

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 6 June 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 4 22/12/0003/REX – Erection of ground and first floor extensions at Coate Cottage, Lydeard St Lawrence (Application to replace extant permission 22/09/0008)
- 5 31/07/0033 – Erection of 26 affordable houses and associated parking with new access from Stoke Road on land south-west of junction of A358 and Stoke Road, Henlade
- 6 36/12/0007 – Redevelopment of site to provide 1 no six bedroom dwelling with separate building for business/design studio/materials showroom and upholstery workshop and 3 no three bedroom terraced cottages at the Old Coal Yard, Woodhill Road, Stoke St Gregory
- 7 38/12/0170 – Erection of ground floor extension to the rear at 19 French Weir Avenue, Taunton
- 8 E/0060/27/12 – A number of structures/buildings erected on land to the north of Altona Park, Hillfarrance
- 9 E/0310/05/11 – Vehicles for sale and operation of car maintenance and repairs at The Gables, Wellington Road, Bradford-on-Tone, Taunton
- 10 Planning Appeals - The latest appeal decision received (details attached)

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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email 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

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
- Director of Southwest One – Councillor Nottrodt
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

22/12/0003/REX

MR C JOHNSON

ERECTION OF GROUND AND FIRST FLOOR EXTENSIONS AT COATE COTTAGE, LYDEARD ST LAWRENCE (APPLICATION TO REPLACE EXTANT PERMISSION 22/09/0008)

Grid Reference: 311981.130518

Replace an Extant Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) and Policy DM1 of the emerging Taunton Deane 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) Block Plan
(A4) Location Plan
(A1) DrNo 0409_02Proposed Plans and Elevations Rev A

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

Notes for compliance

PROPOSAL

The application seeks planning permission to replace an extant consent for the erection of first floor extensions to the front and north and east elevations together with a further single storey garden room to the east elevation at Coate Cottage,

Lydeard St Lawrence.

The extensions will utilise a combination of natural stone, render and timber boarding to the walls, double roman clay tiles and thatch to the roofs and timber fenestration throughout.

The application is being reported to committee as the agent is related to a member of staff

SITE DESCRIPTION AND HISTORY

Coate Cottage is a detached two storey dwelling house located within the hamlet of West Leigh. The original dwelling is a thatched building of natural sandstone walls; extensions have been added historically to the front, side and rear, which have rendered walls, timber fenestration and a combination of flat felt roofs and double roman roof tiles.

Planning permission was originally granted under LPA reference 22/09/0008.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL - No comments to make.

Representations

None received at time of writing report

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 pertinent issues to consider are whether there has been any material change in circumstance on site or within relevant planning policy since the original grant of planning permission.

The proposals remain unchanged since the original grant of planning permission on 1 July 2009, in that the submitted plans match entirely those previously approved. The originally approved scheme has not been implemented and the application site is considered to have remained unaltered in terms of existing buildings, boundary treatments, access and the like. Matters such as visual and residential amenity that may be affected by the development were originally considered to be acceptable as

was the design, proposed materials and the impact of the extensions upon the character and appearance of the original building. Given that there has been no material change in circumstances these original conclusions are considered to remain applicable to the proposals for an extended time period for implementation of the scheme.

There has been significant changes to planning policy documents since the previous application was approved however the general planning principles with regard to protecting visual and residential amenity and the character of original buildings have not changed.

For the above reasons an extension to the time period as requested is considered to be acceptable; it is therefore recommended that permission be granted subject to conditions as per the previous approval.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

RAGLAN HOUSING ASSOCIATION LTD

ERECTION OF 26 AFFORDABLE HOUSES AND ASSOCIATED PARKING WITH NEW ACCESS FROM STOKE ROAD ON LAND SOUTH WEST OF JUNCTION OF A358 AND STOKE ROAD, HENLADE, TAUNTON AS AMENDED

Grid Reference:

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicants entering into an appropriate legal agreement to secure:

- 100% Local Needs Affordable Housing that will remain in perpetuity.
- The construction and subsequent maintenance of an on-site LEAP of a minimum size of 400 sq m.
- A contribution of £1,023.00 for each dwelling towards the provision of facilities for active outdoor recreation (total contribution of £26,598).
- A contribution towards the provision of public art and public realm enhancements through the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.
- Highway mitigation works consisting of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelters. These works will be provided together with additional high friction surfacing on the approaches to the crossing. All these works are shown on Drawings BHT08089/5K03 Revision A and BHT08089/SKO2 which were submitted with the current application.
- In addition to the above highway works a contribution of £11,000 is required and agreed with the developer in respect of the high friction surfacing.

The proposal addresses a specific need for affordable housing in the locality in a location that is accessible to the Taunton Urban Area by public transport. Some small scale local facilities are within walking distance and bus stops are immediately adjacent to the site. The proposal is considered to accord with the provisions of H11 of the adopted Local Plan which allows for 100% local needs affordable housing that will be retained in perpetuity.

RECOMMENDED CONDITION(S) (if applicable)

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

Application for approval of the reserved matters shall be made to the Local

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

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

2. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the provisions of Core Strategy Policy DM1

3. Visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south shall be provided at the access to Stoke Road prior to the commencement of development on the site and there should be no obstructions to visibility within these splays in excess of 300mm above adjoining carriageway level at any time.

Reason: In the interests of highway safety in accordance with the provisions of Core Strategy Policy DM1

4. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed unless otherwise agreed in writing. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

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

5. (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.

6. The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country contracts submitted report, dated October 2010 and an up to date badger survey and include:
- 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 - 3. Measures for the retention and replacement and enhancement of places of rest for the nesting birds and badgers

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

Reason: To protect badgers and nesting birds and their habitats from damage bearing in mind these species are protected by law.

7. No Development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of proposed on site storage, where run-off rates have been limited to those from a 1 in 1 year storm on the greenfield site, the details shall clarify the intended future ownership and maintenance provision for drainage works serving the site. Details of exceedance flow paths and depths should be mapped and shown to be safe.

Reason: To ensure that the site is adequately drained without having a

detrimental adverse effect off-site in accordance with the provisions of the NPPF

Notes for compliance

1. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Badgers are protected under the Protection of Badgers Act 1992. The applicant should comply with legal consents relating to badgers, including applying to Natural England for a licence.

PROPOSAL

The application, when originally submitted sought outline planning permission for 48 affordable dwellings on a site of 0.96 hectares. After objections were received from the County Highways Authority, the consideration of the application was deferred and it was subsequently amended to 26 affordable dwellings on a reduced site area of 0.61 hectares. Further negotiations between the agents and County Highway Authority took place and subsequent details of proposed works to the A358 (adjacent to the site) were submitted. These included:

- New bus shelter with high access kerbs on south side of A358
- New high access kerbs to bus stop on north side of A358 (adjacent to Falcon Hotel).
- Existing pedestrian refuge to east of Stoke Road junction widened to 2.0m and pedestrian road markings refreshed.
- Existing pedestrian refuge to west of Stoke Road junction widened to 2.5m with tactile paving and illuminated bollards (and pedestrian road markings refreshed).
- Replacement of high friction surfacing on approach to above uncontrolled pedestrian crossings
- Existing verge and vegetation on south side of footway cut back to provide additional footway width with new kerb line to retain verge.
- New tactile paving for uncontrolled crossing point at Stoke Road

The proposal is outside of the defined development limits for Henlade and has been put forward as a rural exception scheme (the applicants are Raglan Housing Association). Access would be gained from Stoke Road, approximately 60 metres south of the Stoke Road/A358 junction. An indicative layout has been submitted which includes an area for play within the site. The suggested housing mix is:

- | | | |
|----|---|------------------|
| 2 | x | one-bed flats |
| 12 | x | two-bed houses |
| 11 | x | three-bed houses |
| 1 | x | four-bed houses |

As an exception site, the expectation would be that 100% of the dwellings would be affordable, local needs, housing.

SITE DESCRIPTION AND HISTORY

The site is on the corner of the A358 and Stoke Road in the centre of Henlade. It is outside, but adjoining the defined development limits and comprises part of a larger field with substantial hedges on the north and east, but no natural boundary to the south. To the west of the site are some existing barns which are to be demolished.

There is no separate planning history for the site which is relevant to this application

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

RUISHTON & THORNFALCON PARISH COUNCIL – Comments on latest set of amended plans for works to A358

In the main Parish Council only dealt with the highway amendment to the planning application as it is understood that all the comments that we made in 2008 - 2010 would remain and be taken into account.

However one item not concerning highways, which It was decided to highlight, was the fact that the sewerage pumping station at Lower Henlade is to capacity and that for that reason The Mount Somerset had to install their own filtering plant.

There is still grave concern over the traffic issues for the following reasons:

- The increase in width by 6” of one of the pedestrian refuge crossings doesn’t really address any safety issues and is not adequate.
- The fact that the controlled pedestrian crossing has been dropped from the plans when the traffic on the A358 has increased since the original scheme was proposed
- The new position for the bus shelter is too close to the end of Stoke Road and incidentally the current bus shelter belongs to the parish council who have not been consulted on its removal
- Difficulty in traffic merging onto the A358 especially for drivers wishing to turn left (west) who would be looking at traffic bearing down on them from the easterly direction
- The parish council are currently in discussion with the police with regard to speeding on the A358
- In February there were over 800 Fixed Penalty Notices issued for speeding through Henlade
- With congestion on the A358 there is a fear that cars from the development will use the rat run through Lower Henlade into Taunton, (recognised by the applicant ref letter dated 19e May 2009 --Byways and Highways), which is also a concern with which the Parish Council are in talks with Somerset Highways.
- The Parish Council feel that their issues with regard to parking in Stoke Road due to the limited parking spaces on the site have not been fully addressed
- Fail to see how the development on the A38 at Bishops Hull can compare with the proposed development in Henlade,

- The development is in a AQM area

No evidence has been presented for the scale of the proposed development, the Parish Council would like to know if there is still a need, by local residents for affordable housing, taking into account that there is no employment opportunities in Henlade as the Tarmac site dosed in 2010 with the loss of 150 jobs.

We would also mention that the local school is full to capacity.

Updated comments on reduction to 26 dwellings:

Still have concerns as per original Letter (below) which includes:

- Pedestrian safety at A358/Stoke Road Junction
- More traffic turns at this junction and at Henlade Haydon Lane
- Access road too near A358
- Lack of amenities
- Ruishton school already over subscribed
- Sewerage/surface water
- Density of site still too high
- Inadequate number of parking spaces
- Additional traffic/disruption in the area during development
- Greenfield site.

