a neighbouring property 130 metres from the structure for thirteen days from the 25 April. The following is their report.

*There are recordings of short episodes of barking, usually in the early morning from around 6am onwards. In my opinion the barking does not amount to a statutory nuisance at this time, however taking into consideration both the quiet rural location and the diary evidence provided by residents I believe the barking causes regular annoyance to those living in the locality.*

## **RELEVANT PLANNING POLICIES**

S1 - General Requirements

S2 -Design

EN12 - Landscape Character Areas

## **DETERMINING ISSUES AND CONSIDERATIONS**

A well established hedge to approximately 3 metres in height forms the roadside boundary and largely screens the land in question, although the wide entrance does enable some views of the site. The view of the barn from the road remains largely as proposed in 2005, being of the same dimensions and open to the front. However, the north-west (rear) and north-east (side) elevations have been wholly blocked up by concrete blocks. The large barn as constructed under the agricultural notification in 2005, has already resulted in an impact on the appearance of the landscape. It is not considered that the blocking up of the formerly open sides, has resulted in a significant increased impact upon it's appearance.

The internal alterations have involved the erection of concrete block walls to create 16 pens inside the building. At the time of the site visit, 5 of these were occupied by dogs and the applicant stated that a maximum of 6 of these would be used for dogs in the future and the remainder would be used for agriculturally related uses, including livestock and the storage of feed, bedding, etc. The occupier of the site claims that the dogs are pets and are not used for breeding or any other business purposes.

The creation of the dog exercise area to the rear has involved the erection of a wire fence surrounding the area. As this fence does not exceed 2 metres in height, it is important to note that this element alone does not require consent. Two small timber buildings (garden shed style) have also been sited within the fenced run, along with a further two to the side of the run (one timber, one of metal construction) which are being used for hens and geese. To the rear of this a further piece of land has been fenced into 3 areas, with a small wooden shed in each, which was stated to be for ducks, although one of the penned areas could occasionally be used for dogs.

The land forms an L shape, with an elongated plot running back from the road and then running along the rear of the adjacent property to the north-east, The Barn. The site is largely screened from public viewpoint by the well established roadside hedge. A well established hedge also runs along the north-east and south-east boundaries between the site and The Barn. The site is open to the rear, separated only by a wire fence, however the land slopes upwards limiting views of the site from the north-west. Whilst there are views from the access, the dog exercise area is largely screened by the large barn and the garden shed style structures are set back significantly from the road, some behind further hedging and do not appear prominent from public viewpoint.

In view of the well established landscaping, which largely screens the site, along with the shed structures being small and low in height, the dog run area and sheds are not considered to cause excessive harm to the appearance of the countryside.

There are also two catering trailers being stored in the front element of the building, which are visible from the entrance, due to the building being open fronted. The

catering trailers, being white/cream in colour, appear stark in appearance and do not blend in with the surroundings, against which the trailers are viewed. However, as the mobile home, which is permitted development, is sited nearby and consequently already has an impact on the appearance of the countryside, the mobile catering units are not considered to result in any additional detrimental impact on the appearance of the countryside.

The report from Environmental Health highlights that there are short episodes of barking in the early mornings. Dog barking is a noise that can be heard from neighbouring properties at times, in both urban and rural locations, however in this case, the site is not a domestic residence or commercial kennels where someone would be resident on site and able to hear and control the animals should an episode of barking occur.

It has been considered that the extent of the barking is not a statutory nuisance but it is acknowledged that the barking could cause regular annoyance to local residents and result in a loss of residential amenity. There are cases where commercial kennels are in much closer proximity to neighbouring residents, however, these are normally designed and laid out in such a way to reduce the causes of barking and someone would normally be available on site to respond.

It is therefore recommended that action be taken to cease using the building and site for kennels (whether they be private or for breeding).

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

**PLANNING OFFICER: Mrs K Walker**  
**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

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

**E/0033/38/12**

## **UNAUTHORISED WORKS AT MAMBO, MILL LANE, TAUNTON**

**OCCUPIER:**

**OWNER:** THE MANAGER  
MAMBO, MILL LANE, TAUNTON  
TA1 1LN

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### **PURPOSE OF REPORT**

To consider whether it is expedient to take Prosecution Action for unauthorised works to a Listed Building and serve an Enforcement Notice requiring the removal of the timber structures and floodlights and a Listed Building Enforcement Notice requiring the reinstatement of metal railings.

