

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 15 August 2012 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 6 June 2012 (attached) and 27 June 2012 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 43/12/0068 - Erection of three No. 2 bedroomed cottages with all associated works at land to the end of Trinity Row, Wellington.
- 6 43/12/0067 - Erection of a one bedroomed dwelling to the end of Trinity Row, Wellington.
- 7 38/12/0219 - Erection of an extra care assisted living development comprising 58 No. apartments with associated parking and landscaping at the former council nurseries, 15 Mount Street, Taunton.
- 8 38/12/0146/LB - Reinstatement of side entrance door, overhauling and altering the use of one window in Castle Bow to provide advertising space and installation of hanging sign over the side entrance door at Castle Hotel, Castle Green, Taunton.
- 9 31/12/0009 - Change of use of land from agricultural to caravan park at Dairy House Farm, Stoke Hill, Henlade (as amended)
- 10 27/12/0019 - Development of former builders compound and adjoining land comprising of retention of joinery workshop and adjoining yard to form reduced builders unit; demolition of storage unit and replacement with smaller unit to be used in conjunction with reduced builders unit; provision of 12 light industrial units (B1 use) with associated access and parking facilities; provision of 2 semi-detached cottages with associated parking and garage spaces on existing residential site; and provision of a new garage for Selworthy Cottage at Beaconstone, Hillcommon, Oake (resubmission of 27/12/0011)

- 11 16/12/0001 - Erection of replacement dwelling at Hascolls Farm, Lower Durston, Taunton
- 12 E0272/43/08 – Wooden hoarding to front elevation of 27 North Street, Wellington
- 13 E0027/38/12 – Smoking shelter erected at Blagdon Retirement Village, Taunton.

Tonya Meers  
Legal and Democratic Services Manager

07 December 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.

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**Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor B Denington  
Councillor A Govier  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor N Messenger  
Councillor I Morrell  
Councillor F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## Planning Committee – 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)

## **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

43/12/0068

MR LANE

**ERECTION OF THREE NO. 2 BEDROOMED COTTAGES WITH ALL ASSOCIATED WORKS AT LAND TO THE END OF TRINITY ROW, WELLINGTON**

Grid Reference: 313440.120358

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the receipt of further information regarding sections and finished floor levels, surface water drainage and the Drainage Engineer being satisfied by the proposals Conditional Approval

In transport terms the site is located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it is not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal has been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

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

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

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

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

(A4) DrNo 12/152/1000 Location Plan  
(A3) DrNo 12/152/500 Existing Site Plan  
(A3) DrNo 12/152/100a Proposed Details  
(A3) DrNo 12/152/101b Proposed Details  
(A3) DrNo 12/152/501a Proposed Site Plan

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

3. Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such.

Reason: To ensure that adequate cycle parking facilities are available for the proposed dwelling, in order to encourage travel by modes other than the private car and reduce the impact on on-street provision parking in the vicinity in accordance with Policies S1 (General Requirements) and M5 (Cycling) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

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

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

5. The development hereby permitted shall not be commenced until details of a strategy to protect birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Acorn Ecology Ltd's submitted report, dated 30th May and 13th June 2012 and include:

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

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

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

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning

(General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or additional windows shall be added to the dwellings hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of neighbouring residents in accordance with Policies S1 and S2 of the Taunton Deane Local Plan and Policy DM1 of the Taunton Deane Core Strategy.

7. Before the development hereby approved is first occupied, an information pack should be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage future occupiers of the site to travel by means other than the private car in accordance with Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the Taunton Deane Core Strategy.

Notes for compliance

## **PROPOSAL**

This application seeks full planning permission for the erection of 3 dwellings. The dwellings would be in a terrace, set perpendicular to the existing terrace of Trinity Row and parallel to existing dwellings on Mantle Street. The dwellings would be two-storey with brick front elevations and rendered rear and side elevations. Sheds would be provided in the rear gardens to accommodate cycle storage. A small tree would be lost to accommodate the development. The dwellings would have windows facing to the north and south. The dwellings would be accessed via Trinity Row.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a small area of land, which is largely overgrown except for a small area in the southeast corner that is hard surfaced and provides access to a garage at the southern end of the site. Part of the eastern part of the site is given over to a vegetable garden for one of the neighbouring dwellings.

To the south are the rear gardens of 73 and 75 Mantle Street, which extend for approximately 25-27m off the rear faces of these dwellings. The garden of 73 Mantle Street borders Trinity Row and is separated from it by a c.1.4m brick/stone wall. Between this garden and the site access to a garage that sits between the site and the rear garden of 75 Trinity Row.

To the east, at the southern end of the site, is an area of private garden, partly used for the parking of a single vehicle, although it is not clear which dwelling the area relates to. Further north along the eastern boundary, the site adjoins the rear gardens of 3, 4 and 5 Court Terrace. The site steps out around the rear garden of number 4 and then extends back to the north site boundary where trees separate it



from Court Fields School. The western site boundary is formed by trees and a hedge separates the site from the long rear garden of 77 Mantle Street that extends for around 67m from the rear face of the dwelling to the boundary with Court Fields School.

Trinity Row is a terrace of 6 dwellings accessed by a narrow access between 69 and 73 Mantle Street. The access is part concrete footpath and part grass, although vehicles may use the access from time to time to access the parking area, garage and application site, as described above.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – The proposal is for three number two bedroomed dwellings located in Trinity Row, Wellington. Trinity Row is not classified as highway, but connects to the highway at its junction with Mantle Street. Access to the site at the end of Trinity Row would not be possible by vehicular traffic, given its narrow and partially unpaved nature.

On site observations confirm that Mantle Street is heavily parked throughout the day, with available on-street parking at a premium. On this basis, it would be difficult to support any planning application which increases the level of on-street parking in this location.

The site is located within the development limits of Wellington and centrally placed for access to amenities and services required by potential occupants. There is also good access to public transport service routes to access places farther afield such as Taunton. There are public car parks nearby and therefore the location is considered highly accessible.

The County Parking Strategy recommends that one cycle parking space is provided per bedroom, and therefore each property should provide at least two cycle parking spaces. In addition, these spaces should be secure and easily accessible by the potential occupants and these details require clarification.

The development will be car free as there is only access on foot or along which route bicycles may be wheeled, and when taking all of the above considerations into account the highway authority has no objection.

Conditions are recommended that details for cycle parking are submitted for approval and that a travel information pack detailing local bus services and other sustainable transport facilities is prepared for the dwellings.

*WELLINGTON TOWN COUNCIL* – Verbal - Objects as overdevelopment of the site to an unacceptable degree; no parking would exacerbate the on street parking problems within Mantle Street.

*WESSEX WATER* - New water supply and waste water connections would be required. General advice provided regarding connection and protection of Wessex

Water assets during construction.

*DRAINAGE ENGINEER* – No surface water disposal details have been given. Therefore until such time as the necessary information has been provided, object to the proposal.

*BIODIVERSITY* – No signs of bats were found in the buildings and trees are unsuitable for roosting. It is likely that bats may forage within the site, so external lighting should be kept to a minimum. There was no evidence of nesting birds, however there is potential for birds to nest in the buildings and vegetation on site. Works should take place outside the nesting season.

There is potential for the site to support reptiles. A reptile survey should be undertaken between March and September and if found on site, a strategy to prevent harm and translocate them is required.

Conditions are recommended.

## **Representations**

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

- Access is very limited, The intended properties have no access or parking facilities. The lane is a grassed pathway and is unsuitable for regular use/large vehicles.
- Parking in Mantle Street is already severely restricted and below capacity for local residents. Last year the opening of the new Health Centre led to the loss of some 20 street parking spaces.
- There is no access for emergency vehicles.
- Query whether drainage capacity is sufficient.
- The development would compromise the legacy of this intact Victorian Area. It is a vital part of the town's heritage and should be valued, conserved and preserved as such.
- More people would have to walk past 5 Trinity Row, reducing privacy.
- The rear gardens of 3 Court Terrace and 77 Mantle Street and their neighbours would be overlooked.
- The development would be 7m high only 20 feet from the rear door of 3 Court Terrace. Being to the south and west, it would deprive these neighbours of sunlight.
- Construction would cause disruption to Mantle Street and Trinity Row residents.
- It is not necessary or fair to impose new development onto this area when so much development is occurring at the edge of town.
- If development has to take place, it should be less obtrusive, such as a low level bungalow, with some space for screening.
- The plans indicate a tree between the new build and 3 Court terrace – there is no tree and none could ever be planted in that location.
- Surrounding properties would be devalued.

## **PLANNING POLICIES**

W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,  
M5 - TDBCLP - Cycling,

## **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)	£3,237
Somerset County Council (Upper Tier Authority)	£809

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£4,856

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Wellington, where development is acceptable in principle. The main issues in the consideration of this application are the design and impact on the character of the area; impact on neighbouring property and impact on the highway network.

### Design and impact on the character of the area

The site is situated in a part of Wellington where the strong historic Burgage Plot Form of Mantle Street is interspersed with alleys and footpaths which push development back perpendicular to the main street. Rookery Terrace to the east and Trinity Row itself are examples of this. At some point, the plots to the rear of 73 and 75 Mantle Street have been truncated, a garage being constructed at the rear of 75 and the present application site having been marked out as its own entity. Further to the north the rear gardens of 3-5 Court Terrace intrude into the former plot that is once likely to have formed part of 73 Mantle Street. Trinity Row then provides access to the site and the cumulative impact is one that has fragmented these historic plots and eroded the historic grain of this part of the town.

The provision of 3 dwellings parallel to Mantle Street and spanning 2 former Burgage Plots is somewhat at odds with the historic grain as it cements the erosion that has

already been identified above. However, the site is not within the conservation area and, coupled with the existing fragmentation of this historic grain, it is considered that the positioning of the dwellings carries little weight in the decision making process.