Original Comments on application for 48 dwellings:

The Parish Council and parishioners present at our meeting last week, while acknowledging that there is a need for some affordable housing, were unanimously against the above planning application feeling that the site was unsuitable for the following reasons,

- In the Local Plan it was stated that there would be no large-scale development to the east of the motorway. • The meeting does not feel that there is a need within the parish for this scale of affordable housing. The Parish Council in conjunction with the Community Council for Somerset carried out a survey on the need of affordable housing in the parish and the result was only 16 required. Also it is understood that there are only two from the parish on the current housing waiting list. The question arises as to whether these could even afford to buy, even at a reduced price.
- The additional traffic would make it even more difficult for vehicles wishing to access or exit the A358 at this junction.
- It is a known fact that the A358 is already over capacity, with traffic being held up at all times of the day.
- Lower Henlade would become even more of a rat run' for those wishing to get to the south of Taunton.
- Air Pollution — The A358 through Henlade is already an Air Quality Management Area and it is felt the additional traffic from this development would only increase this problem.
- The Drainage Statement recommends surface water should be via a sewer down Stoke Road to the watercourse at Lower Henlade. This watercourse and the pumping station near Arundels Cottages are already at full capacity and would not be able to cope with such a large area of extra surface water

and the additional drainage, especially when there is heavy rainfall. Lower Henlade is prone to flooding and on several occasions properties have been known to flood.

- The water supply is already poor in the area.
- Primary school children would have to cross the busy A358 to get to the local school. Residents would also have to cross this road to get to the Post Office/local shop.
- There is no play area in the plans.
- Concern is expressed at the lack of parking facilities, which could mean vehicles parking in Stoke Road, thereby causing an obstruction. Three additional parking spaces are considered to be inadequate.
- There are birds nesting in the boundary hedges and an abundance of wildlife is seen on the site, including deer, barn owls, badgers and rabbits to name but a few.

Residents from Stoke Road and the adjacent caravan site at also concerned about noise and illumination from the development and I am sure you will be hearing from them in due course.

SCC - TRANSPORT DEVELOPMENT GROUP – no objection

The Planning Officer will be well aware of the application 31/2007/0033 for 48 houses on the same site which resulted in a letter from myself to the planning department on 27 March 2008. In this letter I commented on the trip generation, the development and the location of the proposal and concluded that the development would generate significant additional vehicular and pedestrian traffic at a junction with high traffic flows and considered that these movements would increase highway safety concerns and in consequence recommended refusal of the application.

Since that time discussions and negotiations have taken place which have resulted in the current submission for 26 houses, together with proposals for roadworks to mitigate the Highway Authorities concerns.

After much deliberation therefore I conclude that the present proposals are satisfactory and in consequence I would not wish to raise a highway objection to the current proposal.

The application is in outline, however Plan 97.0820A shows an illustrative layout with junction and visibility splays which are generally acceptable. Full details will need to be submitted and appropriate conditions attached to any consent. An appropriate condition for the internal layout would be the following:

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The above mentioned drawing shows an access onto Stoke Road with visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south. This visibility splay is acceptable and there should be no obstructions to visibility within these splays in excess of 300mm above adjoining carriageway level. Such access and visibility splay should be in place prior to the commencement of development on the site.

The proposed highway mitigation works consist of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelters. These works will be provided together with additional high friction surfacing on the approaches to the crossing. All these works are shown on Drawings BHT08089/5K03 Revision A and BHT08089/SKO2 which were submitted with the current application.

These works will need to be completed prior to the occupation of any dwelling that may be permitted on the site and will require an appropriate Legal Agreement to enable the works to be suitably detailed, designed, constructed and funded. In addition to the works a contribution of 11,000.00 is required and agreed with the developer in respect of the high friction surfacing.

DRAINAGE ENGINEER – Recommends planning condition requiring a SUDs drainage Scheme

HOUSING ENABLING LEAD – Supports:

The Housing Enabling Lead supports this application based on need and the comments do not reflect the suitability in terms of planning. The requirement is for predominately 2 bed and 3 bed houses with some 4 bed houses built to HCA design and quality standards 2007 or the equivalent standard at the time of commencement of development. The tenure split is to include social rent, affordable rent and intermediate housing. The final housing types and tenure split is to be agreed with Housing Enabling prior to commencement of the development.

LEISURE DEVELOPMENT MANAGER – comments:

In accordance with Policy C4 provision for play and active recreation must be made.

Policy C4 requires 20 square metres of equipped and casual play space per family dwelling giving a total for this proposal of 520 square metres. The proposed recreation area is too close to the dwellings and the main A358. It should be relocated to a more central position within the development, away from roads and at least 5 metres from the nearest dwelling boundary, while still being overlooked.

A contribution of £1,023.00 for each dwelling should also be made towards the provision of facilities for active outdoor recreation.

The development will also be required to contribute towards the provision of public art and public realm enhancements through the provision of public art and public realm enhancements by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of one

percent of development costs.

HERITAGE AND LANDSCAPE OFFICER – comments:

The proposals are largely in open countryside and therefore contrary to EN12

My other concerns are loss of hedgerow to meet visibility splays and lack of any specific landscape mitigation.

NATURE CONSERVATION & RESERVES OFFICERS –

The proposal is for the building of 26 affordable homes at Stoke Road Henlade. Country Contracts carried out an ecological assessment of the site in October 2010. A previous survey of the site had been carried out in January 2008. Findings were as follows

Birds - The surveyor noted that there was potential for nesting birds in the vegetation on site and so suggested that any removal of vegetation area should take place outside of the bird nesting season,

Badgers - The surveyor found an active badger sett to the west of the development within an old derelict barn. In addition badger paths and latrines were noted. This sett must be retained and protected or replaced under a Natural England licence. A licence will restrict timing of works on site (i.e. work can only take place between July — November)

I suggest that an additional badger survey is carried out this Spring to confirm the status of the sett and to inform a licence application.

Other Protected species - Potential for dormice on site were discounted by the surveyor due to the structure, lack of species and non connectivity of hedges with suitable habitats. The derelict building was not considered suitable for a bat roost but the surveyor noted that bats are likely to use the hedgerows for commuting and foraging

In accordance with PPS9, I would like to see nesting birds and badgers protected and accommodated in this development. Suggest conditions

SCC - CHIEF EDUCATION OFFICER – Original commented that as 48 dwellings was sufficiently close to the 50 dwelling threshold for education contributions to apply, then the application should make provision for 7 additional secondary school places and no primary school places.

No further comments have been submitted since the application was amended to 26 dwellings

Representations

26 Letters of objection (after full consultation on amended proposal) raising the following planning issues:

Highway Safety

- Increased traffic in a congested area
- The Stoke Road/A358 junction is very difficult/dangerous to exit.
- Additional on street parking in Stoke Road/loss of existing on street parking
- No easy way for Children to cross A358
- Cars will back up along Stoke Road stopping existing properties from using their access.
- Back lanes to Taunton would become busier
- Loss of Parking for 1 Laburnham Terrace

Sustainability

- There are no buses through Henlade on Sundays and Public Holidays or from the town in the evenings.
- It is an unsustainable location.

Other issues

- Drainage of water into Greenway Road
- Additional pollution from increased vehicle movements
- More people expected to live in a polluted area
- Affordable homes out of character with the village which has no facilities
- There is no need for affordable housing
- The development is too large for the area
- Loss of wildlife
- Additional noise from site by building and residents of a younger age.
- Should not build on agricultural land do to loss of food production area
- It will set a precedent for further development.
- Development should be on other sites such as Tarmac, Ruishton Court, other fields closed to Ruishton or Firepool.
- Loss of light from proposed landscaping/trees

When the original application for 48 houses was submitted in 2008 there were 54 letters of objection and 3 letters of support

When the application was amended to reduce the size of the site and number of houses to 26, there were 35 letters of objection and 2 letters of support.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 H11 - TDBCLP - Rural Local Needs Housing,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 CP4 - TD CORE STRATEGY - HOUSING,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 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)	£35,336
Somerset County Council (Upper Tier Authority)	£8,834

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£212,015
Somerset County Council (Upper Tier Authority)	£53,004

DETERMINING ISSUES AND CONSIDERATIONS

Principle of Development

Policy DM2 of the Core Strategy seeks to control development outside of settlements to protect and enhance the quality of the local landscapes whilst promoting sustainable patterns of development and allowing economic growth and diversification. A range of acceptable uses are specified together with associated criteria which must be met.

The policy states that outside of defined settlement limits the following uses will be supported.....

6. Affordable Housing
 - a. adjoining settlement limits, providing no suitable site is available within the rural centre:
 - b. in other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.

Subject to the above criteria all must:

- be compliant with the Habitats Regulations 2010 and any subsequent amendment;
- be near a public road and existing services;
- be of a scale, design and layout compatible with the rural character of the area;
- any conversion or reuse must not harm the architectural or historic qualities of the building;
- not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services; and
- not involve the creation of a residential curtilage which would harm the rural character of the area.

The site adjoins the settlement limit for Henlade and the nearest rural centre is Creech St Michael. The Taunton Urban Area is close and has better public transport links, but clearly would not be classed as a rural centre. Neither Ruishton or

Henlade have been defined as rural centres but have retained settlement limits in the Core Strategy. Therefore a decision needs to be made as to whether the parish of Ruishton (which includes Henlade) is an appropriate location for rural needs housing. Information taken from Choice Based Lettings certainly shows that there is a demand for affordable housing in that parish. The Core Strategy seeks to target development within the rural centres first, but given the accessibility of this particular site to the Taunton Urban Area, and the housing need being related to this parish, it is considered that it is an appropriate site in principle.

Policy H11 of the adopted Local Plan remains and will be retained until a future SDP supplements Policies DM2 and CP4 of the Core Strategy. This permits small affordable housing schemes which meet the local community's need where housing would not normally be permitted, either within or adjoining the identified limits and rural centres. Henlade was defined as a village in the local plan.

Accessibility

Immediately next to the site is a bus stop where it is proposed to replace the shelter and construct high access kerbs. The bus service is regular and the amendments to the central refuges have led to the Highways Authority withdrawing their objection that people would not use the bus if it forced them to cross the busy road when using the return service. These bus stops are not used in conjunction with the Park and Ride service which is approximately 1km to the west.

Ruishton is less than 1km which is a journey that can be made by car or bike. On foot would require walking along roads where there are no segregated pavements (other than along the sections of the A358 and part of Lipe Lane) and it is considered, that although this is possible, it may not be likely.

It is considered that the requirement for children's play should be met through onsite provision of a 400 sq m LEAP (Local Equipped Area for Play) rather than a contribution that would be spent off-site. This would reduce then need to access Ruishton for the nearest play area.