### **RECOMMENDATION**

The Solicitor to the Council be authorised to take Prosecution Action:-

Prosecution Action for unauthorised works to a Listed Building:-

- In light of the works carried out to the Listed Building and its setting which constitutes a criminal offence to take prosecution action for the removal of railings.

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 removal of the unauthorised timber buildings and floodlights.

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

- for the reinstatement of the railings.

### **SITE DESCRIPTION**

The site is in Mill Lane which runs along the rear of 13 - 17 North Street, Taunton. Cafe Mambo and land to the rear is largely bounded by brick walls which form part of the Castle area. Attached to Cafe Mambo is a Listed building, Ina Cottage. The site is a Scheduled Ancient Monument and falls within the Castle Conservation Area.

### **BACKGROUND**

The complaint was brought to the Council's attention in February 2012. Contact was made with the owners and a Planning application was received. This application was incomplete and to date is still invalid and unregistrable.

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

The works carried out include

- unauthorised alteration to the listed boundary railings
- siting of unauthorised timber shed buildings and floodlighting,
- removal of conifer trees within a conservation area without consent,
- installation of decking and balustrading without permission.

## **RELEVANT PLANNING HISTORY**

There have been several applications for this site including:

38/11/0162	Change of Use & extension to beer garden - Conditionally Approved 27/10/11
38/11/0163/LB	Alterations to boundary treatment - Conditionally Approved 22/08/11
38/12/0158	Permanent toilet structure - application invalid and incomplete therefore not registered.

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework

Somerset & Exmoor National Park Joint Structure Plan Review

Policy 9 - The Built Historic Environment

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

Taunton Deane Core Strategy 2011 - 2028

Policy CP8 - Environment

Policy DM1 - General Requirements

## **DETERMINING ISSUES AND CONSIDERATIONS**

The works carried out include unauthorised alteration to the boundary railings which are linked to the listing of the building, siting of unauthorised timber shed buildings and floodlighting, removal of conifer trees within a conservation area without consent, installation of decking and balustrading without permission. In addition it would appear there may have been disturbance to the Scheduled Ancient Monument.

The site falls within the Castle Conservation Area and within the Ancient Monument. Part of the timber buildings screen the railings and one building is used as toilets. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In this instance the buildings are considered to detract from the setting of the listed building and would not have been recommended for permission if an application was made.

While the upper level of the site previously had planning permission for change of use to beer garden under application 38/11/0162, this did not allow for the erection of buildings, removal of trees or ground disturbance. In fact notes were imposed advising of the need for consent to remove any trees as the site was in a conservation area and also that the site was in an ancient monument and consent would be required for any ground disturbance. The restrictive nature of the site was discussed as part of the previous submission and consequently there is no excuse for not knowing that various further permissions would be required.

In light of the blatant disregard for the listed building and its setting it is therefore recommended that authorisation be given for prosecution action for the unauthorised works to the building which is a criminal offence.

In addition to the above it is also recommended that the serving of enforcement notices be authorised. A listed building enforcement notice will be required to reinstate the metal railings which have been removed without consent. These railings were required to be retained as part of the previous consent on the site as they were considered an historic boundary feature of the site. A planning enforcement notice will be required to secure removal of the timber structures and lighting. The timber structures are considered to detract from the character and setting of the listed building and the character of the conservation area and ancient monument. Furthermore the tree loss and external lighting will adversely affect bat habitat and while it is not possible to reinstate the felled trees it is possible to ensure the lighting units are removed to prevent disturbance to the bat habitat into the evening.

The raised deck area and balustrading are on balance not considered to detract from the character of the area or building and consequently it is not recommended that action be taken for these elements of the unauthorised works.

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

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

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

**E/0041/34/12**

**BUILDING NOT IN ACCORDANCE WITH APPROVED PLANS AT TAUNTON VALE SPORTS CLUB, GIPSY LANE, TAUNTON**

**OCCUPIER:**

**OWNER:** THE MANAGER  
TAUNTON VALE SPORTS CLUB, GIPSY LANE,  
STAPLEGROVE  
TAUNTON  
TA2 6LL

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the land to be backfilled up to the top of the retaining wall around the new pavilion and the surrounding land graded.

**RECOMMENDATION**

No further action be taken.

**SITE DESCRIPTION**

Taunton Vale Sports Club is situated off the Gypsy Lane which is off Greenway road in Taunton. The site is level and laid to grass, with steep earth banks to the north, south and west boundaries, which have been planted with trees and native hedgerows

Taunton Vale Sports Club comprises of indoor and outdoor sports facilities including two cricket fields with separate squares and outfield. There is a two storey pavilion which serves the main cricket ground whilst the new pavilion building, located to the north west serves second field.