In terms of detail, the proposed dwellings are similar in form and scale to those on Trinity Row and, subject to clarification over the facing brick and tile, will be compatible in design terms with these immediately neighbouring properties. Sufficient external amenity space is available for the dwellings proposed and as such the design and layout of the dwellings is considered to be acceptable.

### Impact on neighbouring property

The dwellings will be close to the boundaries of 3 and 4 Court Terrace; and 73 to 77 Mantle Street and these dwelling will be most affected by the proposals.

Working from north to south, proposed plot 3 will be 9m from its boundary rear boundary with 4 Court Terrace. This will lead to some new overlooking of this garden, but due to the arrangement of the dwellings, it is not considered that it would unacceptably overlook the living accommodation within the dwelling itself. A 10m off-set from a rear boundary is often considered an acceptable 'rule-of-thumb', so the proposal is slightly short of this distance. The rear elevation of the dwelling proposes a bathroom and bedroom at first floor and with this arrangement, together with the 'side-on' impact to the garden, it is considered that the relationship between the two properties is acceptable.

The rear garden of number 3 Court Terrace would be closer to plot 3, but this would only be overlooked at an angle. The first floor of plot 3 has its bathroom closest to the neighbour, the bedroom being further away. In this context, the overlooking of this property would not be significantly greater than that already suffered from its neighbour 4 Court Terrace. The proposed dwellings would be set off the southwest corner of the 3 Court Terrace, so this dwelling and its amenity space could suffer some loss of direct sunlight in the early afternoon. However, this is not considered to be so significant as to warrant refusal of the application.

Further to the south, is a detached area of grass, currently used for the parking of a car. It is not clear which dwelling this belongs to, but it does not appear to be used as an external amenity space. This area of land will suffer a loss of afternoon sun, but given the apparently low use, it is considered that this impact is acceptable.

To the south, the dwellings would be around 6.5m off the rear boundary of 73 and 75 Mantle Street. This is clearly short of the general rule-of-thumb discussed above however, it must also be put into context. 73 and 75 Mantle Street have a long gardens – around 27m and, therefore, the window-to-window distances to these houses at around 35m are clearly acceptable. The garden of number 73, whilst only 6.5 from the proposed dwellings is also only 3m from the front elevations of 1-6 Trinity Row. In this context, it is not considered that the proposed increase in overlooking is significant enough to warrant refusal of the application. Number 75 is separated from the application site by an existing garage building. This garage, which has a pent roof sloping away from the site up to the rear boundary of 75 and this structure obscures views from the proposed dwellings over this garden area.

To the west, the proposed dwellings would be just 1m from the side garden of

number 77. However, no windows would face this dwelling and, being on the east side, it is not considered that the proposal would result in a significant loss of light to this garden area.

The above detailed considerations lead to the conclusion that the development could proceed without significant detriment to the amenities of the existing neighbouring residential dwellings. In this case, due to the length of proposed rear gardens, substantial extensions could be added without the need for planning permission. It is, therefore, considered necessary to remove permitted development rights for extensions in order to ensure that the amenities of the neighbours is protected into the future.

### Impact on the highway network

The site is incapable of providing any vehicular access, let alone any on-site parking. There is significant local concern about the general lack of on-street parking facilities in the area, especially since the removal of a number of spaces to accommodate the access to the new Wellington Medical Centre. Additional dwellings may lead to greater pressure for on-street parking spaces and this is reflected in the Highway Authority's comments. However, they conclude that given the high accessibility of the site to the town centre and public transport links; the provision of secure bicycle parking will make the development acceptable in terms of its impact on the highway network. There appears to be no reason to dispute this opinion, so the impact of the development on the highway network is considered to be acceptable.

### Other matters

The Drainage Engineer has requested further details of how surface water will be disposed of. It is unlikely that surface water disposal will be impossible to achieve and, therefore, his objection is likely to be overcome. The applicant's agent has been asked to provide additional information in this regard and Member's will be updated at committee.

The submitted wildlife survey found no evidence of protected species on site. However, it advised of the potential for reptile and bird habitat on site. Therefore, conditions should be imposed to require further survey work in respect of reptiles and that site clearance works take place outside the bird nesting season.

### Conclusions

In transport terms, the site is in a sustainable location close to Wellington town centre. As such, it is close to services and public transport links and in light of the Highway Authority's comments, it is not considered that the additional dwelling would put significant additional pressure on parking provision in the immediate area. The proposed dwellings would be acceptably designed and would not have an adverse impact on the character or visual amenities of the area. It has been shown that any impact on neighbouring properties would not be sufficient to warrant refusal of the application and it is, therefore, recommended that planning permission is granted.

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

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

**ERECTION OF A ONE BEDROOMED DWELLING TO THE END OF TRINITY ROW, WELLINGTON**

Grid Reference: 313461.120354

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the receipt of amended plans, further information regarding surface water drainage and the Drainage Engineer being satisfied by the proposals: Conditional Approval

In transport terms the site is located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it is not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal has been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

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

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

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

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

(A4) DrNo 12/152/1001 Location Plan  
(A3) DrNo 12/152/500 Existing Site Plan  
(A3) DrNo 12/152/502 Proposed Site Plan  
(A3) DrNo 12/152/102b Proposed Details

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

3. Prior to their installation samples of the materials to be used in the

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

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

4. Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such.

Reason: To ensure that adequate cycle parking facilities are available for the proposed dwelling, in order to encourage travel by modes other than the private car and reduce the impact on on-street provision parking in the vicinity in accordance with Policies S1 (General Requirements) and M6 (Cycling) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

5. Before the development hereby approved is first occupied, an information pack should be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage future occupiers of the site to travel by means other than the private car in accordance with Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the Taunton Deane Core Strategy.

Notes for compliance

## **PROPOSAL**

This application seeks full planning permission for the erection of a one bedroom dwelling. The dwelling would be added to the end terrace, 6 Trinity Row with a lower ridge height and a rendered frontage. The northern end of the proposed dwelling would be set in from the front face, due to a curve in the site frontage.

The rear and exposed gable end of the dwelling would be rendered.

Amended plans have been requested to: -

- Bring the dwelling forward to follow the line of the existing terrace.
- Raising the ridge height to match the existing.
- Change the entire front face of the dwelling from render to brick.
- Confirmation of cycle storage.



## **SITE DESCRIPTION AND HISTORY**

The site comprises the side garden of 6 Trinity Row, an extended end terrace dwelling. A large tree in the northwest corner of the site would be felled to accommodate the development. Trinity Row is a terrace of 6 dwellings accessed by a narrow access between 69 and 73 Mantle Street. The access is part concrete footpath and part grass, although vehicles may use the access from time to time to access a parking area to the north, garage opposite the application site and a garage/yard area also opposite the site and subject of application 43/12/0068.

The dwellings have a brick front (west) elevation and random stone rear (east) elevation. They have small courtyard gardens to the rear. The positioning of windows and doors in the front elevations is fairly uniform, but the detailing of the fenestration has been variously altered on each of the dwellings such that it no longer matches.

Areas of private amenity space adjoin the site to the north and east, although it is not clear which properties these belong to.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal is for a one bedroomed dwelling located in Trinity Row, Wellington. Trinity Row is not classified as highway, but connects to the highway at its junction with Mantle Street. Access to the site at the end of Trinity Row would not be possible by vehicular traffic, given its narrow and partially unpaved nature.

On site observations confirm that Mantle Street is heavily parked throughout the day, with available on-street parking at a premium. On this basis, it would be difficult to support any planning application which increases the level of on-street parking in this location.

The site is located within the development limits of Wellington and centrally placed for access to amenities and services required by potential occupants. There is also good access to public transport service routes to access places farther afield such as Taunton. There are public car parks nearby and therefore the location is considered highly accessible.

The County Parking Strategy recommends that one cycle parking space is provided per bedroom, and therefore the proposal should include at least one cycle parking space. In addition, this space(s) should be secure and easily accessible by the potential occupants and these details require clarification.

The development will be car free as there is only access on foot or along which route bicycles may be wheeled, and when taking all of the above considerations into account the highway authority has no objection to the proposal.

A condition is recommended requiring details of cycle parking to be submitted.

*WELLINGTON TOWN COUNCIL* – Verbal - Objects as overdevelopment of the site to an unacceptable degree; no parking would exacerbate the on street parking problems within Mantle Street.

*WESSEX WATER* – New water supply and waste water connections would be required. General advice provided regarding connection and protection of Wessex Water assets during construction.

*DRAINAGE ENGINEER* – Note that surface water is to be discharged to SUDS, however, no details of how this is to be achieved has been provided. Until this is provided, objects to the proposal.

## **Representations**

5 letters of OBJECTION raising the following points:

- Access is very limited, The intended property has no access or parking facilities.
- Parking in Mantle Street is already severely restricted and below capacity for local residents.
- There is no access for emergency vehicles.
- Query whether drainage capacity is sufficient.
- More people would have to walk past 5 Trinity Row, reducing privacy.
- The development would be 7m high only 20 feet from the rear door of 3 Court Terrace. Being due south it would deprive these neighbours of sunlight.
- Construction would cause disruption to Mantle Street and Trinity Row residents.
- Surrounding properties would be devalued.
- The development should be single storey.
- The tree at the end of Trinity Row should be retained as it is an important part of the outlook from 13 Rookery Terrace.

## **PLANNING POLICIES**

W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
M4 - TDBCLP - Residential Parking Provision,  
M5 - TDBCLP - Cycling,

## **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)	£1,079
Somerset County Council (Upper Tier Authority)	£270

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Wellington, where development is acceptable in principle. The main issues in the consideration of this application are the design and impact on the character of the area; impact on neighbouring property and impact on the highway network.