Highways Issues

The County Highways Authority originally objected to the scheme for 48 houses but has since withdrawn that objection due to the decrease in the number of houses and the proposed works to the A358. Their comments are contained in full above and this gives their reasoning which they consider that this proposal is satisfactory. In coming to this conclusion, they have considered the expected vehicle movements and the impact on the A358/Stoke Road Junction. They do not raise an objection to this element and particular impact on the road network and there is not sufficient evidence to suggest that this view is incorrect.

Other Issues

Parking for 1 Laburnham Terrace has been raised as an issue by one of the objectors and the Agent has responded by stating that the landowner has always intended for part of the existing access to be made available for a car parking space for No. 1 Laburnham Terrace if the application is approved. This is shown on the illustrative layout plan.

The application is made in outline, but any detailed design would need to include Sustainable Urban Drainage (SUDs). Any developer would also need to agree suitable points of connection with service providers to take foul waste. It is considered that the development is capable of providing these and it is proposed to include a specific planning condition for the surface water drainage, storage and disposal.

The Councils Biodiversity Officer has considered the submitted survey information and concludes that additional survey work should be carried out to inform an application for a Natural England License. This is proposed to be secured through a planning condition

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

Conclusion

Although the proposal is not within or adjoining a rural centre as defined in the Core Strategy, it adjoins the settlement limit for Henlade and provides for a specific housing need in the parish. The proposals are considered to accord with policy H11 of the adopted local plan which is to be retained. The concerns regarding the local highway network have been considered by the county Highway Authority, who do not raise any objection. A number of measures to mitigate against the impacts of this proposal are required and it is considered that overall, the scheme can be recommended for approval

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

MISS K MORRISON

REDEVELOPMENT OF SITE TO PROVIDE 1 NO. SIX BEDROOM DWELLING WITH SEPARATE BUILDING FOR BUSINESS/DESIGN STUDIO/MATERIALS SHOWROOM AND UPHOLSTERY WORKSHOP, AND 3 NO. THREE BEDROOM TERRACED COTTAGES AT THE OLD COAL YARD, WOODHILL ROAD, STOKE ST GREGORY

Grid Reference: 335160.126959

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development site is located outside the confines of any recognised development boundary limits, in an area that has very limited public transport services. The residents of the development are likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and thus comprises unsustainable development which is contrary to advice given in Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan. Furthermore the site has not been allocated for potential residential development or considered for allocation in the Taunton Deane Core Strategy.
- 2 The buildings the subject of the proposed development are new dwellings which are not proven to be required for an existing agricultural purpose or activities. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority is of the opinion that the proposal does not satisfy all of the above criteria and is therefore contrary to the National Planning Policy Framework paragraph 55, the Taunton Deane Policy DM2, Development in the Countryside and Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review, and Policy S7 of the Taunton Deane Local Plan.
- 3 The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policies M1 and M4 of the Local Plan.

PROPOSAL

The application is for a "large" 6 bedroom house for the site owner, designed

specifically to meet their needs – they have 5 children, it is designed so the house could be used as a four bedroom house, with a 2 bedroom annexe to suit potential future uses – granny flat/holiday let; three x 3 bed houses in a terrace, each with a private rear garden, use of shared courtyard which includes external storage, recycling facilities etc.; a studio building of approx 120sqm to house the owner's office/design studio/showroom/meeting room for their business (renovation of Airstream caravans) and a new bus stop is to be provided at the site's frontage. The smaller houses will be designed to Code 5 compliant within the Code for Sustainable Homes, and the larger house as code 4 compliant. There will be boundary landscaping and the particular designs of buildings, which the agent states are sensitive and responsive to the site, the wider landscape and local vernacular and development pattern.

The agent contends that this application will provide an appropriate use for a previously developed site, clean up a contaminated, unsightly and potentially dangerous site which currently attracts antisocial activity such as fly tipping, fulfils a local housing need for the site owner, provides 3 family houses at the lower end of the cost scale, suitable for local families on average incomes, and will provide employment within the studio. The site requires a viable use, there is little demand for storage uses in this location, land remediation is costly, and the rentals would not cover costs, and given there would be nobody on site, there would be a need for high fencing and lighting.

The agent has also advised that the noisy activities would be carried out in the existing industrial unit in Taunton and the 'clean' activities will be suitable to relocate, these include upholstery, bookkeeping and general admin. It is proposed that the proposal would probably employ 3 full time and 2 part time employees, the main workshop would remain in Taunton. He comments that the scheme should respond to the Planning Inspector's comments on the previous refusal and propose suitable transport opportunities, that he considers the Taunton Deane Local Plan to be out of date, that the majority of the houses are outside the settlement boundaries, and are "strung out ribbon development fashion", and that such forms the local vernacular, similar to that on the road from North Curry and Stoke St Gregory.

The submission contains a very detailed Design and Access statement, which sets out the context, including local character, employment and housing needs of the applicant, gives a example of a thriving local employer (the Willows and Wetland Centre), considers transport, including the service currently run by Hatch Green Coaches (with 6/7 buses a day, not Sundays), the Asda bus, the school bus running to Heathfield School in Monkton Heathfield. There is a large section covering the constraints and opportunities of the site with four different design options considered prior to the final submission.

The agent considered the Local Plan to be out of date and being prior to the formal adoption of the Core Strategy, and as the NPPF requires Local Planning Authorities to plan positively for new development and to grant permission where a plan is absent, silent....and that permission should be given where the LA cannot show a 5 year supply of housing. The agent examines various Taunton Deane Local Plan Policies and contends that his proposal is in accordance with those policies, with the exception of S7, which it is contended that there is no room for additional housing within the settlement boundaries, that the settlement boundaries include some housing schemes are standard house types and have layouts which are alien to the local character of the settlement. It is contended in respect to Core Strategy DM2

that there are exceptional circumstances, that the site provides a new and beneficial use for a problematic site that the housing, although not specifically identified in DM2 as one of the permitted uses, would meet all the "subject to" criteria, and thusis acceptable.

The submission has concluded that there is a need for further surveys for Bats and reptiles, this has yet to be finalised.

SITE DESCRIPTION AND HISTORY

The site is located to the east of Stoke St Gregory. It has a number of old former agricultural buildings on its southern side; previously there were buildings on its northern side, but these have been demolished in the last few years. There is an existing access almost opposite some of the outbuildings/garage to Culvercroft, a residential property, to the north-west of the site. There are residential properties to the north-east of the blue part of the site. Farmland surrounds three sides of the site which measures approximately 98m x 31m. The site is located approx 250m from the edge of the settlement limits of Stoke St Gregory as the crow flies, but slightly further as travelled along the narrow country lane with its bends. The road also has restricted visibility and no pavements/footpath.

History:

36/97/0008, permission was granted (03/11/97) for the change of use of the former coal yard and agricultural storage buildings (an 'L' shaped site which excluded the outbuilding now demolished) to general storage purposes, however it appears that this permission was not implemented as the conditions requiring certain works to be carried out within a certain time period were not commenced let alone completed. This application followed the unauthorised use of the site following the cessation of the coal yard use.

36/06/0021, application for the erection of 5 detached dwellings with garages, on a site measuring approx. 95m by 30m: this was withdrawn prior to decision.

36/08/0003, In June 2008, Planning Committee refused the application for erection of 4 dwellings and garaging, the site being approx 65m by 30m, for reasons that the site was located outside any recognised developed boundary limits, and that the new dwellings were not required for a proven agricultural purpose and inter alia were contrary to PPS3 and Taunton Deane Local Plan Policy S7.

36/09/0017 Application for 10 dwellings to include 3 affordable dwellings, refused by Committee on (22/01/10), on the basis of being in an unsustainable location outside development limits, no proven case for an agricultural dwelling and an unacceptable layout in terms of design, and the amount of hard surface, road layout and siting of dwellings. A subsequent appeal to the Planning Inspector was dismissed on basis that of limited access to local services, the private car will be used for many journeys, the site being outside settlement limits, the design is not a high quality, and the scheme has an adverse effect on the character and appearance of the area. A copy of the Inspector's letter of decision is at the end of this report.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STOKE ST GREGORY PARISH COUNCIL – object

The site is outside the development boundary. There will be a negative visual impact to the street scene with specific view to the ridge height. The site has a historical use for agriculture over 4/5ths of the site for a significant period of time. Concern that a precedent will be set for similar sites in Stoke St Gregory. The roadway to the village has a dangerous corner, very close to the site, which should be addressed prior to any planning consideration being taken.

SCC - TRANSPORT DEVELOPMENT GROUP - object

The proposals are for the erection of 1 six bedroom dwelling, 3 three bedroom dwellings, and a B1 office/ Showroom/ workshop on land known as the old coal yard, Woodhill Terrace, Stoke St Gregory.

The site is located off an unclassified highway. At the time of my site visit vehicle speeds were observed to be in the region of 25mph.

The application site is not currently in use, and does not appear to have been operational for some time. Historically the site has been subject to a number of planning applications, the most recent being application ref. 36/09/0017. This application was refused planning permission and dismissed at appeal.

The site lies outside of any development limit 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 residents, deliveries and customers 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.

Although the site is within walking distance from the village centre of Stoke St Gregory, it is not considered to be an attractive route for pedestrians, due to the lack of footways, poor visibility, and narrowness of the highway.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

In terms of detail, the existing access is proposed to be improved to provide access to the three townhouses and the office. Given the vehicle speeds past the site, the available visibility from the access is likely to be acceptable. However, the proposed bus shelter appears to restrict visibility to the west from the access. This issue should be clarified by the agent. For information, visibility splays of 2.4m x 33m are required in each direction. These splays should be shown on a plan for both points of access.

Having checked the road records it appears that the proposed bus shelter is within highway land. As previously mentioned, the provision of this stop is a concern as it

should impact on visibility for vehicles exiting the site. Furthermore, given the low frequency of bus services in the area, I would question the need for a new shelter in this location. Additionally, no information regarding the future maintenance of the shelter has been provided.

Referring to the Somerset County Council Parking Strategy (March 2012), a total of 9 vehicle parking spaces would be required for the three townhouses. A total of 4 spaces would be required for the office. Given the unsustainable location of the application site, the proposed level of parking provision would not be appropriate. The shortfall in parking could potentially lead to on-street parking in the vicinity of the site, in an area where the highway is considered to be substandard in terms of its width and geometry and therefore to the detriment of highway safety.

Aside from the above, the level of vehicle parking for the six bedroom dwelling is considered to be acceptable.

It is noted that the combined cycle store and bin store is proposed. Although this is acceptable in principle, the actual number of cycle spaces does not appear to have been provided. This should be clarified, and should be in accordance with the SCC recommended standards.

In summary, the site is not considered to be in a sustainable location; however, it is matter for the Planning Authority to decide whether the benefits of the proposals outweigh government objectives to reduce reliance on the private vehicle.