**BACKGROUND**

A complaint was received in March 2012. A site visit was carried out and the agent Mr Spurway was informed that the building was not in accordance with the approved plans. The building had an extra window inserted and the cladding to was applied horizontally and not vertically as shown on the approved plans. The height of the building was in accordance with the approved plans but because the surrounding land had not been graded in accordance with the approved plans it appeared to be higher. Mr Spurway was informed of this but was not prepared to submit a new application for consideration to regularise the situation.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The new pavilion is of a simple design with a mono pitched sedum roof. The size of the building is in accordance with the approved plans. The building has been set into a 3 metre high grassed earth bund which does screen the majority of the building from the north, north east and north west, where there are residential properties adjoining the cricket fields. The south side of the bund has been cut into and the new pavilion has been erected. However, the land has not been backfilled and

graded as approved and therefore the building appears to be higher.

## **RELEVANT PLANNING HISTORY**

There are several Planning applications for the site including 34/10/0027 - Demolition of pavilion and erection of replacement pavilion at Taunton Vale Sports Club, Gipsy Lane, Staplegrave, conditionally approved 19.10.2010.

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

Taunton Deane Core Strategy 2011 - 2028

Policy DM1 - General Requirements

## **DETERMINING ISSUES AND CONSIDERATIONS**

An unaccompanied site visit was undertaken on 9 May 2012 where the issues identified above were observed. The unauthorised amendment to the exterior cladding to the building is only visible from the south and when within twenty metres or so of the building, otherwise the alteration is difficult to detect. As a consequence of this minor amendment, whilst unauthorised, is not considered to materially affect the external appearance of the building.

Having regard to the addition of the new window to the south west elevation, it was observed that there would be no material impact upon neighbouring amenity, with the additional outlook from the repositioned kitchen room facing over the cricket field; it will not overlook any neighbouring property to the north and therefore there is no perceived harm to residential amenity. In addition, the window is not thought to result in any visual harm to the building or wider area and is in keeping with the design of the new building.

Concern has also been raised that the earth mound to the north has not been graded correctly and that the building has been raised in height. It is true that the earth bank to the rear (north) of the new building has not been graded in accordance with the approved plan; it appeared upon visiting the site that it was approximately 0.5 metres lower than it should be. This has left a larger degree of the walls to the sides and rear exposed, giving the impression that the building is taller than it should be. I am of the opinion that the building has a height which is in line with that of the approved plans and it is not higher than it should be. The unauthorised regrading of the earth mound does not, in my opinion, result in a significant degree of harm to visual or residential amenity.

There is also concern at additional nuisance arising to neighbouring amenity as a result of the new building; this issue was considered as part of the original planning application and I continue to be satisfied that there will be no additional nuisance arising to neighboring amenity as a result of the new building. The cricket field and those properties to the north are separated by a dense line of mature hedgerow and tree planting and when the vegetation is with foliage it is not possible to be seen from

one area to the other. In addition, the cricket field has been in use for a number of years and this will remain unchanged as a result of the new pavilion building. Before its erection the earth mound could be used for recreation and this has not changed.

Having regard to the issues addressed above, I am of the opinion that the unauthorised amendments to the approved pavilion building at Taunton Vale Sports Club do not significantly affect either visual or residential amenity. There is no conflict with planning policy and therefore I am of the opinion that it would not be expedient to take any further action against the unauthorised works.

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

**PLANNING OFFICER: Mr R Williams**

**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

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

## APPEALS RECEIVED : FOR COMMITTEE AGENDA : 23 May 2012

Proposal	Start Date	Application/Enforcement Number
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	20 APRIL 2012	27/11/0018
SINGLE STOREY EXTENSIONS AND ALTERATIONS TO THE STAFF ACCOMMODATION AT THORNCOMBE ANNEXE, WEST BAGBOROUGH	02 MAY 2012	45/11/0022
INSTALLATION OF PHOTO VOLTAIC ROOF PANELS AT WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON	02 MAY 2012	38/11/0630LB
DISPLAY OF INTERNALLY ILLUMINATED PROJECTING BOX SIGN AT SHOWERINGS JEWELLERS, 49 ST JAMES STREET, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)_	03 MAY 2012	38/11/0684/A
ALTERATIONS TO SHOP FRONT AT 21 EAST STREET, TAUNTON	04 MAY 2012	E/0102/38/11