### Design and impact on the character of the area

The proposed dwelling, subject to amended plans, reflects the scale of the existing terrace of which it would form part in terms of its overall height, eaves and ridge alignment. In terms of its siting in the wider area, continuing the existing terrace is considered to be compatible with the general grain of development in this part of Wellington and is appropriate. The plot width would be narrower than number 6, but this is because number 6 has been previously extended. The overall width of the dwelling would be similar to numbers 1-5 Trinity Row, although the shape of the site and need to maintain access to a neighbouring garden area has significantly reduced the proposed site frontage to just 2.5m. However, due to the previous extension to number 6, it is considered that the rhythm of the window and door arrangements in the terrace has already been weakened and, as such, the character of the terrace would not be further undermined by this proposal. The proposed materials would match the existing dwelling and final clarification of this can be gained through the submission of samples and required by condition.

The development would result in the loss of a tree, which is a pleasant feature of the area that can be viewed from Rookery Terrace/Court Terrace to the east, as well as forming part of the outlook for some of these dwellings. However, the site is not within a conservation area, so it is not felt that sufficient weight can be placed on its loss to warrant refusal of the application.

### Neighbouring property

The proposed dwelling would have windows to the front and back, facing over a neighbouring garage and the application site for 43/12/0068 to the front; and the neighbouring private garden space to the rear. This garden space to the rear, however, is already overlooked by the existing dwellings in Trinity Row and it is not considered that the addition of one extra bedroom window facing this direction would lead to such significant overlooking as to warrant refusal of the application.

Some concern has been raised that additional dwellings will lead to more people walking past the front windows of existing dwellings in Trinity Row, which would lead to a loss of privacy. It is accepted that very few people currently pass along Trinity Row, but again, it is not considered that this additional footfall would lead to a significant loss of privacy to these existing dwellings.

### Highways

The site is incapable of providing any vehicular access, let alone any on-site parking. There is significant local concern about the general lack of on-street parking facilities in the area, especially since the removal of a number of spaces to accommodate the access to the new Wellington Medical Centre. Additional dwellings may lead to greater pressure for on-street parking spaces and this is reflected in the Highway Authority's comments. However, they conclude that given the high accessibility of the site to the town centre and public transport links; the provision of secure bicycle parking will make the development acceptable in terms of its impact on the highway network. There appears to be no reason to dispute this opinion, so the impact of the development on the highway network is considered to be acceptable.

### Other matters

The Drainage Engineer has requested further details of how surface water will be disposed of. It is unlikely that surface water disposal will be impossible to achieve and, therefore, his objection is likely to be overcome. The applicant's agent has been asked to provide additional information in this regard and Members will be updated at committee.

### Conclusions

The site is in a central location close to Wellington Town Centre. Subject to clarification over external materials and amended plans, the proposal is considered to be compatible with the general grain and character of the area. Any potential loss of privacy to neighbouring dwellings and their gardens is not considered to be significant. In light of the Highway Authority's comments, it is not considered that the additional dwelling would put significant additional pressure on parking provision in the immediate area and, as such, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

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

MCARTHY & STONE RETIREMENT LIFESTYLES LTD

**ERECTION OF AN EXTRA CARE ASSISTED LIVING DEVELOPMENT  
COMPRISING 58 NO. APARTMENTS WITH ASSOCIATED PARKING AND  
LANDSCAPING AT THE FORMER COUNCIL NURSERIES, 15 MOUNT STREET,  
TAUNTON**

Grid Reference: 323090.124042

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the provision of a commuted sum in lieu of affordable housing on the site and possibly maintenance of surface water attenuation if not maintained by a management company permission be granted.

The proposal, for an elderly residential care development, is located within defined settlement limits in a sustainable location where the principle of new housing is considered acceptable and in compliance with the NPPF. The proposed access and parking would be satisfactory and the development is sited so as not to be within flood zone 3 and would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN28 (Flood Risk) and M4 (Residential Parking Provision) and emerging Core Strategy policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

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

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

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

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

(A3) DrNo PA01-1885-01 Site Location Plan  
(A1) DrNo PF01-1885-02 Proposed Site Layout  
(A1) DrNo PA01-1885-03 Contextual Elevations 1  
(A1) DrNo PA01-1885-05 Ground Floor Plan  
(A1) DrNo PA01-1885-06 First and Second Floor Plans  
(A1) DrNo PA01-1885-07 Third Floor and Roof Plans  
(A1) DrNo PA01-1885-08 Proposed Landscaping Layout

(A0) DrNo PA01-1885-09 Contextual Elevations  
(A0) DrNo PA01-1885-10 Contextual Elevations  
(A0) DrNo PA01-1885-11 Contextual Elevations  
(A0) DrNo P08142\_SX Rev A Topographical Survey  
(A0) DrNo P08142\_SX Rev A Topographical Survey  
(A1) DrNo 1028\_LMP\_600 Landscape Master Plan  
(A1) DrNo 7711/01 Tree Constraints Plan

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

5. No persons under 60 years of age and/or a partner of 55 years of age shall occupy any of the units hereby permitted with the exception of guests and/or warden(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the age range of users in the interests of limiting traffic to and from the site.

6. The development shall be carried out in strict accordance with approved Drawing Ref: 1205/2513 V3 (titled "*Safe Access Route*", prepared by Aardvark and dated 16 April 2012).

Reason: To avoid inappropriate development in the floodplain in accordance with NPPF paragraph 100 and TGNPPF Table 3.

7. Finished floor levels of the development shall be set no lower than 21.92m

AOD.

Reason: To ensure that the development is appropriately flood resilient and resistant in accordance with NPPF paragraph 103.

8. No part of the development hereby permitted shall be occupied until a flood emergency plan has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following elements:
- Identify areas providing a safe refuge during a flood;
  - Identify safe access and egress routes within the development;
  - Details of the responsible person / party during a flood and appropriate actions to ensure the safety of occupants; and
  - Provision of flood marker boards on the access roads within the site, which indicate safe depths for driving.

The development shall subsequently be implemented and maintained in accordance with the approved details.

Reason: To ensure that the residual risk of flooding is managed safely on site in accordance with NPPF paragraph 103.

9. No development shall commence until details of flood resilience measures in the construction of the development to a minimum level of 22.3m AOD have been submitted to, and agreed in writing by the Local Planning Authority. The development shall be subsequently implemented and maintained in accordance with the approved details.

Reason: To ensure that the development is appropriately flood resilient and resistant in accordance with NPPF paragraph 103.

10. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To ensure that the development does not increase flood risk and, where possible reduces flood risk in accordance with NPPF paragraph 102.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local

Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall thereafter be carried out in accordance with the recommendations of the approved strategy.

Reason: To ensure that the site is appropriately remediated in accordance with NPPF paragraph 121.

12. The development hereby permitted shall not be commenced until details of a strategy to protect badgers, reptiles, bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Aardvark reports dated October 2009 and July 2012 and Ambios Ecology's report, dated August 2010 and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles 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 **species** and their habitats from damage bearing in mind **these species are** protected by law.

13. Details of any external lighting shall be provided prior to its installation and agreed in writing by the Local Planning Authority to ensure the lighting is directed downwards only.

Reason: To ensure lighting is controlled to prevent light pollution and impact on bats.

14. (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.

15. The existing tree shown to be retained on site on proposed site layout drawing PF01-1885-02 shall be protected in accordance with BS5837:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

16. A footway across the site frontage shall be provided prior to occupation of any of the residential units.

Reason: In the interests of highway safety and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

#### Notes for compliance

1. Land Drainage Consent will be required from the Lead Local Flood Authority (Somerset County Council) for any connection to the Stockwell Stream.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended)

2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that this advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to development commencing, and thereafter maintained until the use of the site discontinues.
5. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

## **PROPOSAL**

The proposal is to utilise the redundant Council former Nurseries site at the end of Mount Street to create an assisted living extra care facility for 58 apartments. The accommodation would be for the over 55's and would have accommodation designed over 2 to 4 floors with 23 parking spaces and associated amenity space and flood attenuation on site. The development meets an identified need for elderly care facilities.

## **SITE DESCRIPTION AND HISTORY**

The site consists of the former Council nursery site at the eastern end of Mount Street. The site has open land to the south east and south west with the Stockwell Stream to the north east and the residential properties of St Joseph's Field beyond.

To the north lies Mount Street and there is a listed terrace of properties on the opposite side of the road within the conservation area. There is a modern two storey dwelling on site to be demolished together with a number of brick and block disused storage buildings that are also to be removed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Although the proposals are acceptable in principle, an assessment of the Transport Statement has flagged up a number of minor issues which should be addressed.

3/8 Revised comments

#### **Traffic Impact**

The supplementary traffic generation analysis has estimated that the proposals could generate an additional 8 vehicle trips during the peak hour. Based on the survey information provided for other similar sites, it is our view that the proposals could generate up to 16 movements during the peak hour as a worst case. However, given that this level of traffic would still be less than what the previous nursery use would have generated, the proposed level of traffic which the proposals would generate is considered to be acceptable.

#### **Parking**

The overprovision of vehicle parking was previously raised as an area of concern. The updated TS provides evidence to justify the proposed level of parking, including data on car ownership at similar sites. We consider that the provision of this information justifies the level of parking proposed and are satisfied that this level of parking is suitable for the size of the proposed development.

Additional information on cycle parking has also been provided. Although this is acceptable in principle, we suggest that the spaces proposed in the buggy store are supplemented by Sheffield stands, close to the entrance for visitor use. This is something that can be secured by appropriate planning condition.

The assumption within the TS that motorcycles would not be commonly used by residents, staff or visitors is disputed. Such presumptions, particularly regarding staff and visitor travel modes, should not be made as it cannot be controlled. Whilst it is acknowledged that motorcycle demand may not be huge, it is likely that there would be the occasional requirement for parking for staff and visitors. On this basis a condition is suggested to provide a minimum of one space, in accordance with the SCC Parking Strategy.