The Agent/Applicant should clarify the issues raised with regard to the bus shelter and visibility from both access points.

Based on the information which can be assessed, I recommend that the application is refused for the following reason:

The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policies M1 and M4 of the Local Plan/Core Strategy.

LANDSCAPE LEAD - Subject to detailed landscape proposals it should be possible to integrate the proposals into the local landscape.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - I would recommend a condition due to the past commercial uses of the site.

ENVIRONMENT AGENCY - We have no objection to the application as submitted. Given the previous uses at the site, there is the potential for land contamination to be present. This is not an issue that we would need be involved in because there are no sensitive ground or surface water receptors at or near the site. You may wish to consult your Environmental Health Officer though, to make sure that any risks of contamination are acceptable when considering human health.

HOUSING ENABLING - This application falls below the affordable housing trigger of 5 dwellings or more within the TDBC Core Strategy.

DRAINAGE ENGINEER - I note that surface water is to be disposed of by SUDS however no details have been included. Full details of how surface water is to be disposed of should be forwarded for approval before any planning approval is given. Object to the proposal.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water; further information is available from WW.

PARRETT INTERNAL DRAINAGE BOARD- the site is just outside the PIDB area and any increased surface water run-off will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively. Byelaw 3 of the PIDB Byelaws prohibits the introduction of any water or increase in rate into the Board's area without the consent of the Board. The Board would not object to the application if a specific condition (relating to agreement to surface water drainage strategy prior to start on site) can be secured.

BIODIVERSITY - Greenman Environmental management carried out an updated ecological assessment of the site in April 2012. (An original extended Phase 1 Habitat Assessment of the site was undertaken by the same ecologist in November 2006)

The site remains much as it was in previous visits from 2006-2011. The only significant changes being the collapse of one of the barns, roof material missing from some of the central structures, an increased area of scrub and an increase in tipped material on site. Findings were as follows

Birds - The historic barn owl roost identified in 2006 and 2009 had no recent pellets or droppings. A number of common bird species were identified during the surveys.

Badgers - No evidence of badger was identified during the survey on or adjacent to the site

Bats - The surveyor found bat droppings in the two partially intact barns and so has commissioned further bat surveys.

Reptiles - The surveyor considered that the site has become more suitable for reptiles and so has commissioned a reptile survey

I support the recommendations made by the surveyor that reptile and bat surveys are carried out.

CAMPAIGN TO PROTECT RURAL ENGLAND - objects to the application on the

following grounds:-

The proposal is outside the designated development envelope for Stoke St Gregory and is considered as open countryside.

The land has previously been used for agricultural use and is not considered a brownfield site. It should therefore not be considered for residential and commercial use.

ECONOMIC DEVELOPMENT - support

I should like to express my support for the above application at Stoke St. Gregory; particularly the business element of the development.

American Retro Caravans (ARC) Ltd is a family run business based in Taunton, with a workshop on Priorswood Industrial Estate. It specializes in the restoration and refurbishment of vintage Airstream caravans, and has customers throughout the World. The business currently employs 9 highly skilled crafts people, including the owners, and it has a strong local supply network. Over the next few years the business forecasts growing demand for its caravans with a resulting growth in employment opportunities in Taunton.

Having established a strong base in a highly specialized niche the company has identified a need for a quality showroom, which is suitable for receiving customers who are frequently high wealth individuals. The appeal of Somerset and Taunton feature highly in the company's appeal to its customers, and a location, such as that proposed in this application, would provide an excellent opportunity to demonstrate the strengths of Taunton Deane as a business location, drawing upon local pubs to entertain clients and local accommodation for those wishing to stay the weekend. The business attracts national TV and media coverage.

I am informed that, should the application be unsuccessful, the business would consider relocating away from Taunton Deane in order to secure an alternative location for its showroom.

Development of part of the site for the showroom would enable a continued employment use of this former yard, and would enable the employment of 3 to 4 local people, including admin staff , a cleaner, upholsterer and assistant, and the owner.

Representations

Cllr G Slattery - The current application would be a viable way to tidy up this untidy and polluted site , generally considered to be an eyesore in its current condition. I feel that the current application has made considerable efforts to follow local building materials and to take account of vernacular architecture in the village, whilst also incorporating some energy efficient features.

The workshop/ showroom would provide a workplace for a small number of employees (currently 2) and very few vehicle movements along Woodhill, but also provide the opportunity to support local restaurants/pubs by customers.

I am pleased to see that the proposal includes a terrace of three , 3 bedroom

houses. Since so many of the previously 2/3 bedroom private houses have been extended to 3/4/5 bedrooms , there are now comparatively few 3 bedroom houses in the village .As the current housing stock gradually becomes available for sale they will be too expensive for families of primary age or pre school age children. This will have a negative bearing on the pupil numbers at the school as I understand that 3 bedroom houses are more likely to attract families with primary age children, whilst larger homes are more appealing to families with teenage children. I also am interested to see that the larger house is being built with a clear long term plan for a different use for one part of it once the children grow up and may move away.

I would be keen to see as many trees as possible at the roadside, positioned to provide some screening. I would also wish to suggest that the 106/ CIL type consideration is given to the permission so that there can be a contribution to community facilities, since the current pavilion on the playing field is in urgent need of replacement.

Cllr Stone- Having fully considered this important and controversial application and investigated the back ground I have decided to write in to support it.

I do so on the basis that this site is largely a brownfield site with previous industrial use which is extremely unlikely to have a future agricultural use and is not likely to be viable for purely employment uses.

The nature of the site with prominent , dilapidated buildings, contamination with asbestos and coal dust means that not only is this an eyesore within the village but will also be a very expensive site to restore to any positive use.

Only housing development is realistically able to justify the cost of this clean up. If this application is not approved the site is likely to remain an eyesore for many years to come.

This proposal is for only 4 houses, far less than a previous application which was refused. 3 of the 4 houses proposed are modest in size and they are the size of property required in Stoke St Gregory. The site is quite close, an easily walkable distance, to the the village centre where there are a range if services available.

The proposal also includes a single employment unit with a business plan which appears to be viable.

I would point out that there is no local plan allocation for new housing in Stoke St Gregory and this development would allow some small development within the village during the 15 year plan period. There are no other brownfield sites of this size in the village and so it is unlikely to set any sort of precedent.

I would prefer to see some specific changes to the layout. I believe there should be a pavement along the entire frontage of the development so that pedestrians can get off the road at this point. I am pleased to see provision for a bus shelter. I am also concerned about the loss of all the existing trees along the frontage and would like to see at least one of these retained. Also some new tree planting on the frontage would be needed.

I would hope that the applicants might be asked to make a small contribution to

community facilities (the new pavilion for example) in the village.

Finally while the application has not received the support of the whole Parish Council there was a split decision at the Parish meeting where it was discussed and almost half of the Parish Council were in favour of supporting it

I believe that you have received a large number of representations on this application from local residents and many of these are in support. I shall therefore be expecting this application to be going before the Planning Committee so that a proper democratic decision can be made.

County Cllr D Fothergill - As the local County Councillor for the area, I am surprised to once again see this application on the Old Coal Yard site. I believe that similar applications have been rejected. Most recently the application went to appeal and was again rejected by the inspector on a number of grounds. It would appear that little has changed in the overall application for this development and that the well rehearsed previous arguments are still applicable. The key factor in the consideration of this application is the previous use of the site predominantly for agricultural purposes. Within his final summing up the Inspector noted that there was no presumption of the site being available for housing development. By approving the application I believe that you will be condoning the change of use of this (and potentially many other) agricultural site. On this basis alone I would urge you to once again reject the application.

20 letters/emails of Objections -

Policy issues

- Previous applications refused as a result of thorough investigations and reasoned arguments – nothing has changed;
- The Secretary of State dismissed the previous appeal on grounds that whilst the site should be treated as previously developed land, he stated “there is no presumption that land which is previously developed is necessarily suitable for housing development”;
- The Inspector concludes that the site would be best served for “agricultural purposes”;
- In respect to the unsightly appearance, the Inspector states that whilst this clearly does not contribute to the character and appearance of the area it is of itself not a good reason to allow the appeal, “since the argument could be repeated too often, thereby undermining important policies for the protection of the countryside and achieving sustainable development”;
- Increased traffic;
- Development plan policies;
- Outside settlement boundary;
- Unacceptable intrusion into open countryside;
- The site was a farmyard and the major activity was raising calves and milking a small herd of cows, the agricultural storage was mainly feed and bedding, both Taunton Deane and the Inspector regard the site as being in the open countryside;
- Precedent;
- The Design and Access statement states that the development would “clean up a contaminated, unsightly and potentially dangerous site that attracts antisocial

activity such as fly tipping". As a neighbour to the site, have not noticed any antisocial behaviour such as fly tipping, if site had been properly maintained, it would not be unsightly or potentially dangerous;

- Despite of name the old coal yard is an agricultural site not industrial;
- No housing need has been identified which cannot be met by an already earmarked expansion at Polkesfield;
- Anyone could purchase the houses as there is no legal agreement, so not fulfilling a local housing need;
- No details of additional jobs;
- The statement that additional housing would help offset the land remediation costs is not a reason to overdevelop the site;
- As Stoke St Gregory has little employment, the site should be developed for employment;
- Have known the site all my life, only a small area was used as a coal yard, it should not be referred to as the Coal Yard;
- The site has always been predominantly agricultural and should not be developed for housing;
- The recent floods have shown that there is only one viable road into/out of the village to North Curry;
- Stoke St Gregory is remote, has few facilities, the residents would be dependant on the car to access services, leading to an increase in traffic, carbon emissions and have an adverse effect on the environment;

Character

- Changing the heritage of local area;
- Density not in keeping with area which is for properties set back from the road, on large plots;
- As site is elevated, new properties would be out of character;
- The elevated properties out be seen from the West Sedgemoor SSSI;
- The area shown for play is also parking area, access to the business and route used by local farmer as right of way;
- The character of the area would be changed by allowing an intensive and inappropriate development;

Traffic/the local road

- Currently the volume of traffic on the local road is light, this will result in extra traffic;
- There is a dangerous pinch point and blind bend a short distance from the site;
- History of accidents, photos supplied showing a recent accident;
- The road is not wide enough to allow two vehicles to pass each other;
- There is no footpath and the blind bend would result in additional hazard to residents;
- The proposed second entrance is on another bend close to the junction with Windmill;
- No account taken of access requirements through the site, a separate access is required to access land;
- There will be a constant source of conflict due to movement of livestock, agricultural vehicles etc;
- The new access point is at a place which retained cattle in the field, it has never been an access;