## **Planning Committee – 23 May 2012**

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Denington, Mrs Hill, Miss James, Morrell, Nottrodt, Mrs Reed, Mrs Smith, Tooze, Ms Webber, A Wedderkopp, D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor) and Mrs T Meadows (Corporate Support Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee; Councillor Stone in connection with application No 51/12/0004

(The meeting commenced at 5.00 pm)

### **60. Appointment of Chairman**

**Resolved** that Councillor Nottrodt be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### **61. Appointment of Vice-Chairman**

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

### **62. Apologies/Substitutions**

Apologies: Councillors Govier, C Hill, Mrs Messenger and Watson

Substitutions: Councillor Mrs Reed for Councillor C Hill and Councillor Ms Webber for Councillor Watson

### **63. Minutes**

The minutes of the meeting of the Planning Committee held on 18 April 2012 were taken as read and were signed.

### **64. Declarations of Interest**

Councillor D Wedderkopp declared a personal interest as a Member 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 Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Mrs Reed declared a personal interest as her daughter works as an administrator in Development Control.

### **65. Applications for Planning Permission**

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

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

**51/12/0004**

**Conversion of redundant farm building to form dwelling at Sunny Farm, Stanmoor Road, Burrowbridge**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for barn owls and bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology Ltd. protected species report dated October 2010 and up to date surveys and shall include:- (i) Details of protective measures to include method statements to avoid impacts on barn owls during all stages of development; (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest for barn owls and bats. Once approved, the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new barn owl and bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (e) Finished floor levels of the proposed development must be set no lower than 6.5m above Ordnance Datum (AOD);
- (f) The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (2) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (3) Applicant was advised that surface water

run-off should be controlled as near its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles; (4) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (5) Applicant was advised that the site is within the Internal Drainage Board's area. The Somerset Drainage Board Consortium should be consulted as the site may be prone to problems of high water table and possible flooding, or exacerbate the Board's flooding problems elsewhere due to additional runoff; (6) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the River Parrett designated a 'main river'. The need for Flood Defence Consent is over and above the need for planning permission).

**Reason for granting planning permission:-**

Notwithstanding Policy DM2 of the Core Strategy, Members considered the property looked like a house and was a suitable use adjacent to other residential properties.

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

Members considered that the property looked like a house and was in a suitable location adjacent to other residential properties.

**38/12/0095**

**Erection of single storey extension to rear and first floor extension to side at 49 Shoreditch Road, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;

**Reason for granting planning permission:-**

The proposed extensions have been designed to be in keeping with the existing style of the property and were not considered to be excessively dominating to its appearance or that of the street scene. The extensions, by virtue of their positioning, were not considered to result in an unacceptable loss of light or overbearing impact to the adjacent dwellings and were not therefore considered to result in material harm to the residential amenities of the occupiers of those properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Emerging Taunton Deane Core Strategy 2011 – 2028.

### **30/12/0010**

#### **Change of use of land from paddock to parking area, relocation of stable buildings and alterations to gate at Red Lane Cottages, Poundisford (retention of works already undertaken)**

#### **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) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) The area allocated for parking on the submitted plan shall be used for the parking of ambulances, private vehicles or event trailers used by the occupier of 1 Red Lane Cottages only and for no other purpose.

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

The proposal was not considered to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and Policy DM1 of the proposed Core Strategy.

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

### **52/12/0006**

#### **Outline application for the erection of dwelling and garage and formation of vehicular access to the rear of 24 Comeytrowe Lane, Taunton**

## **Reasons**

- (1) The proposed development represents an undesirable form of backland development which, due to its siting and means of access from an un-metalled service road and no frontage to the public realm, was at odds with the prevailing development pattern and character of the area. It was therefore contrary to Policies S1 and S2 of the Taunton Deane Local Plan, Policy DM1 of the emerging Taunton Deane Core Strategy and paragraph 58 of the National Planning Policy Framework;
- (2) The development was proposed to be accessed by a private track from the public highway that does not have sufficient width to accommodate two-way vehicular movements. There was, therefore, likely to be a conflict of vehicle movements on the track to the inconvenience of all users of that private way, contrary to Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the emerging Taunton Deane Core Strategy.

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

Members considered the proposed development to be detrimental to the character and amenities of the area, together with unsuitable access.