#### **Access and Internal Layout**

It is proposed to utilise the existing point of access on Mount Street to serve the application site. The layout of the access is considered to be suitable for the type and amount of traffic which will regularly visit the site. Visibility splays of 2.4m x 43m are shown to be achievable in each direction. This level of visibility is usually required where traffic speeds on the highway are 30mph. However, given the geometry of the highway in the vicinity of the access, traffic speeds are likely to be lower; therefore the proposed level of visibility is in accordance with the required standards. It is also noted that the current vegetation within the highway will be removed and replaced with a footway. This will be achieved without reducing the

width of the carriageway. This is considered to be a benefit as it will ensure that visibility is achieved, whilst providing segregated pedestrian provision where none currently exists.

Internally the proposed layout of the parking areas, service vehicle turning facility and general vehicular and pedestrian layout is considered to be acceptable.

### **Sustainability**

Following on from our previous comments, the Applicant has submitted additional information on accessibility to the site by non-car travel modes, including the provision of a Travel Plan. This document is considered to be generally acceptable; however, there are issues which should be addressed.

In summary, the site audit within the TP should identify any obvious highway constraints, such as the narrow footways, presence on street parking and staggered footway patterns, which are likely to affect the usage of the routes by foot or mobility scooters. The TP should be amended to remove non committal words such as 'would', 'should' etc. and replace them with 'will' shall' etc. Details of staff travel discount public transport vouchers should also be provided.

Please note that the above TP comments are not exhaustive, and the attached document discusses the TP issues in much more detail. This document should be passed on to the Applicant. A copy has also been forwarded to the Highways Consultant for their information. Somerset County Council will only approve the TP following agreement of the document content. A monitoring fee would also be applicable.

In light of the above, it is suggested that the Applicant enters into a Unilateral Undertaking to secure the detail of the TP. This would ensure that development is not commenced until an amended TP has been received, and that the measures agreed would be implemented prior to occupation.

### **Flood Risk**

A Flood Risk Assessment (FRA) has been submitted as part of the development proposals. This document confirms that the proposals would not present any issues in terms of the effect upon the existing highway from a drainage perspective. It is noted that the Drainage Engineer has requested that a condition is included to approve details of a full surface water drainage scheme.

### **Recommendations**

The proposals are considered to be acceptable, subject to the following conditions:

- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

- A scheme to encourage the use of Public Transport amongst contactors; and
- Before the development hereby permitted is first occupied, a footway shall be constructed along Mount Street in accordance with details which have previously been approved by the Local Planning Authority.
- In the interests of sustainable objectives the development hereby permitted shall not be occupied until a cycle parking area has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- NOTE: The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that this advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
- NOTE: The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to development commencing , and thereafter maintained until the use of the site discontinues.

NOTE: The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

*HERITAGE* - Comments on submission:

1. Design and access statement - some errors on the maps but none of any significance eg Richard Huish College wrongly identified.
2. Ratio of solid to void generally reflective of the area.
3. I am however unhappy with the way render and brick are proposed to be used eg the upside down L of render on the north elevation and the way it is mixed on the most eastern block on the north elevation. I know it would not be appropriate to use one material on such a large building and could be potentially bland and over-bearing. The elevation could however be broken up by the use of render and brick but used full height, per "unit".
4. Generally voids should have a vertical emphasis and not be square as commonly expressed here.
5. The comments above are equally relevant to other elevations.
6. The choice of brick and colour of mortar will be very important.
7. Is there an opportunity to introduce "chimneys", to be used for air handling or other device extracts etc?

*ENVIRONMENT AGENCY* - We have no objection to the application as submitted subject to suggested conditions being imposed upon any permission granted:

*BIODIVERSITY* - comments

The proposal is for the erection of 58 dwellings with associated parking and landscaping at the former Council nurseries at 15 Mount Street, Taunton. Aardvark carried out an Ecological Addendum Report of the site in February 2012. The site had previously been surveyed in October 2009 and August 2010. Since these assessments the site development has reduced and now only comprises the former nursery buildings. The remaining scrub area to the south and west is to remain untouched. Findings in the latest report are as follows:

Bats - the surveyor concluded that the buildings and vegetation on site are conducive to the presence of bats. I agree a bat activity survey should be undertaken during the summer months. The results of this survey are needed prior to determination of this application.

Badgers - The surveyor found a badger sett to the east of the site. There are also numerous pathways and snuffle holes across the site. The suggested mitigation is a 30m exclusion zone. An additional badger sett was also discovered in the middle of the site and this sett will need to be closed under licence from Natural England.

Water Vole - There are records of water vole using the nearby stream adjacent to the site. A section along the watercourse which has recently been cleared exposed water vole holes. The stream should be protected with a 5m buffer. Should any works be proposed to the stream as part of the development then water vole mitigation must be included in a wildlife strategy and a licence will be required from Natural England.

Eels - no eels were encountered during the latest survey although anecdotal evidence suggested that they were present.

Dormice - The surveyor did not consider the site suitable for dormice.

Birds - The vegetation on site provides potential nesting sites and foraging habitat for birds. Site clearance should take place outside of the bird nesting season. I support the provision of bird boxes.

Reptiles - The site provides habitat for reptiles, in particular slow worms. Reptiles should be translocated from the site prior to clearance of any vegetation or buildings. The reptile fencing to be erected should be badger proof.

Great Crested Newts - A pond and ditch identified to the south and 3 ponds found in the NW corner of the site were assessed as being of low suitability for GCN using the Habitat Suitability Index.

I suggest a further bat survey is carried out.

*HOUSING ENABLING LEAD* - The commuted sum in lieu of affordable housing is £862,408. The commuted sum money is ring fenced and must be used to provide affordable housing in the locality. The commuted sum money should be paid upon completion of the sale of the land.

*ENVIRONMENTAL HEALTH OFFICER* - A contaminated land condition is required due to the nature of the site.

*DRAINAGE ENGINEER* - I note the Environment Agency's response and am in agreement with their comments, especially those referring to the provision of a surface water drainage scheme for the site, its maintenance and allowable discharge rates. suggests a full surface water drainage scheme for approval as a condition of any permission given.

## **Representations**

20 objections raising the following issues

- 23 parking spaces does not seem sufficient for 58 dwellings
- There are parking issues in the area
- Increase in traffic volume and will cause traffic jams
- The development will generate more traffic than the old nursery
- An increase in traffic will make accidents more likely
- The roads aren't suitable for either construction traffic or service vehicles
- There is a conflict between vehicles and child cyclists and pedestrians
- There are a lack of pavements in the area
- A large percentage of pedestrian traffic will be senior citizens and students using bicycles, electric and ordinary wheelchairs and shopping buggies and will be vulnerable to motor vehicle traffic
- There are inadequate road junctions serving Mount Street and Mountway and access on/off Mary Street will be difficult.
- Car speeds along Mountway have increased and there is less consideration of pedestrians by drivers.
- The controlled Crossings of the A38 at Vivary Park and Paul Street are inadequate as are the nearby road junctions.
- The park is not an alternative in winter months during commuting hours.
- The introduction of shared space concept to the constrained parts of Mountway and Mount Street would be of benefit and home-zone style features should be considered
- With the addition of disability buggies an accident is inevitable
- Mountway has no footways and should be made one way with a 20mph speed limit.
- The footpath at St. George's School entrance should be extended by purchasing a strip of land next to the road.
- No part should be more than 3 storey.
- Main block faces north to Stockwell Stream
- The 4 storey buildings running parallel with Stockwell Stream is out of keeping architecturally.
- A development of a less 'institutional' nature would find more favour

- The scale of buildings and number of units should be reduced and reduce traffic pressure.
- As there is no convenient bus service residents will use taxis which will add to traffic
- Development at Kings College will drain to the stream and cause problems for the development
- Impact on wildlife with loss of trees
- A tree screen should be planted along the perimeter and north west boundary of the site
- Site on a flood plain

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 STR1 - Sustainable Development,  
 STR4 - Development in Towns,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 H9 - TDBCLP - Affordable Housing within General Market Housing,  
 M4 - TDBCLP - Residential Parking Provision,  
 EN12 - TDBCLP - Landscape Character Areas,  
 EN14 - TDBCLP - Conservation Areas,  
 EN28 - TDBCLP - Development and Flood Risk,  
 T1 - TDBCLP - Extent of Taunton,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **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)	£62,586
Somerset County Council (Upper Tier Authority)	£15,646

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£375,516
Somerset County Council (Upper Tier Authority)	£93,879

## **DETERMINING ISSUES AND CONSIDERATIONS**



The main considerations with the site are the impact on the character and appearance of the area and the adjacent conservation area, sustainability, drainage and wildlife issues, affordable housing and highway access and parking.

### Character of the Area

The existing site lies within the settlement on the edge of the existing conservation area of Mount Street. The design has been carefully considered with the Mount Street frontage designed to reflect the scale and appearance of terrace properties opposite. The proposed terrace to Mount Street is two storey with a low wall and railings defining the front boundary with the road. This design approach is considered to be an acceptable one.

The site is largely undeveloped and lies outside of the conservation area. The provision of a modern contemporary housing scheme on the site is considered to be acceptable in principle. For flooding reasons the built form of the development has to be limited to the north of the site. Beyond the Mount Street frontage there is a two storey link building to the corner with Mount Street and then the building is stepped up to 3 storey 'villa' building before a glazed link and a 3.5 storey contemporary design section running parallel to the Stockwell Stream. This finishes in a 4 storey element at the end rounding off the development which is set back some 8-11m from the stream with landscaping in between. There is already 3 storey development in St Joseph's Field and this is set on higher ground to the north. The provision of the height of development as proposed on this site is considered acceptable and not to harm the appearance of the area.

While the concern of the Landscape Officer is noted with regard to the hedgerow, replacement planting is to be conditioned to soften this elevation which will be visible across the Stockwell Stream. Given the site constraints it is necessary to ensure an outlook in this direction is provided and it would also give a degree of surveillance to the footpath on the opposite side of the stream.