Other issues

- The boundary hedge does not belong to the site/applicant;
- The buildings and large house could easily be converted into more properties, similar to the 10 previously proposed;
- Contrary to the Local Plan;
- Close to SSSI with European Status, the rural area should be protected;
- Most of the rubbish has been on the site for many years and is not the result of recent activity;
- Can't understand why the proposal has been submitted, perhaps its who you know;
- The area for caravan display seems incompatible with the residential use;
- Misleading comments in the D&A statement;
- No need for a bus stop;

1 letter supporting the amendments to address the design issues but still objecting to the principle of developing the site as accessibility and settlement limits are unaltered, so the scheme should still be rejected;

21 letters and emails of support - 2 being from same property

Policy

- Three family homes will encourage young local families to stay;
- Small scale development rather than large scale housing estates;
- Should encourage better than average/standard dwellings;
- Village needs more housing;
- The new NPPF gives an opportunity to address the problem of an eyesore;
- The opening lines by the Planning minister of the final NPPF is that the purpose of planning "to help achieve sustainable development. Sustainable development is, in turn, about positive growth – making economic, environmental and social progress for this and future generations."
- The Framework also makes clear that plans and decisions need to take local circumstances into account, that local areas should be able to set local policies that reflect their local circumstances;
- The site is brownfield and decisions should encourage the re use of land which has been previously developed.
- The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas;
- It will create affordable housing;
- The settlement boundaries are too tightly drawn;
- There is already too much office and light industrial accommodation in the village;
- Good to see "eco-homes";
- Better to use this site than a greenfield site;

Appearance

- The site is derelict;
- Site currently serves no purpose;
- A well designed workshop;
- site needs to be cleaned up;
- the site will be better than many of the newer housing schemes which have been

built;

Employment

- Knowing the applicant, can confirm that the company will use local employees where possible;
- Supports homeworking;
- The clients expect an excellent service, now an office and showroom are needed;
- The applicant has worked hard to get the business going and now they should be able to build their own house and expand the business;
- As the upholsterer who currently works with the applicant, support the new unit, which is closer to its North Petherton base;

Other issues

- Visitors to the company will be recommended places to stay and eat;
- A bus stop will be provided as well as cycle store, the site is within an easy walk of the village;
- Cannot understand the objections;
- Would be beneficial to village amenities;
- Not all The Parish Council voted against the proposal, it was a narrow vote;
- If returned to agriculture, there will be objections to the increase in tractors on the road;

PLANNING POLICIES

NPPF - National Planning Policy Framework,
RPG10 - Regional Planning Guidance for the South West,
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,
RPG10 EN1 - RPG10 Policy EN 1: Landscape and Biodiversity,
RPG10 HO5 - RPG10 Policy HO 5: Previously Developed Land and Buildings,
RSSDR - Regional Spatial Strategy for the SW, Draft July 2006,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
M4 - TDBCLP - Residential Parking Provision,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN12 - TDBCLP - Landscape Character Areas,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
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) £4,316

Somerset County Council (Upper Tier Authority) £1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £25,898

Somerset County Council (Upper Tier Authority) £6,474

DETERMINING ISSUES AND CONSIDERATIONS

Policy

Commencing with the Policy framework , the NPPF sets out general guidelines including that the planning system should perform an economic role, a social role and an environmental role, there is a presumption in favour of sustainable development, the NPPF does not change the statutory status of the development plan and states that proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF supports a prosperous rural economy, the creation of jobs, supports the sustainable growth and expansion of all types of business through conversions and new build, promotes sustainable transport, including noting that developments should be located ...so that people can be encouraged to minimise journey lengths for employment, shopping leisure, education and other activities, there should be a wide choice of high quality homes...with housing applications being considered in the context of the presumption in favour of sustainable development, in rural areas, Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently near their place of work in the countryside....where a building would be reused, or be of exceptional design. Good design is promoted, as is the conservation and enhancement of the natural environment.

Core Strategy Policy SP1 Sustainable Development Locations states inter alia that proposals should make efficient use of land and follow a sequential approach, prioritising the most accessible and sustainable locations and maximising the opportunities to make best use of previously developed land where possible....development will be focused on the most accessible and sustainable locations, that being Taunton, Wellington, Wiviliscoombe and Bishops Lydeard. The Taunton Deane Core Strategy does not identify Stoke St Gregory as a location for growth, the nearest being the “Minor Rural Centre” of North Curry, where allocations for new housing developments of up to 50 additional dwellings, through the Site Allocations Development Plan Document. Stoke St Gregory is identified as a village, which retains its settlement boundary, and outside these established settlements proposals will be treated as being within open countryside.

Policy DM2 in the Core Strategy – Development in the Countryside sets out the relevant criteria, which identify acceptable sites for various types of development, but each criteria requires the site to be adjacent to the rural centre or involves restrictions on the proposed use such that only in exceptional circumstances would a development meet the criteria. The proposed scheme is not within the categories of a Community Use, Holiday and Tourism, Agriculture and related, Replacement Dwelling, Affordable Housing or Conversion of existing building. Part of the application, for a design studio/workshop could be considered as Class B use where

the criteria is:-

a Class B business use – these would be supported a) new, small scale buildings up to 500sqm near a public road and adjacent to a rural centre within which there is no suitable site available; b) extensions to existing businesses where relocation to a more suitable site is unrealistic and the economic benefit of the proposal outweighs any harm to the objectives of the policy, c) within existing buildings. It is not considered that the current proposal fits any of the stated criteria.

It is considered that taking into account the new NPPF, the Core Strategy and the still relevant Taunton Deane Local Plan, the site is outside the settlement limits of Stoke St Gregory to such a degree, that it can not be described as adjacent, therefore is open countryside, and the relevant policies are such that there must be exceptional circumstances to allow the proposal as submitted. Whilst there will be some employment, this is very limited and would be transferred from a location approx 1.5km as the crow flies (longer by road) from the site. The agent states that the industrial activities would still take place in Taunton. There may be scope for a small increase, but this is not significant. The applicant currently runs the business from home, which apparently is becoming too small and restricted. Such circumstances could be met by relocating to a larger property with outbuildings, which this Committee sees on numerous occasions and the subject of applications for conversions of barns/rural buildings to other uses. There is no overriding reason why the applicant should construct a new home with studio etc premises at the unsustainable location when there are existing rural buildings suitable for use.

The use of the whole site, subject to consideration of the type of uses for employment is likely to be acceptable, and the provision of some employment on this site is not an issue which is subject to objection from your officers, however it forms a relatively small part of the proposal as to have limited weight and is not of such weight as would overcome the fundamental issue of the site being in an unsustainable location for 4 new dwellings.

Highways/traffic

The County Highway Authority has objected to the application on grounds of siting being outside the settlement limits, and that the bus shelter obstructs the visibility splay. Whilst the latter issue could be overcome the former issue is a point of principle and is fundamental to this application. Residents have commented on the road, its bends and restricted visibility. Photographs have been submitted of one of the accidents which has apparently occurred since the previous application.

Design and layout

These issues have been extensively addressed in the Design and Access Statement, and are considered to be acceptable and a significant improvement on the previously submitted scheme. Proper attention has been paid to the relationships between the dwellings and the areas used for parking, turning etc, the energy efficiency/methods of construction etc, the proposed new planting and mitigation in terms of wildlife. Notwithstanding the acceptability of the detailed layout, the principle that the site is outside the settlement limits has not been overcome. The agent states that there is a ribbon style of the development in the area, similar to that between North Curry and Stoke St Gregory, indeed this type of situation is not uncommon in various parts of the Deane. However such areas are

also classified as open countryside, and there are hamlets and small collections of dwellings in many places, this does not result in the addition of another small area of housing being acceptable in open countryside. Such an argument could be repeated too often elsewhere and would clearly be unsustainable development.

Concern has been expressed in some letters that the six bedroom house is of such size that it could easily be subdivided into several smaller dwellings and that this would result in a greater volume of traffic. The density of the scheme as submitted is acceptable, but it is also conceded that the subdivision of the larger property and the studio is feasible subject to subsequent approval, but this in itself does not make the scheme unacceptable.

Previously developed site.

The agent and supporters of the scheme have emphasised the Inspector's consideration that the site is "brownfield", this was on the basis that there was evidence of coal deposits across a wide area of the site. The Inspector also stated that there is no presumption that land that is previously developed is necessarily suitable for housing development. The NPPF, in its Core planning principles, encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The NPPF also states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....Whilst the proposal would be a re-use of the site, it is not in a sustainable location. A new bus stop does not in itself make a site a sustainable location. The tidying up of the site is not in itself a reason to grant permission. Whilst some employment may result, it is not a significant overriding factor in the proposal.

Local homes issue.

The agent has said there is an established need for low cost housing in any rural area, the application would provide three 100sqm houses, which would be good quality but aimed at the lower end of the price range in the local housing market, these would fulfil a need for families on average incomes who would not qualify for "affordable " housing. As no legal agreement has been proposed, there is no method of ensuring these would be for local families. In terms of "affordable" housing, there is scope within Polkesfield for further dwellings. The application for the six bedroom house with three x three bed would not significantly add to the housing stock of the Borough, and the unsuitability of this site for such provision is not outweighed by such additional provision. In terms of the overall need for housing within the Borough, the Core Strategy identifies the main locations for growth, and within the areas not covered by the main centres identifies particular villages. Stoke St Gregory is not an identified location for additional dwellings, and overall the Core Strategy has the required 5 year housing supply. There is no over-riding need therefore to depart from the Taunton Deane Local Plan and Core Strategy to allow the addition of four additional houses on the site.

Landscape and wildlife issues.

The application includes an Arboricultural Implications Assessment, tree protection plan and the subsequent proposal includes measures to introduce additional landscape as the existing trees were considered to be of low quality and value and/or should be removed. The wildlife report has been updated since the previous

application, there has been an increased area of scrub, with bare ground, close rabbit cropped sward and mature hedgerow, which make the site more suitable for reptile species. Further surveys for reptiles and bats were suggested by the report.

There has been support for the application, although from the addresses, this has not been from the immediate area/neighbourhood, but from Curland, Meare Green and further afield. Those living in closer proximity to the site have generally opposed the application and have pointed out some anomalies with some of the application's submissions, such as that there is not a significant amount of fly tipping, that this has been there for some time; and furthermore that they still consider the historic use as being predominantly agricultural storage rather than coal depot. There have been no fundamental issues raised by objectors/supporters which has not been covered in the report.