**45/12/0005**

### **Demolition of staff accommodation and erection of holiday chalet at Crowcombe, The Combes, West Bagborough**

#### **Reason**

The National Planning Policy Framework seeks to locate developments in areas that facilitate the use of sustainable modes of transport, while development plan policies specifically direct permanently built holiday accommodation to within existing settlements, which were accessible by public transport, cycling and on foot, unless the proposal would support the vitality and viability of the rural economy in a way that cannot be sited within the defined settlement limits. The proposed holiday accommodation would not utilise an existing building but would require the erection of a new purpose-built building in a remote, rural location, distanced from adequate services and facilities, which would result in future occupiers being largely reliant upon the use of the private car. The proposal would not support the rural economy in a way that could not be achieved if located within the defined limits of a settlement, nor would it support economic diversification of existing farming or service enterprises. As such, the proposal was contrary to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies DM1 (General Requirements) and DM2 (Development in the Countryside) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028, Policies S1 (General Requirements), S7 (Outside Settlements) and EC23 (Tourist Accommodation) of the Taunton Deane Local Plan and Sections 3 (Supporting a Prosperous Rural Economy) and 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

**43/11/0127**

### **Erection of 5 no dwellings and 2 no flats on land off Gay Close, Wellington**

## **Reason**

The proposed development was considered to be an excessive overdevelopment of the site which has necessitated a contrived residential layout that has resulted in a poor relationship between existing and proposed dwellings. As a consequence, the development would result in an unacceptable degree of overlooking of existing residential properties and new residential properties would unacceptably overlook each other. Elsewhere, the design has been contrived to reduce overlooking, resulting in poor external fenestration and elevation detailing. The proposal was, therefore, poorly designed contrary to Policies S1 and S2 of the Taunton Deane Local Plan, Policy DM1 of the emerging Taunton Deane Core Strategy and Section 7 of the National Planning Policy Framework. As such, the harm that this causes to residential amenity and the character and appearance of the area means that any benefits arising from the scheme cannot outweigh the loss of the informal recreation space to the detriment of the local community, contrary to Policy C3 of the Taunton Deane Local Plan.

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

Members considered the development to be detrimental to the character and amenity of the area which included the loss of a strategic green space.

#### **66. Four Poplars and The Lodge, Hyde Lane, Taunton**

Reported that it had come to the Council's attention that agricultural land adjacent to Four Poplars and The Lodge, Hyde Lane, Taunton was being used for the storage of builders materials, equipment and other associated materials without the necessary planning consent.

The owners 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 storage of builders materials and equipment from land adjacent to Four Poplars and The Lodge, Hyde Lane, Taunton;
- 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 three months.

#### **67. Two Trees, Meare Green, West Hatch**

Reported that it had come to the Council's attention that an area of land was being used for the keeping of greyhounds, together with an exercise area and shelters

and the storage of catering trailers and mobile home at Two Trees, Meare Green, West Hatch without the necessary planning consent.

The owner of the site had been contacted and an application to regularise the situation had been submitted but this was not valid and had not been registered.

**Resolved that:-**

- 1) Enforcement action be taken for the cessation of the area of land for the keeping of dogs at Two Trees, Meare Green, West Hatch;
- 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) No further action be taken regarding the alterations to the barn, various shelters on the site and the storage of catering trailers and mobile home.

**68. Unauthorised works at Mambo, Mill Lane, Taunton**

Reported that it had come to the Council's attention that a number of unauthorised works to the Listed Building at Mambo, Mill Lane, Taunton had taken place without the necessary planning consent.

The owner of the site had been contacted and an application to regularise the situation had been submitted but this was not valid and had not been registered.

**Resolved that:-**

- 1) Listed Building enforcement action be taken for the reinstatement of the railings at Mambo, Mill Lane, Taunton;
- 2) Enforcement action be taken for the removal of unauthorised timber buildings and floodlights at Mambo, Mill Lane, Taunton;
- 3) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the listed building enforcement notice and enforcement notice was not complied with; and
- 4) The time period for compliance with the listed building enforcement notice and enforcement notice be two months.

**69. Building not in accordance with approved plans at Taunton Vale Sports Club, Gipsy Lane, Taunton**

Reported that it had come to the Council's attention that a building at Taunton Vale Sports Club, Gipsy Lane, Taunton had not been built in accordance with the approved plans and the land had not been backfilled.

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

However, the Growth and Development Manager considered that, although unauthorised, the amendment to the exterior cladding was not considered to materially affect the external appearance of the building and the window to the south-west elevation did not result in any visual harm upon neighbouring amenity. It was also considered that the unauthorised regarding of the earth mound did not harm visual or residential amenity.

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

## **70. Appeals**

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

(The meeting ended at 9.20 pm)