The treatment of the northern elevation to Stockwell Stream has been amended to reflect the comments of the Conservation Officer in terms of the use of the render and brick elements of the elevation and this revision is considered an improvement over the original submission. The internal elevation to the site has a similar render and brick mix and looks over the amenity space for the site and is not clearly visible from any public vantage point. This elevation provides balconies overlooking the amenity space and countryside beyond. Any distant views of the site from the south will view the site against the back drop of the residential scheme at St. Joseph's Field and the development as designed is considered a high quality scheme that complies with the NPPF and policy S2 of the Local Plan.

### Sustainability

The new NPPF puts an emphasis on allowing sustainable development. The site is considered to be in a highly sustainable location within around 350m of the town centre and local shops and there are bus stops in the town centre. Electric buggy recharging points will be incorporated in the scheme.

In terms of construction and energy efficiency each habitable room will have independent thermal controls and communal lighting will be linked to daylight and/or

movement sensors. Main areas will be fitted with low energy light fittings and the hot water heating system is energy efficient to reduce heat loss and used recycled copper piping. The use of low-e solar double glazing is also proposed. The construction and insulation of the scheme is also designed to achieve a SAP rating to satisfy Part L of the Building Regulations.

### Drainage

The site lies with a flood risk area with part of which lies within zone 2 and part in zone 3. The built form is designed to be in the area of lesser risk and surface water attenuation is designed into the scheme on site. The Sequential Test has been carried out in respect of the site and it is recognised that there are no other identified sites within the built up area that could be utilised for a sheltered housing scheme. This approach has also been applied to determine the site layout with the most vulnerable uses (residential) being located in areas at lowest risk of flooding. The site is previously developed and in a sustainable location and the FRA demonstrates the site is safe and will not increase flood risk elsewhere. Consequently the proposal is also considered to pass the Exception Test. The Environment Agency raise no objection to the development subject to suitable conditions and the Drainage Officer is also satisfied in principle subject to a suitable condition.

The suggested conditions include a drainage scheme for the site and future maintenance. The developer has advised that a management company would run the site and be responsible for water attenuation. Should this not be the case in the future an alternative maintenance arrangement will need to be agreed through a legal agreement.

A condition is also proposed by the Environment Agency to address possible contamination on site. The Environmental Health Officer has also sought a condition to address contamination. Given the previous use of the site there is unlikely to be any contamination and the Environment Agency condition is considered a more suitable approach to this issue in the circumstances.

### Wildlife

A number of wildlife surveys have been undertaken in relation to the site including a recent bat survey. In respect to bats the survey did not find any use of the existing buildings to be demolished on site and a recommendation was made with regard to external lighting to limit the extent of any light spillage in the future. A condition is considered appropriate to address this point. A landscape strategy for the site is also proposed to enhance biodiversity.

Other wildlife such as badgers, water voles, dormice and reptiles have been considered and mitigation recommendations are made where necessary to protect any species found on site and specifically to address the badger sett within the site. The mitigation proposed is considered necessary and a condition to address this is considered acceptable.

### Affordable Housing

The development of the site falls to be considered in light of the new Core Strategy given its advanced state. Policy CP4 relates to housing and requires an affordable provision of 25%. In this particular case there is a critical size involved in provided housing schemes for the frail elderly, as proposed in this case. The current scheme is at the lower end of the viability scale in terms of such provision. Consequently given the flood risk constraints of the site it is not possible to provide an affordable housing element on site. Instead a commuted sum is being offered in lieu of on site provision to allow for provision elsewhere in the town. The Housing Lead recommends a sum of £862,408 to be ring fenced for the provision of affordable housing and to be payable on the sale of the land. This will need to be sought through a legal agreement, though not a Section 106 as the Authority own the land concerned.

### Access

The access to the site is to be moved to provide visibility and a footway across the site frontage. The provision of this footway is to be a condition of the development. The Highway Authority had previously agreed the current scale of development in principle given the previous use of the site and levels of traffic that were using local roads. The roads serving the site are narrow in places, however there is no ability to secure improvements to these roads serving the site. The proposed development has been shown to generate significantly less traffic in the morning and evening peak periods than the existing use and the commercial vehicle use would be removed.

The car parking provision is made on the basis of similar schemes allowed elsewhere in the town and the experience of the applicant in providing sheltered housing schemes across the country. The Highway Authority have asked for a justification of the car parking given that it is more than their standard, however the parking level proposed is considered adequate despite the concerns of local residents that there is a lack of parking. The parking provision is just over a third and provides 23 spaces for 58 units of residential care for the elderly. There is provision on site for bicycle and mobility buggy parking. The occupation of these residential units is to be age restricted by condition and the level of parking for the nature of the use is considered to be an acceptable one.

### Conclusion

The proposed development is considered to be a suitable and sustainable reuse of a previously developed site within the settlement limits of the town in accordance with the NPPF and local development plan policies. The scheme makes adequate provision for access, parking, affordable housing, wildlife mitigation, drainage provision and landscaping.

The receipt of the New Homes Bonus is noted, however, it is considered that this matter carries limited weight in this case.

The scheme is considered to provide a needed facility for the frail elderly and secures a high quality design in a highly sustainable location and it is therefore recommended for approval.

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

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

38/12/0146/LB

MR S CARTER

**REINSTATEMENT OF SIDE ENTRANCE DOOR, OVERHAULING AND ALTERING THE USE OF ONE WINDOW IN CASTLE BOW TO PROVIDE ADVERTISING SPACE AND INSTALLATION OF HANGING SIGN OVER THE SIDE ENTRANCE DOOR AT CASTLE HOTEL, CASTLE GREEN AS AMENDED BY PLANS RECEIVED ON 23 JULY 2012.**

Grid Reference: 322668.124572

Listed Building Consent: Works

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

It is considered that the proposal is in line with Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. The listed building and its setting and any features of historic or architectural interest are, therefore, preserved in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A2) DrNo 12.1649/05 Rev A - proposed entrance to bar from Castle Bow as proposed

(A2) DrNo 12.1649/07 Rev B - proposed entrance to bar Castle Bow elevation as proposed

(A2) DrNo 12.1649/09 - location and block plan

(A1) DrNo 8 Rev A - Basement and GND Plans

(A2) DrNo 12.1649/09CB - Location Plan and Block Plan

DrNo 12.1649/12 - Projecting sign

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

3. The windows and doors shall be painted in accordance with the agent's email received on 21 May 2012 unless any variation thereto is first agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

4. No existing feature or structure, other than those for which consent is hereby granted, shall be removed, interfered with or adapted without the prior approval of a further listed building consent.

Reason: To ensure any alterations are in the interests of the character of the Listed Building in accordance Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

Notes for compliance

## **PROPOSAL**

Reinstatement of side entrance door, overhauling and altering the use of one window in Castle Bow to provide advertising space and installation of hanging sign over the side entrance door, as amended by plans received on 23 July 2012.

## **SITE DESCRIPTION AND HISTORY**

The Castle Hotel is an integral part of the group of listed buildings around Castle Green, which form the historic core of Taunton. It is attached on its south side to the Grade I listed medieval gatehouse, known as Castle Bow. Castle Hotel itself appears to date predominantly to the early C19, with later additions and was listed at Grade II on 4 June 1952. Castle Green, which incorporates the hotel is also a Scheduled Monument. Recent approved applications affecting the hotel include those concerned with the redevelopment of Castle Green (38/09/0388 and 38/09/389/LB), internal alterations to bar area and formation of disabled WC (38/04/0059/LB) and other alterations including a fire escape (38/00/0500/LB). The most recent application (38/12/0138/LB), which included the reopening of the side entrance, was approved on 19 June 2012.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)* - No objection to reuse of doorway but considers domed fabric canopy an obtrusive addition. Suggests substitution with traditional hanging sign. Also has reservations with internally illuminated signs in window openings and loss of sash window in left hand window. Suggests left hand sign omitted and window opening retained as is.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No reply received.

*TAUNTON AND DISTRICT CIVIC SOCIETY* - Two responses received to original application:

'In essence we do not oppose the proposal to utilise an existing doorway in Castle Bow, but feel that the ambience of Castle Bow as the entry to an Ancient Monument should be preserved. Even though Castle Green is being updated, and the North Street side of Castle Bow is heavily commercialized (to its detriment), the massive and forbidding aspect of the gateway arch should be retained.

We think the proposals will harm the setting of this listed building. In particular we think the proposed dome awning highly inappropriate, dislike the idea of converting the windows into what may be effectively be back lit garish signboards, and would plead that nothing that resulted in a much higher level of illumination than at present (for example, a flood of light from the doorway) should be permitted.'

and by letter received on 13 July the following was added:

'1. The choice of materials is highly inappropriate and out of keeping with the solid weathered, hard used and forbidding nature of the arched passage. In this comment we are not only considering the tacky and ridiculous awning, but also the materials used for the advertising display in the windows and the visual impact of the very modern glass doors (and the attendant illumination) that will be evident when the doors are pinned back.

2. Loss of sashes in window frames should not be allowed in a listed structure. Further, windows should retain the character of windows, and not be converted to advertising hoardings.

3. The very overt commercialization of this side of Castle Bow is itself inappropriate, and could surely be toned down without significantly affecting the custom that the Bar and Grill will receive.

We do not oppose - indeed, welcome - the changes to the external doors to ensure they open inwards.'

## **Representations**

Cllr Meikle expressed concerns about modern intrusions under Castle Bow.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
S&ENPP9 - S&ENP - The Built Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Castle Bow is one of the most historically important medieval buildings in Taunton and proposals affecting its fabric and setting must be very carefully considered.

The proposed reopening of the side entrance door is, in principle, accepted by the consultees, although the Civic Society do not support the glass doors in behind. This aspect of the application, together with other internal alterations, was assessed as part of the approved Listed Building Consent (38/12/0138/LB) and the impact on the historic significance of the hotel and Castle Bow deemed to be negligible.