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

Conclusion

The proposal has merit in terms of design and character and the inclusion of some employment opportunities, however the location of the site some 280m away from the settlement boundary renders it unsuitable for residential development. The Planning Inspector stated in September 2010 that there is no presumption that land that is previously developed is necessarily suitable for housing development. That is still the case. Notwithstanding the inclusion of some potential employment, some smaller dwellings and a new bus shelter, there is no overriding reason to grant permission. The pattern of dispersed dwellings in parts of the Borough do not render this site acceptable for housing. There are locations throughout the Borough which have similar or parallel features, and if permission were to be granted for this proposal, it would be difficult to resist other proposals. The site is outside settlement limits, these have been subject to recent extensive consultation and have been agreed, thus are pertinent and appropriate to this site. The scheme does not provide circumstances which should warrant a departure from the strong policy of the Local Planning Authority.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

Appendix A

Appeal Ref: APP/D3315/A/10/2129601
The Old Coal Yard, Stoke St Gregory TA3 6EN

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Ms Kathy Morrison against the decision of Taunton Deane Borough Council.

The application Ref 36/09/00 17, dated 16 September 2009, was refused by notice dated 22 January 2010.

The development proposed is the erection of ten dwellings (to include 3 x affordable) and associated works,

Decision

1. I dismiss the appeal.

Application for Costs

2. An application for costs was made by Ms Kathy Morrison against Taunton Deane Borough Council. This application is the subject of a separate decision.

Main Issue

3. I consider that the appeal raises a single broad determining issue. That is whether the proposed development should be permitted in the light of national and local planning policies on sustainable development, having particular regard to the accessibility of the proposed development to local services and its effect on the character and appearance of the area.

Reasons

4. The appeal relates to a site formerly used as a coal yard and for agricultural storage. The site has also been used for withy stripping, whereby willows were delivered and stripped on site, which is a light industrial process. I find it difficult to make any clear distinction on the ground as to the extent of former commercial and agricultural activities. However, during the course of my visit, I observed evidence of coal deposits across a wide area of the site. I therefore consider that all of the site should be treated as previously developed land, as defined in Planning Policy Statement 3 Housing (PPS3). However, there is no presumption that land which is previously developed is necessarily suitable for housing development. In my experience, much depends on the detailed circumstances.

5. There is no dispute that the site is outside the settlement boundary of Stoke St Gregory, which lies some 280m to the west and is reached by means of an unclassified country lane leading from the village of Stoke St Gregory to the hamlet of Woodhill. It follows that, whilst there is existing scattered and sporadic development for a considerable distance along the lane (the Woodhill road), the site must be regarded as being in the countryside for planning policy purposes.

6. In such locations saved Policies STR1 and STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review (SP) and saved Policies Si and S7 of the adopted Taunton Deane Local Plan (LP) seek to promote sustainable development by various means, including developing a pattern of land use which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, walking and cycling, whilst minimising the need to use the car. Development outside towns and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

7. The broad thrust of these policies is consistent with national policy, which seeks to locate most development within existing towns and villages in the interests of sustainable development. LP Policy S7 allows for certain exceptions, including development which accords with a specific development plan policy or proposal. However, I have not been referred to any development plan policy or proposal that would justify the redevelopment of this site for housing. Neither is the site identified in draft proposals recently published by the Council relating to the allocation of small

sites for future development.

8. Further guidance on identifying suitable sites for housing development is given in PPS3. This states that suitable locations are those which offer a range of community facilities with good access to jobs, key services, and infrastructure. Woodhill provides few, if any, of these facilities, Stoke St Gregory, whilst lacking significant provision for jobs and high level services, provides a range of basic facilities, including a primary school, village hall, village shop, post office, public house and playing fields. It also provides access to local bus services. In my experience, this is a good level of service provision by rural standards and the Council accepts that Stoke St Gregory itself is a suitable location for new housing development

9. In my opinion, the proposal site is within a reasonable walking distance of Stoke St Gregory. The appellant's evidence, which is not disputed by the Council, indicates that the Woodhill road is lightly trafficked and is used regularly by walkers and cyclists. I note that there have been no recorded personal injury road traffic accidents, including pedestrian and cyclist accidents, along the section of the road leading to Stoke St Gregory in the last ten years. Against this must be set the fact that the Woodhill road is narrow and winding, with poor visibility and limited provision, particularly outside the village, for street lighting and footways.

10. It therefore seems to me that whilst the Woodhill road might provide safe and convenient access to the village during daylight hours and in good weather, this would not be the case outside daylight hours and in poor weather, when visibility would be further impaired. Much the same considerations would apply to any use made of local public footpaths. In my opinion, this would deter people from walking or cycling along the road, particularly during the winter months. This may not be reflected in the appellant's transport assessment, which is based on a traffic count carried out in May and not during the limited daylight hours of winter.

11. For these reasons I consider the accessibility of this site to local services to be limited. For whilst the potential certainly exists for the use of walking, cycling and public transport, I have no doubt that many people would prefer the convenience of travel by car for many of the journeys likely to be undertaken from the proposed development. It follows that the location of the site in relation to local services does not provide any exceptional or over-riding argument in favour of approval.

12. A further consideration is that PPS3 states that local development documents should set out policies and strategies for the planned location and delivery of housing provision to ensure a continuous five year supply of deliverable sites. Although I have only limited information about local housing land supply, the appellant's evidence indicates that the Council may not be able to comply with this requirement at the present time. The appellant has also provided evidence to indicate that the development would contribute towards meeting an identified need for affordable housing in the locality.

13. However, in assessing such matters, PPS3 requires me to have regard to other policy considerations, including the suitability of the site for housing and the quality of the housing to be delivered. In the first instance, I consider that the location of the site outside the settlement limits must weigh against approval, whilst the limited accessibility of the site to local services does not provide a compelling reason to set aside this objection.

14. In the second instance, I share the Council's concern about the inappropriate form and layout of the proposed development, which would create a cul-de-sac development more typical of an urban environment than a rural site adjoining a narrow country lane. Whilst the scheme has evidently been developed to comply with standard highway requirements, this has resulted in a layout based on an estate road with a demonstrably urban character, dominated by carriageways, footways, turning heads and parking bays.

15. Such features do nothing to reinforce local distinctiveness and, whilst I recognise the need to provide for safe and convenient access, I do not consider this to be a sensitive or appropriate design solution for this site. To this extent, the requirements of saved Policy S2 of the LP, which seeks to ensure that development is of a good design, are not satisfied. This objection outweighs any benefit that might arise from increasing the supply of housing land.

16. Whilst I accept the general argument that new housing can help to sustain rural communities and rural enterprise, there is a clear policy presumption that most new housing development should be located within defined settlements. For example, LP Policy L7 will, exceptionally, permit development outside settlements where this supports the rural economy, but only if the development cannot be sited within defined settlement limits.

17. Overall, I find that the above policies are not satisfied, because the development seeks to provide new housing beyond the limits of any defined settlement, where accessibility is limited, and because the design is not of a high quality. This leads me to conclude, on the main issue, that the proposed

development should not be permitted in the light of national and local planning policies on sustainable development, having particular regard to the limited accessibility of the proposed development to local services and its adverse effect on the character and appearance of the area.

18. In other respects, I have considered the argument that it would not be financially viable to redevelop the site for business or industrial purposes. However, I am not persuaded that the site would not be suitable for agricultural purposes, particularly as it has been used at least in part to provide agricultural storage in the past.

19. I acknowledge that the site, because of its rundown appearance, does not contribute positively to the character and appearance of the area. However, of itself, this is not a good reason to allow the appeal, since the argument could be repeated too often, thereby undermining important policies for the protection of the countryside and achieving sustainable development.

20. I note that S106 planning obligations are in place to secure financial contributions towards local provision of affordable housing and play/recreation facilities. A planning obligation to secure provision towards affordable housing is necessary to comply with the Council's policies. Furthermore, detailed information is given in the committee report confirming that there is a need for affordable housing in the area.

21. Although the appellant disputes the need for a contribution towards play/recreation facilities, the committee report explains the reasons why the Council considers there to be an under provision of play and recreation facilities in the area. Although the Council could have provided more detailed information on this point, I

accept the general principle that new housing development creates additional demand for such facilities and, as such, should contribute towards meeting the need for the facilities in the locality.

22. I am therefore satisfied that the planning obligations comply with the national advice in Circular 05/2005 Planning Obligations, as the matters contained within them are necessary in planning terms to enable the development to proceed and could not be the subject of conditions. However, the lack of harm in this respect does not, of itself, justify approval.

23, I have considered all the matters raised, but none is sufficient to outweigh my conclusion on the main issue, which is significant and overriding. Therefore, for the reasons given, the appeal does not succeed.

Simon Miles
INSPECTOR

38/12/0170

MR D REYNOLDS

ERECTION OF GROUND FLOOR EXTENSION TO THE REAR AT 19 FRENCH WEIR AVENUE, TAUNTON

Grid Reference: 322101.124988

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 1212_01 Rev A existing and proposed plans and elevations
(A4) DrNo 1212_02 location plan
(A4) DrNo 1212_03 Site plan

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

Notes for compliance

PROPOSAL

Permission is sought to erect a single storey lean to extension along the side of the property up to the boundary wall of the adjoining property. This will in fill the 'side return' back to the main house. The extension will project at the back of the property by 2.8 metres and wrap around the rear of the property. The total projection from

the rear wall to the end of the extension will be 8m.

Materials will be brick work walls and slate roof to match the existing property with a new patio door and window facing down the rear garden. There are 3 glazed roof sections proposed in the roof above the kitchen extension.

The application is before Members due to the agent being related to a member of staff.

SITE DESCRIPTION AND HISTORY

19 French Weir Avenue is a mid terrace property finished in brick under a slate roof. At the rear of the property there is a lean to that forms part of the original construction of the dwelling. The side return of the property up to the boundary wall has been filled in with a conservatory.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

Representations

None received at the time of writing the report

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

The proposed single storey extension will replace the existing conservatory. Whilst the extension will be built up to the boundary wall the eaves of the extension will be 25mm above the height of the wall and the roof will lean against the main property away from the neighbours.

The extension will project at the rear of the property by 2.8 metres - this will be no more than the original single storey lean to that forms part of the original dwellinghouse. The extension is not considered to have an adverse impact on the amenity of the neighbour of the character of the existing dwelling and is considered acceptable.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

E/0060/27/12

**A NUMBER OF STRUCTURES / BUILDINGS ERECTED ON LAND TO NORTH OF
ALTONA PARK, HILLFARRANCE**

OCCUPIER:

OWNER: MR R AYTON
111 WEST VIEW, CREECH ST MICHAEL, TAUNTON
TA3 5DX

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a timber building and garden shed.

RECOMMENDATION

No further action to be taken.

SITE DESCRIPTION

The site is a field accessed off the road between Allerford and Hillfarrance. Tall trees and hedgerows line the field to the north, east and west significantly reducing the visual impact of the building, garden shed and caravans. The building, garden shed and caravans cannot be seen from public vantage points; the site is set low within a small wooded valley and can only be viewed from the south within a separately owned field.