Following the consultation response from English Heritage (a statutory consultee on applications affecting Grade I and II\* buildings), the originally submitted signage scheme has been substantially amended, with the left hand window now retained as existing and, at English Heritage's suggestion, the awning replaced by a hanging sign. Further changes were also made in discussion with the planning case officer and no internally illuminated signs are now proposed. While the initial concerns of the planning case officer and English Heritage have been allayed, the more fundamental objections from Cllr Meikle and Taunton Civic Society regarding the impact of modern commercial intrusions must be considered. In essence, it comes down to whether the revised scheme preserves or enhances the character and appearance of Castle Bow and if it does not, whether the public benefit outweighs the negative impact.

Castle Bow, while medieval in origin has been subject to later external alterations, most noticeably early C19 'gothickisation'. The underneath of the former gateway has a substantially modern treatment, creating flat areas of rendering, and is already lit by modern lighting. I consider that its character has, to an extent already been compromised, and that in this context the proposed alterations would not cause harm to the significance of this heritage asset. I am also guided by English Heritage, who do not object to the scheme in principle and suggested the revisions to this application that the applicant has submitted.

Given that the applicant has now addressed the majority of the concerns that were inherent in the original scheme, including some of those of the Civic Society, and that the proposed works are not considered to harm the significance of this heritage asset, I recommend that in line with national and local policy and guidance Listed Building Consent is granted.

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

**CONTACT OFFICER: Mr N Pratt Tel: 01823 356492**



31/12/0009

MRS J L HARRIS

**CHANGE OF USE OF LAND FROM AGRICULTURAL TO CARAVAN PARK AT DAIRY HOUSE FARM, STOKE HILL, HENLADE (AS AMENDED)**

Grid Reference: 327439.122957

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed caravan site, subject to the orchard planting conditioned below, will have no significant adverse impact upon the landscape character and is deemed to preserve the appearance of the countryside. It is not deemed to result in any material detriment to the residential amenities of the occupiers of nearby properties or to highway safety. As such, the proposal is in accordance with Policies STR6 (Development Outside Towns, Rural Centres and Villages) and 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies S1 (General Requirements), EC25 (Touring Caravan and Camping Sites) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) and DM2 (Development in the Countryside) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

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

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

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

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

(A3) DrNo 1957-01 Location Plan  
(A3) DrNo 1957-02 Site Plan  
(A3) DrNo 1957-03 Access Plan

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

3. (i) The landscaping/planting scheme shown on the submitted plan 1957-02 shall be completely carried out prior to the commencement of the

development.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2 and EN12.

4. The occupation of the building shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: The site lies in a location where the Local Planning Authority would not look favourably upon permanent occupation, which would be contrary to countryside policies set out in the NPPF.

5. No more than four touring caravans shall be positioned on the caravan site hereby permitted at any one time and these shall be positioned within the orchard planting.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2 and EN12.

6. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 33 metres to the south of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure sufficient visibility splays are provided in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in the NPPF.

Notes for compliance

## **PROPOSAL**

Dairy House Farm is located on Stoke Hill, to the south-east of Henlade, between Stoke St Mary and Thornfalcon. To the north is the former Presidents Health Club, which has been converted into a complex of residential units. To the west is Mount Somerset Hotel and agricultural fields lie to the south and east. Dairy House Farm has two accesses from the highway, including a private access to the south and one to the north, which shares the junction to the main road with the access to Presidents Court.

This application seeks a change of use of an agricultural field to a caravan site. The site would be planted with orchard trees, leaving gaps within the traditional orchard grid for the siting of the caravans. It is understood that the site has in the past been used as a caravan site under an exempted organisation licence and as such, a block providing wash facilities is already present and this is proposed to serve the caravan site now proposed.

The caravan site would not be a typical touring site that would encourage people to bring their touring caravans with them, but instead there would be classic/vintage touring caravans permanently provided on the site for holiday makers to use. It is proposed to site four caravans at the present time. Although the four caravans will remain permanently on the site, they will be moved around the site within the orchard area, to allow the meadow grass to re-establish. A parking and turning area is provided in the western part of the field. It is proposed to utilise the northern access to the site, to access the caravan site and improvements to visibility are proposed.

## **SITE HISTORY**

Planning permission was refused for the erection of a building for vehicle restoration and storage in August 2005. A subsequent planning permission for the erection of a building for vehicle storage was permitted in November 2005.

Prior to this, planning permission was initially refused for a caravan park in 1974 on an adjacent site and subsequently temporary approval was given later that year, which was renewed in 1975. Later in 1977, temporary permission was granted for the storage of 5 caravans, which was renewed in 1980. In 1983, planning permission was refused for the storage of five caravans, as it was regarded as commercial development in the open countryside, prominent in view to the detriment of the visual amenities of the rural area. This was subsequently dismissed at appeal.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development site lies outside of any recognised development boundaries and is remote from any urban area and therefore distant from adequate services and facilities, in addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on their private vehicles. Such fostering of growth in the need to travel would be contrary to government advice given in National Planning Policy Framework (NPPF) and RPG10, and to the provisions of

Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted: April 2000), and Policy S7 of the Taunton Deane District Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result. However, it is noted that the application is for a tourism use and as such the proposed development must be viewed in conjunction with other policies as set out in National, Regional, County and Local policies. It is therefore a matter for the Local Planning Authority to decide whether the development is appropriate in these terms.

In detail, the application seeks a change of use of land from agricultural to a caravan park. Having made a site visit the Highway Authority requested additional information detailing improvements to visibility, which was received on the 31st July 2012. The site is located along Stoke Hill a designated unclassified highway to which the National Speed Limit applies. At the time of my site visit it was observed that vehicle movements in this location were low. Additionally vehicle speeds past the site are likely to be less than the posed limit due to the restricted width of Stoke Hill and proximity of the junction with Greenway Lane.

The proposal seeks to provide four static caravans within a 2.25 hectare site. Access to the development is obtained via a shared access with numerous other properties. Therefore any improvements to visibility will not only benefit the proposal but the existing use of the access. It is estimated according to TRICS database that the caravan park is likely to generate approximately eight vehicle movements per day. It is evident that there will be an increase in vehicle movements utilising the access. However, it is not considered a significant level to warrant a refusal and in addition there are improvements to visibility.

In terms of visibility for vehicles emerging onto Stoke Hill, it is considered that visibility to the right of the access is acceptable. However, at the time of my site visit visibility to the left of the access looking south west was substandard due to overgrown vegetation. It is noted that this section of hedge adjoining and highway verge is in control of the applicant which is shown on the submitted drawing 1957-03. The recently received drawing (1957-03) shows improvements to visibility, which has only been shown as an approximation by the agent. Therefore, in this instance I would estimate that typical vehicle speeds are approximately 25mph, due to the restricted width of the carriage and that visibility splays of 2.4m x 33m to the nearside carriageway edge, with no obstruction to visibility greater than 900mm, to the left side of the access should be provided as stated in Manual for Streets. This will allow vehicles emerging from the access a clear line of site in both directions. No objection, suggests condition.

*STOKE ST MARY PARISH COUNCIL* - Object on the grounds of:

- Change of use would be detrimental to the area and set a precedent for other pockets of land in the locale.
- Extent of the site, 2.25 hectares is excessive for the current proposal.
- Concern than access to the site via Stoke Hills not suitable for larger vehicles.
- If planning permission granted, suggest conditions regarding no permanent residents, maximum visitors stay of 28 days, a ceiling on number of caravans and only classic caravans, all caravans must be owned by site owner and not a third party, tree planting and landscaping to take place in advance of site opening for business.

*RUISHTON & THORNFALCON PARISH COUNCIL* - No further comments

*LANDSCAPE LEAD* - Subject to landscape mitigation as proposed, the proposals are acceptable in landscape terms.

*ECONOMIC DEVELOPMENT* - Happy to support on the basis that it will deliver fresh business and job opportunities.

## **Representations**

Six letters received (at the time of writing) raising objections on the following grounds:

- Presidents Court is within sight and sound of the site.
- Design and access statement refers to four caravans but area of 2.25 hectares implies applicant proposes to have much larger business. Concerned about future expansion plans and increased noise and traffic activity.
- Chose to live in this area as agricultural and concerned that change of use will set a precedent for other fields in area.
- Change of use to caravan site detrimental to peace and tranquillity of area due to additional traffic and caravan site users.
- Find it difficult to understand why change of use is required for 4/5 caravans, seems that 2.25 hectares is more than enough to site 4/5 caravans.
- Suggest conditions including orchard should be planted and further screening on boundary to Presidents Court, screening and landscaping to take place before occupation of caravans, no permanent residents, maximum stay of 28 days, all caravans to be owned by site owner and not third party, number of caravans limited to 4, 6 or 8 to avoid substantial increase of traffic, only classic caravans to be placed on site, no further permanent or semi-permanent structures, no touring caravans to be allowed as access to site is via narrow lanes, caravan pitches to be clearly identified and agreed prior to approval.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
S1 - TDBCLP - General Requirements,  
EC25 - TDBCLP - Touring Caravans and Camping Sites,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP5 - S&ENP - Landscape Character,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is acknowledged that there has been site history relating to the storage of caravans and a touring caravan site. This however dates back to the 1970s and early 80s with the most recent being 1983. As such, this is nearly thirty years ago, in which time, circumstances and policies have changed significantly.

The current policies, Policy EC25 (Touring Caravans and Camping Sites) of the Taunton Deane Local Plan and Policy DM2 (Development in the Countryside) of the emerging Core Strategy both look favourably upon a touring caravan site where the proposal would not harm the landscape and would be adequately screened; has good access to the main road network; and is not situated on a floodplain or an area at high risk of flooding.

It is also important to note that it is possible to site up to five touring caravans on land, without the need for any planning permission, where this is authorised by exempted organisations such as the 'Caravan Club' and the 'Camping and Caravanning Club'. This is authorised where members of such clubs bring their caravans to the site.

In this instance, planning permission is required as the four classic caravans are owned by the site owner and would be on site permanently, albeit that they would be moved around the site. In terms of landscape impact, it is important to consider that, without planning permission, five touring caravans could be parked in this field, which are most likely to be more modern than those proposed and consequently brighter and starker in appearance, without the need for any additional planting. Furthermore, five caravans could be towed to the site on a regular basis e.g weekly, thereby resulting in an impact on the adjacent highway network. This is regarded a material consideration and there is a caravan site authorised by one of the exempted organisations in close proximity to the site in the direction of the A358.

This application seeks to permanently site four classic caravans within the meadow amongst proposed orchard planting. No hardstanding is proposed and cars are to be parked in the allocated parking area, hence the meadow will remain of a natural surface. The fact that these caravans are classic/vintage caravans, does result in them being of more muted and sepia colours than that of modern caravans and consequently less stark in appearance. There are well established mature trees to the south-west boundary, a well established hedge, albeit lower on the south-east boundary and a line of mature trees along the hedge to the north-east. There is therefore a good element of screening to the site. In addition, the orchard planting will help integrate the proposal into the landscape and minimise the impact on the appearance of the countryside. In order to reduce this impact as far as possible, a condition has been attached requiring the orchard planting to be undertaken prior to the caravans being positioned on site. Whilst it is acknowledged that it is proposed to move the caravans around the site, a condition has been attached to ensure that these remain positioned within the orchard planting area. Taking into account the existing boundary landscaping and the proposed orchard planting, it is not considered that further planting is required on the field boundaries, as requested by objectors. The site is located on the lower part of Stoke Hill approximately 1km from the A358 and therefore has good access to the main road network. Due to its location, it is not at high risk of flooding. As such, the proposal complies fully with the requirements of both Policies EC25 and DM2.

It is also deemed that holiday-makers visiting the caravan site are likely to spend in the local area, therefore supporting local businesses and contributing to the rural economy, as set out in Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. In order to ensure that the caravans remain available for holiday makers, a condition has been attached limiting occupancy to bona fide holiday makers for individual periods not exceeding 4 weeks in any period of 12

weeks.

To the north of the proposed caravan site is Presidents Court. Although nearby, the dwellings do not abut the caravan site. It is not considered that the proposal would result in an unacceptable level of noise and disturbance to these nearby dwellings and a no greater impact than that of five caravans that could be sited on the land without any planning permission, which would also involve the regular comings/goings and setting up of the touring caravans themselves.

In terms of highway safety, visibility to the north is considered acceptable, although visibility to the south is substandard due to overgrown vegetation. On the basis that vehicle speeds would be low due to the restricted width of the carriageway, a visibility splay of 33 metres to the nearest carriageway edge to the left of the access would be considered acceptable in this instance. As the adjoining section of hedge and verge is within the control of the applicant, as shown on the submitted drawing 1957-03, it is considered that the required visibility splay can be conditioned accordingly. As a result, the County Highways Authority is of the opinion that the improvements to visibility would benefit vehicles exiting Presidents Court as well as the proposal. Whilst the proposed caravan site would be considered to increase vehicular movements, this is not considered to be to a level that would warrant refusal, particularly in view of the overall improvements to visibility of an existing access.

Concerns have been raised by local residents regarding the large area and future expansion of the site. The application has been assessed and it is considered that the suggested four caravans are acceptable in planning terms, and this has been conditioned accordingly. A Planning Application would therefore be required to increase the level of caravans above four, as it would for any permanent structures on the site. Neighbours would therefore be consulted, as they were on this application, if further applications came forward. Local residents also suggested a number of conditions, some of these conditions or a slight variation to these have been attached and would have in any event due to the nature of the proposal. It is however not considered necessary to condition that the caravans need to be limited to classic caravans only as the level of existing and proposed landscaping will in time, provide significant screening. Furthermore, it is not considered necessary to limit the caravans to those owned by the site owner. The number of caravans has been limited to four, to be positioned within the orchard planting area and this is deemed to be the important consideration in order to minimise landscape impact, rather than who the caravans belong to. Due to the nature of the meadow and the intention to move caravans around, provided the caravans remain within the orchard planting, it is not considered reasonable to insist on precise pitches as the constant use of one area could poach the land, resulting in another form of impact on the landscape.

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

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

27/12/0019

BS HARDACRE LTD

**DEVELOPMENT OF FORMER BUILDERS COMPOUND AND ADJOINING LAND COMPRISING OF RETENTION OF JOINERY WORKSHOP AND ADJOINING YARD TO FORM REDUCED BUILDERS UNIT; DEMOLITION OF STORAGE UNIT AND REPLACEMENT WITH SMALLER UNIT TO BE USED IN CONJUNCTION WITH REDUCED BUILDERS UNIT; PROVISION OF 12 LIGHT INDUSTRIAL UNITS (B1 USE) WITH ASSOCIATED ACCESS AND PARKING FACILITIES; PROVISION OF 2 SEMI-DETACHED COTTAGES WITH ASSOCIATED PARKING AND GARAGE SPACES ON EXISTING RESIDENTIAL SITE; AND PROVISION OF A NEW GARAGE FOR SELWORTHY COTTAGE AT BEACONSTONE, HILLCOMMON, OAKE (RESUBMISSION OF 27/12/0011)**

Grid Reference: 314767.125987

Full Planning Permission

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

Recommended Decision: Refusal

- 1 The site is located outside any defined settlement limit under Policy SP1 of the Taunton Deane Core Strategy. The site is, therefore, considered as open countryside. The proposal for an additional unit of residential accommodation in the rural area will lead to an increased need to travel by private car in order that occupiers of the site can access basic day to day services. Such an increase in traffic is considered to be unsustainable in transport terms and contrary to Policies CP1 and SP1 of the Taunton Deane Core Strategy and Policy S7 of the Taunton Deane Local Plan.

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

Notes for compliance

### **PROPOSAL**

This application seeks full planning permission for the erection of 12 light industrial units (B1) and associated parking; 2 semi-detached cottages; a new garage for the adjoining Selworthy Cottage; and a replacement storage shed for an existing joinery business. Various existing buildings would be demolished to enable the development to proceed.

The new light industrial units would be arranged in two rows of 6, opposing each other across a courtyard area on the former secure external storage compound. They would be 5.5m high with a shallow pitched, gabled roof, clad in profiled metal sheeting (green walls, and grey roof). Cream roller shutter doors and personnel



doors would be provided to the front elevations, with a further personnel door and small window to the rear.

The two dwellings would be a pair of semi-detached three-bedroom, two-storey houses. They are proposed to have painted render walls and a natural slate, gabled roof with an overall height of 8.5m. The plans indicate that solar photovoltaic panels would be provided on the east elevation roof slope.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a builder's yard and various workshops. It is accessed via an existing private access track from the B3227, which is shared with a public footpath. The site is generally flat, the southern area is given over to secure (fenced) external storage, with the workshops mainly sited to the north east. To the northwest, is an open area, enclosed by a stone wall, around the site of a previously granted (and partially implemented) 1973 planning permission for a single dwelling.

The south, west and southern part of the eastern site boundaries are heavily screened by mature trees, which give way to open fields. The northern part of the eastern boundary adjoins a development of park homes. Public footpaths run down the access track and then along the western site boundary, and also east-west across the centre of the site.

A previous application (27/12/0011) for an identical proposal was withdrawn following advice from the planning officer that the additional residential dwelling was contrary to policy and unacceptable.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OAKE PARISH COUNCIL* – The Parish Council stands by its previous observations and also feels that a second dwelling would be advantageous for sustainability as it would support a second family at the site.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments awaited. However, in respect of the previous application the Highway Authority commented that the proposals were acceptable in principle, although a number of amendments were required.

They recommended that pedestrian access should be considered in more detail, cycle parking and disabled parking provision should be addressed further and a measures only travel plan should be submitted.

*SCC - RIGHTS OF WAY* – Notes that there are public rights of way crossing the site that run through the site at the present time. Information was provided on alterations to the PROW.

*LANDSCAPE* – No comments received.

*ECONOMIC DEVELOPMENT* – Conversion and redevelopment of existing rural sites is crucial to help drive growth in micro and rural businesses. Therefore, I strongly support the employment use aspects of this application.

*ENVIRONMENTAL PROTECTION TEAM* – Due to the nature of the site, a contaminated land condition is required.

*DRAINAGE ENGINEER* – It is noted that surface water run-off from the buildings and road connect to a 225mm diameter piped watercourse that runs across the site in a west to east direction.

The applicant has stated that soakaways will be utilised to deal with surface water run-off but no porosity test results are included. As the existing infrastructure presently drains to this piped system it is felt that soakaways may not be effective.

A condition should be attached to any permission given that no works commence on site until a surface water management plan has been forwarded and approved. This plan should include results from any percolation tests carried out. If soakaways are found not to be viable then a limited discharge with on site storage will be required. The discharge rate will be set at that calculated from a 1 in 1 year storm using 10% permeability. Any flow in excess will have to be stored on site up to and including the 1 in 100 year storm event with an additional allowance of 30% for climate change.

## **Representations**

9 letters of SUPPORT have been received raising the following points:

- If one dwelling is acceptable, there is no reason why two should not be.
- Workers on the site would be able to live in the dwellings.
- The development would provide better security to existing tenants at the site.
- Other dwellings near Pottmore and Llandos were also given permission.
- The development will bring a welcome boost to local employment opportunities and housing.
- Using a brownfield site for this development is by far the best use of the ground.
- It would be desirable to have a residential development between Owerside and the employment units.
- Improved pavement provision to the front of Selworthy Cottage is welcomed as this would make crossing in front of the entrance to the proposed industrial units safer.