BACKGROUND

The complaint was brought to the Council's attention at the end of March 2012 by one of our Officer's whilst out on another site visit. A site visit was made and it was found that a building had been constructed from scaffolding poles forming a frame and clad externally in timber horizontal boarding. There were two small caravans on site, one of which has been concealed under the lean-to structure. They are being used for storing agricultural goods and for some shelter during the day. The use of the caravans is incidental to the farm holding and being used for agricultural purposes their stationing on site does not require planning permission. Also on site was a garden shed, water containers and agricultural implements. The owner wishes to retain the garden shed as this is another secure area to store tools required for the land.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The building concerned has been constructed from scaffolding poles forming a frame and clad externally in timber horizontal boarding. Most of the structure is open fronted with a small store formed at one end which has secure timber gates. The roof is of mono pitch construction and finished with green onduline sheets and the cladding to the building has been painted green. The building is approximately 9.0m long and its height varies between 2.1m to the lean to and 3.5m (approx) for the secure storage element and is 4m deep. Despite being constructed from scaffolding poles and standing on concrete blocks, the building is relatively permanent as it has been erected in its present location. The garden shed which measures 1.8m x 1.2m

to the east of the aforementioned structure also requires Planning permission.

RELEVANT PLANNING HISTORY

There is no Planning history on the site.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

S7 - Outside Settlements

DETERMINING ISSUES AND CONSIDERATIONS

The buildings concerned have been constructed from a steel scaffolding frame which has been clad externally in timber horizontal boarding stained green; part of the structure is open fronted whilst a small machinery store has secure timber gates fixed to the south elevation. The roof is of mono pitch construction and finished with metal profile sheets. The building varies in its height between 2.1m (approx) to the lean to and 3.5m (approx) for the secure storage element. Despite being constructed from scaffolding and set upon concrete blocks which act as foundations, the building is relatively permanent, having to be brought onto site in a number of individual sections and taking a few days to fully construct/take down.

Tall trees and hedgerows line the field to the north, east and west significantly reducing the visual impact of the building. Locally, the building cannot be seen from public vantage points; the site is set low within a small wooded valley which can only be viewed from the south within a separately owned field. The finish of the timber boarding in a green stain further reduces the prominence of the building within the landscape.

The building is partially located within Flood Zone 2. The building has not resulted in any ground raising on the site and the building has been constructed in part to allow water to flow through it, in particular the lean-to element which does not have any boarding up to 1 metre (approx) above ground level; as a result this element of the building will not significantly restrict the flow of water were flooding to occur within the area. It should be noted that the field did not flood during the recent period of heavy rainfall, however given the nature of the development, in terms of its use, design and construction of the building I do not consider that the flood risks to people and property will be substantially increased as a result of this proposal, in fact there would be no increased risk to people since it is unlikely to introduce new or additional users to the site. The only risk should a flood occur would be to the building and its contents.

There are two small caravans being stored on site, however they are being used for storing agricultural goods and for some shelter during the day. They are stored under the lean-to and against the northern boundary hedgerow and therefore are not visible within the landscape. The use of the caravans is incidental to the farm holding and being used for agricultural purposes their stationing on site does not require planning permission.

Having regard to the above considerations, the building is not considered to result in a detrimental impact upon visual amenity or landscape character within the area and will not have an unacceptable impact upon flooding or public safety. As such it is recommended that no further action be taken. In coming to this recommendation, it is acknowledged that the buildings are being used for agricultural purposes and that there has been no change of use in the land

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

E/0310/05/11

VEHICLES FOR SALE AND OPERATION OF CAR MAINTENANCE AND REPAIRS AT THE GABLES, WELLINGTON ROAD, BRADFORD ON TONE, TAUNTON

OCCUPIER:

OWNER: MR A HUGHES
THE GABLES, WELLINGTON ROAD, BRADFORD ON TONE
TAUNTON
TA4 1EN

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action in order to secure the cessation of car sales and motor vehicle maintenance and repair business operating from the residential property and adjoining yard area.

RECOMMENDATION

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

The Enforcement Notice shall require:-

- the cessation of the land and buildings for the operation of car maintenance and repairs together with the sale of vehicles.

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

SITE DESCRIPTION

The Gables is a large detached two storey, gabled Edwardian period dwelling with a large rear garden and off road parking together with a workshop/garage structure to the North East of the dwelling. The property is situated next to Three Bridges which operates a Classic car restoration business and beyond that property to the west is a small mobile home park. To the east is the Rumwell Farm Shop. The site is set back from the adjoining A38 to the south by approximately ten metres, and is bound to the south by mature hedgerow and tree planting. The dwelling is open to views from the A38 on its south and eastern side.

BACKGROUND

A complaint was received in November 2011 that one or two cars were parked at the entrance and on the verge outside the property. The cars had 'For Sale' signs on the window. It appeared to be the owners vehicles and were there for only a short time. In February 2012 an email was received listing a number of vehicles that had been seen offered for sale outside the property from May 2010 to February 2012 in total 44 cars were listed. The owner of the property was contacted about the car sales business and a letter was received stating that he has sold cars from the property for friends and family but had recently been made redundant and unable to find work

has had to increase the amount of cars he sells. He also enquired about how to go about applying for Planning permission in order to regularise the business. Details of the pre-application procedure were sent however, no further correspondence has been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Vehicles are parked within the grounds of the property and only one or two are parked outside the property on display during the day. Minor repairs/maintenance is carried out in the adjoining workshop/garage. The selling of vehicles is a sui generis use and therefore requires planning permission in its own right. Selling one's own car from your dwelling would be considered as an ancillary activity but due to the numbers involved here and the information given by the owner this situation could not be considered an ancillary use. The car restoration business next door has the benefit of planning permission but has a condition attached preventing retail sales from occurring.

RELEVANT PLANNING HISTORY

There is no Planning history for the site.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Somerset & Exmoor National Park Joint Structure Plan Review

Policy 49 - Transport requirements for new development

Taunton Deane Local Plan 2004

S1 General Requirements
EC7 Rural Employment Proposals

Draft Taunton Deane Core Strategy

SP4 Rural Policy
DM1 General Requirements
DM2 Development in the Countryside

DETERMINING ISSUES AND CONSIDERATIONS

As set out within this report, the site at "The Gables" has been used since 2010 for the selling of motor vehicles on a commercial basis by the owner of the dwelling house. Vehicles are generally parked within the narrow access into the property and are visible from along the highway to the north. In addition to car sales, it also transpires that a work shop building on land adjoining the residential curtilage of The gables is now being used by the owner for the storage of motor vehicles together with maintenance and repair work prior to selling them on.

The principle matters to be considered are the impact of the unauthorised business and vehicle sales upon highway safety and whether sales is an appropriate use in this location.

Evidence has been presented that indicates a level of car sales from the property

that is not considered to be ancillary to the residential use at The Gables. The owner/proprietor was also open about the sale of cars from the site which is undertaken together with the maintenance and repair business, after being made redundant. The selling of motor vehicles on land is a Sui Generis use class whilst motor vehicle maintenance and repair place falls within the B2 (General Industry) use class. The site is located within open countryside and distant from any nearby settlement. As well as being sited near a public road, policy EC7 of the Local Plan requires rural employment proposals to be sited adjacent to the limits of a village and where there would be no harm to neighbouring amenity, landscape or highway safety. These policy principles are reiterated within Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy. The site is remote and not within easy access of public transport connections; it is also highly unlikely to have visitors/customers arriving by way of foot or bicycle. As a result the ongoing business use is likely to foster the need to travel by private motor vehicle to the site which is contrary to planning policy.

Notwithstanding the above, upon visiting the site a large number of motor vehicles were parked to the rear of the site within the yard area used for the maintenance and repair business; in excess of twenty vehicles are thought to have been on site and the proprietor advised that they were a combination of privately owned cars being parked within the site as a favour to friends and also non-running motor vehicles that had been bought in order to repair and sell on. In addition, two cars and two white vans were parked within the driveway and turning head of the dwelling house. As a result of these factors, it was not possible to turn within the site and exit in a forward gear. It is taken that lorries and vans visit the site in order to make deliveries/collections and that members of the public also access the site due to the vehicle sales element.

The site is accessed off the A38 along a stretch of highway that is subject to a 60 mph national speed limit. The Highway Authority have provided guidance and advice and consider visibility at the access to be substandard. They advise that splays of 2.4m x 215m would be required in order to meet national standards however, at present a splay of 10 metres is provided to the west although to the east it is better with sight lines up to the Rumwell Farm Shop access. It would be possible to provide a slight improvement to visibility to the west by removing the curtilage hedgerow but this would only achieve a splay of approximately 70 metres, this is significantly below the standard that is usually required by the Highway Authority in order to be considered 'safe'. To the east it would be possible to remove a section of hedgerow over adjoining land to improve visibility near to the requires distance however this field and hedgerow is not thought to be within the ownership of The Gables and therefore it reasonably cannot be expected to be achievable.

The Highway Authority have advised that when travelling at 60 mph, which vehicles generally do along this stretch of the highway, the thinking distance required prior to braking is 52 metres when working at a 2 second reaction time. As such by the time a driver is beginning to brake the entire 70 metre splay would have been covered by vehicles approaching from the west. As a result, were a vehicle to suddenly exit the property heading east then the probability of an accident occurring is considered to be very high. Given that the necessary visibility splays cannot be achieved at the site the ongoing uses and increased vehicles trips to and from the site are considered to be detrimental to highway safety.

In addition, the site is located between accesses to Rumwell Farm Shops, Three Bridges and its associated restoration business and Devonia Park residential park. A fourth busy access along this side of the highway, notwithstanding its substandard

design, will represent a significant danger to highway users. Highway safety is likely to be further comprised by the vehicle sales element of the business at the site. The blocking of the access with vehicles being advertised for sale along the highway will further endanger the safety of drivers and their passengers. The sale of vehicles is likely to result in an increased number of visitors to the site and given the lack of visibility and safe means of access, it is not considered to be appropriate in this location.

The intensified use of the site, which even with improved visibility splays would fail to make access/egress at the site safe for highway users. In addition, the use of the site for both unauthorised uses is considered to conflict with Policy EC7 together with Policy 49 of the Structure Plan as the site is not served by a safe means of access and is not located within an area where retail sales are considered to be acceptable. Such an approach is consistent with the restriction placed upon the nearby vehicle restoration business at the property known as Three bridges.

In addition to highway safety concerns, vehicles that are sold from the site have generally been parked within the access and this has been noticed upon passing the site for a long period of time now; such is considered to result in harm to the visual amenity of the rural area due to the additional visual clutter within the street scene.

Due to the nature of the enforcement procedure, it is not possible to control either the level of business operating from the site nor is it possible to make any authorisation of the business personal to the proprietor who resides in The Gables. As such, were the Council not to take enforcement action over the unauthorised uses at the site it may be possible for any other person or company to operate from the site and such may cause additional harm to highway safety and visual amenity.

For the above reasons the land uses are considered to be contrary to policy EC7 of the Local Plan and Policy 49 of the Structure Plan. It is therefore considered expedient to take enforcement action in order to ensure that vehicles sales and maintenance and repair works cease to constitute a commercial enterprise at the site.

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: Mr J A W Hardy

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

APPEAL DECISION FOR COMMITTEE AGENDA – 06 JUNE 2012

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/D/12/2173223	ERECTION OF FIRST FLOOR EXTENSION AND ALTERATIONS TO ROOF AT 23 VICTORIA STREET, WELLINGTON	The proposed extension by reason of its size, design and external appearance is considered to be overdevelopment of the site and would be overbearing in relation to the adjoining property, representing an unneighbourly form of development. The proposal would also have a detrimental effect upon the street scene and would detract from the visual amenities of the area. The proposal is therefore contrary to policies S1 (General requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.	43/11/01	The Inspector found the appeal property and the attached neighbouring property exhibit a dominating aspect and the proposed extension would increase this perception of dominance within the street scene. He considered the proposed development would result in a dominating monolithic structure which would be harmful to the character and appearance of the area. For this reason he concluded that the appeal should be DISMISSED.

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

Planning Committee – 6 June 2012

Present:- Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier, C Hill,
Mrs Hill, Miss James, Morrell, Gill Slattery, P Watson, A Wedderkopp,
D Wedderkopp and Wren

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

Also present: Councillors T Slattery and Stone in connection with application No 36/12/0007, Councillors D and Ms Durdan in connection with application No 31/07/0033

(The meeting commenced at 5.00 pm)

71. Apologies/Substitutions

Apologies: Councillors Mrs Messenger, Mrs Smith and Tooze

Substitution: Councillor Mrs G Slattery for Councillor Tooze

72. Declarations of Interest

Councillors D Wedderkopp and A Govier declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Wren declared a personal interest as an employee of Natural England. With regards to application No 36/12/007, Councillor Gill Slattery stated that she would stand down from the committee for the duration of this application to enable her to speak as one of the ward Councillors. She added that she had circulated letters relating to the application to the other Members of the Committee. The Development Management Lead, Bryn Kitching, declared a prejudicial interest in application No 38/12/0170 and stated that he would leave the room when the application was considered.

73. 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:-

22/12/0003/REX

Erection of ground and first floor extensions at Coate Cottage, Lydeard St Lawrence (Application to replace extant permission 22/09/0008)

Conditions

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

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) and Policy DM1 of the emerging Taunton Deane Core Strategy.

38/12/0170

Erection of ground floor extension to the rear at 19 French Weir, 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 following approved plans:-

- (A1) DrNo 1212_01 Rev A existing and proposed plans and elevations
- (A4) DrNo 1212_02 location plan
- (A4) DrNo 1212_03 Site plan

Reason for granting planning permission:-

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

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

36/12/0007

Redevelopment of site to provide 1 No. six bedroom dwelling with separate building for business/design studio/material showroom and upholstery workshop, and 3 No. three bedroom terraced cottages at the Old Coal Yard, Woodhill Road, Stoke St Gregory

Reasons

- (1) The proposed development site is located outside the confines of any recognised development boundary limits, in an area that has very limited public transport services. The residents of the development are likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and thus comprises unsustainable development which is contrary to advice given in Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan. Furthermore the site has not been allocated for potential residential development or considered for allocation in the Taunton Deane Core Strategy.
- (2) The buildings, the subject of the proposed development, are new dwellings which are not proven to be required for an existing agricultural purpose or activities. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority is of the opinion that the proposal does not satisfy all of the above criteria and is therefore contrary to the National Planning Policy Framework paragraph 55, the Taunton Deane Core Strategy Policy DM2, Development in the Countryside and Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review, and Policy S7 of the Taunton Deane Local Plan.

74. Erection of 26 Affordable Houses and associated parking with new access from Stoke Road on Land South West of junction of A358 and Stoke Road, Henlade, Taunton (31/07/0033)

Reported this application.

Resolved that subject to the applicants entering into an appropriate legal agreement to secure:-

- 100% Local Needs Affordable Housing that would remain in perpetuity;
- The construction and subsequent maintenance of an on-site LEAP of a minimum size of 400 sq m;
- A contribution of £1,023.00 for each dwelling towards the provision of facilities for active outdoor recreation (total contribution of £26,598);
- A contribution towards the provision of public art and public realm enhancements through the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy;
- Highway mitigation works consisting of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelter. These works will be provided together with an agreed contribution sum of £11,000 towards

the high friction surfacing on the approaches to the crossing (the surfacing works to be undertaken by the Somerset County Council). All these works are shown on Drawings BHT08089/5K03 Revision A and BHT08089/SKO2 which were submitted with the current application,

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

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (c) Visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south shall be provided at the access to Stoke Road prior to the commencement of development on the site and there should be no obstructions to visibility within these splays in excess of 300mm above adjoining carriageway level at any time;
- (d) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed unless otherwise agreed in writing. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country contracts submitted report, dated October 2010 and an up to date badger survey and include:-
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
 3. Measures for the retention and replacement and enhancement of places of rest for the nesting birds and badgers

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

- (g) No Development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full details of proposed on site storage, where run-off rates have been limited to those from a 1 in 1 year storm on the green-field site, the details shall clarify the intended future ownership and maintenance provision for drainage works serving the site. Details of exceedance flow paths and depths should be mapped and shown to be safe.

(Note to applicant:- Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they

undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Badgers are protected under the Protection of Badgers Act 1992. The applicant should comply with legal consents relating to badgers, including applying to Natural England for a licence.)

Reason for outline planning permission if granted:-

The proposal addressed a specific need for affordable housing in the locality in a location that was accessible to the Taunton Urban Area by public transport. Some small scale local facilities were within walking distance and bus stops were immediately adjacent to the site. The proposal was considered to accord with the provisions of H11 of the adopted Local Plan which allowed for 100% local needs affordable housing that would be retained in perpetuity.

75. E/0060/27/12 - A number of structures/buildings erected on land to North of Altona Park, Hillfarrance.

Reported that it had come to the Council's attention that a lean-to building constructed from scaffolding poles and clad externally in timber horizontal boarding together with a garden shed had been constructed without planning permission on land to the north of Altona Park, Hillfarrance. During a site visit, it had been noted that two small caravans had also been positioned on the land, one of which had been concealed under the lean-to structure.

Noted that despite the building appearing to be relatively permanent, tall trees and hedgerows on three sides of the land significantly reduced the visual impact of the building and the green stain used on the boarding reduced the prominence of the building in the landscape.

Although the building was partially located within Flood Zone 2, this had not resulted in any ground raising on the site and the building had, in fact, been constructed in part to allow water to flow through it. As such, it was not considered that the flood risks to people and property would be substantially increased as a result of the new building.

As far as the two small caravans on the land were concerned, these were being used for the storage of agricultural goods and for some shelter during the day. They were stored under the lean-to and against the northern boundary hedgerow and were not therefore visible within the landscape.

In the opinion of the Growth and Development Manager, the building was not considered to have a detrimental impact on visual amenity or landscape character and did not have an unacceptable impact on flooding or public safety. It was also acknowledged that the buildings were being used for agricultural purposes and that there had been no change of use of the land.

Resolved that no further action be taken.

76. E/0310/05/11- Vehicles for sale and operation of car maintenance and repairs at the Gables, Wellington Road, Bradford On Tone, Taunton

Reported that it had come to the attention of the Council that the site at The Gables was being used, without the benefit of planning permission, for the selling of motor vehicles on a commercial basis by the owner of the dwelling house.

In addition to car sales, a workshop building adjoining the residential curtilage of The Gables was being used by the owner for the storage of motor vehicles together with maintenance and repair work prior to selling them on.

The County Highways Authority had expressed the view that even if improved visibility splays were provided, this would fail to make access/egress at the site safe for users of the adjoining A38 road.

Resolved that:-

- (1) Enforcement action be taken to stop the unauthorised use of the land and buildings at The Gables, Wellington Road, Bradford on Tone for the operation of car maintenance and repairs, together with the sale 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

The time period for compliance with the enforcement notice be six months from the date on which the Notice took effect

77. Appeals

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

78. Urgent business

The Chairman certified that the following item of business should be considered by Members as a decision was required before the next scheduled meeting of the Committee.

79. E391/43/2006 - White Lodge (formerly Drakes Lodge), Taunton Road, Wellington

Reported that in December 2006 it had come to the Council's attention that all the windows and doors at the White Lodge – a Grade II listed building – had been replaced with uPVC units.

The Property had been sold to the current owner and his wife at a reduced price to account for the cost of rectifying the unauthorised works by replacing the uPVC windows and doors with timber windows and doors.

In May 2009 a listed building enforcement notice was served allowing nine months from 29 June 2009 in which to carry out the required works. Following an appeal which was subsequently dismissed, the compliance time to carry out the required works was postponed to September 2010.

A report was submitted to the Planning Committee in March 2011 when it became clear that no remedial action to replace the windows and doors had been undertaken. Members agreed that the Solicitor to the Council should be authorised to issue prosecution proceedings against the Owner for failure to comply with the enforcement notice.

The issuing of the Court proceedings were deferred for a period of three months during which time the Owner was to be encouraged to engage with the Council in order to secure compliance with the requirements of the Notice.

The first hearing of the Court case was on 27 January 2012 but the case had been adjourned until 22 June 2012.

Further reported that the owner had instructed a solicitor to act for him in respect of the Court proceedings and to try and resolve the matter relating to the unauthorised works. It had been agreed that joiners skilled in work of this nature would inspect the property and a Schedule of Works and Cost of the Works would be agreed between the Council and the Owner.

It was now anticipated that the remedial works would be carried out as soon as possible and it was expected that they would be completed by the end of October 2012 at the latest.

In the circumstance, it was considered that it was no longer in the public interest to proceed with the criminal proceedings if the matter could be resolved by way of agreement.

Resolved that:-

- (1) The Solicitor to the Council be authorised to apply to the Taunton Magistrates' Court to withdraw the prosecution proceedings against the owner of White's Lodge, Taunton Road, Wellington for failure to comply with the listed building enforcement notice; and
- (2) In the event that the owner did not comply with the requirements of the listed building enforcement notice by the end of October 2012, the matter would be referred back to the Planning Committee to decide on the next course of action.

(The meeting ended at 8.40 pm)