One letter confirming NO COMMENT.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EC7 - TDBCLP - Rural Employment Proposals,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

## **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)	£2158
Somerset County Council (Upper Tier Authority)	£540

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12949
Somerset County Council (Upper Tier Authority)	£3237

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issue in the determination of this application is the principle of the development. Design and landscape impact, impact on neighbouring property, highways and ecology must also be considered.

### Principle

The site is on the edge of Hillcommon, a village that has no designated settlement limit. The site is a former builder's yard and this established use is considered to make the redevelopment for employment purposes acceptable in principle. Indeed the provision of rural employment units is welcomed by the economic development team and is thought to provide good facilities in a location well related to the main County Road network.

There appears to be an extant planning permission from 1973 (the planning file suggests that foundations were dug). Although there has been no issue of a certificate of lawful development, there is no reason to dispute that there is an extant permission for a single dwelling – a bungalow – which could be completed. In this context, it is considered that the principle is established for the construction of a single dwelling on this site.

However, this application proposes two dwellings. The site is in a location, outside any defined settlement, where new residential development should be strictly controlled. Core Strategy Policy SP1 confirms that outside the identified settlement limits, development will be treated as being within open countryside; while Policy DM2 relating to the open countryside does not permit new open market dwellings.

Therefore, there is a presumption against new residential development in this area. In the face of this, the applicant has put forward arguments as to why permission should be granted for this additional dwelling on four grounds:

Firstly, it is argued that a similar proposal was allowed in Hillcommon in 2007. However, it is not considered that this carries significant weight as every case should be assessed on its own merits and that case pre-dates the Core Strategy.

Secondly, it is suggested that the size of the site could accommodate a substantial single dwelling which would be 'overvalued, unviable and out of character in this location'. This argument is simply not accepted. There is a mix of housing types in Hillcommon, some being small, others being 'substantial' in large grounds. Importantly, the extant permission (which establishes the principle of a single dwelling) is a modest bungalow.

Thirdly, it is suggested that two smaller semi-detached properties would represent a more efficient use of the land; would contribute to the viability and sustainability of the project; and would be more appropriate for the site in character with surrounding residential properties. It is true that two properties would be a more efficient use of land in the sense that more dwellings would be provided, but for this argument – which is essentially one over density – to be relevant, it must first be established that new residential development is acceptable in principle. No evidence has been provided to suggest how the additional dwelling would contribute to the scheme viability, or indeed, that this is even necessary, so it cannot be considered to carry any significant weight. Nor has any evidence been submitted that the pair of dwellings would be more 'in character' with the surrounding residential properties. This is, essentially, a backland site that is surrounded by 3 detached dwellings, a pair of semi-detached dwellings, a terrace of 5 dwellings and a development of 'park homes'. As such, it is considered that both a single detached and pair of semi-detached dwellings would be equally appropriate in terms of the character of the area.

Finally, it is argued that the provision of an additional dwelling would allow someone working on the employment site to purchase a dwelling adjacent to their place of work. Whilst this is theoretically true, this is not a proposal for 'live-work' units and the dwellings are not proposed to be linked to the employment site in any way. The proposal is for 12 workshops and 2 dwellings so it is not considered that significant weight should be placed on this matter.

The applicant's agent was advised during consideration of the previous application that the proposal would likely meet a recommendation for refusal. With the exception of the first, which was made previously, the other 3 points, above, are new to the consideration of this application. However they are really just comments and lack any substantial evidence to support them. In some cases (particularly the second point) they are considered to be misguided. Instead, the application has been resubmitted on the same basis as before, but has, this time, secured the support of 9 local residents in its favour. These matters are not considered sufficient grounds to outweigh the conflict with the development plan.

#### Design and landscape impact

Although there are a number of existing workshop buildings that would be

demolished as a consequence of the development, the proposal seeks to provide new buildings on the southern part of the site, which is currently given over to open storage. However, the site is very well screened by mature trees and the proposed buildings would be fairly low. In this context, it is not considered that there would be a significant landscape impact arising from the proposed development.

The design of the workshop buildings is considered to be acceptable, the use of grey roofs is representative of the slate used on local traditional buildings. Similarly, the proposed dwellings are well proportioned, and would be constructed from materials that are representative of the local vernacular. With regard to these points, it is not considered that there would be any adverse impact on the visual amenities or character of the area as a consequence of the development.

### Neighbouring property

As noted above, there are residential properties to the north, east and west. In the context of the established use as a builder's yard, it is not considered that there would be any significant additional impact on the surrounding residential development. Indeed, Environmental Health have raised no objection on this basis, nor have they recommended any noise-related conditions. The proposed dwellings would face to the east and west and would be sufficiently distanced from neighbouring dwellings to avoid any unacceptable overlooking. The impact on neighbouring property is, therefore, considered to be acceptable.

### Highways

At the time of writing, the formal highway comments are awaited. However, they previously raised no objection in principle to the development and there is no reason to believe that they would reach a different view on this occasion. Discussions with the Highway Authority have concluded that it would be desirable to provide a new length of footway along the B3227 to the front of Selworthy Cottage, which would link into existing footways to the front of the adjoining dwellings. This now forms part of the proposal.

Cycle parking has also been added to the drawing, although these are not proposed to be covered and are, therefore, unlikely to be considered as a real alternative to the private car. It is considered that the cycle stands should be covered, although this matter could be dealt with by condition.

The Highway Authority have also recommended that a basic travel plan is submitted. However, given the nature of the site, which essentially provides workshop space for small 'start-up' businesses it seems likely that most people would travel to the site in the vehicle that they would subsequently need for work. It is unlikely, therefore, that any significant modal shift would be possible and provided that the cycle storage was properly designed, it is not considered necessary to require a travel plan in this instance.

With regard to these matters, the impact on the highway network is considered to be acceptable.

## Ecology

A wildlife survey has been submitted with the application. It found no evidence of bats, badgers, dormice or reptiles within the site. However, it noted the potential for the site to accommodate reptile habitat and nesting birds. Site clearance should, therefore, be undertaken with care and outside the nesting season. In this context, it is considered that any impact on wildlife could be mitigated through a planning condition requiring a mitigation strategy to be submitted.

## Other Matters

Two public rights of way cross the site, although they would be accommodated within the proposed site layout. Given that the footpaths already pass through the centre of a builders yard and workshops, it is not considered that the enjoyment of the public right of way would be significantly affected by the proposal.

Comments from the drainage engineer and environmental health indicate that drainage and site contamination can be adequately dealt with by conditions. These matters, therefore, do not weigh heavily in the decision making process.

## Conclusions

The foregoing indicates that the site could be developed without causing harm to the visual amenities of the area, living conditions of neighbouring residents, highway safety, or ecological impacts. Whilst the employment development is welcomed and strongly supported by the economic development team and your planning officers, the applicant has (despite planning officer advice) continued with proposals for an additional open market dwelling on the site. This is considered to be contrary to the development plan and the material considerations suggested do not outweigh this conflict. Therefore, as a single scheme, the recommendation for this application must be one of refusal.

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

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

16/12/0001

MR & MRS M KNIGHT

## **ERECTION OF REPLACEMENT DWELLING AT HASCOLLS FARM, LOWER DURSTON, TAUNTON**

Grid Reference: 329651.128133

Full Planning Permission

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

Recommended Decision: Refusal

- 1 The proposed development does not meet the criteria in Taunton Deane Core Strategy Policy DM2 Development in the Countryside, section 5, Replacement Dwellings nor the criteria in Taunton Deane Local Plan Policy H8 Replacement Dwellings outside Settlements as the building to be 'replaced' is approx 45sqm and the 'replacement' dwelling is substantially larger at 219sqm; the dwelling is not considered to be a replacement dwelling but will be a new dwelling in Open Countryside and is considered to be contrary to Taunton Deane Local Plan S7. Such dwelling in Open Countryside will result in the residents of the development being 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 the NPPF, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan.
- 2 The design of the proposal is considered to be inappropriate and out of character with the area, by reason of its proportions, scale as a single storey building and roof scape, it would be detrimental and harm the character of the area and would not be adequately screened by the proposed landscaping, which is contrary to Taunton Deane Core Strategy Policy DM1 General Requirements (d) and Taunton Deane Local Plan Policies S1(D), S2(A) and Policy EN12.

#### Notes for compliance

1. Whilst it is possible to overcome the second reason for refusal, there is still the principle reason for refusal.

### **PROPOSAL**

The application is for the erection of a replacement dwelling at Hascolts Farm. The new dwelling would be single storey, have three bedrooms with living, dining kitchen, utility and office, it would be built from brick and tile. It would be in the location of two existing farm outbuildings.

It is also proposed to remove another outbuilding and change the use of a converted

residential outbuilding back to storage. This building about 45sqm as scaled from the plans submitted when permission was granted for it to be converted to disabled ancillary accommodation.

An existing vehicular access will be used to access the new property and the land to the rear of the farm buildings will be divided between the existing Farmhouse (having 0.5ha) and the proposed dwelling, with the latter having the larger area (1.5ha).

The agent states, the respective areas under consideration, being the existing garage (including overhang/open vehicle storage area), measures approx. 100.9sqm, the adjacent outbuilding is 70.75sqm, with an semi enclosed storage area of about 77sqm. A total of 320sqm of buildings will be removed and the proposed bungalow will be 220sqm. The design incorporates a 25 degree roof, giving a similar height to the existing garage. The agent has concluded that this will result in the proposal not being overbearing, creating a loss of light and would not adversely impact on the street scene. There is already landscaping in the area which will screen the proposal, and there will be additional planting. A boundary wall will also be built between the two properties. The new building will be built to Code 4 standard (Code for Sustainable Homes).

## **SITE DESCRIPTION AND HISTORY**

The application site is to the north of the A361, to the east of the small hamlet of Durston. The site comprises a number of buildings which have been identified on the submitted plans by numbers 1 to 6. The red line site, which is the subject of this application, includes buildings '6' and '7' (an existing garage and outbuilding). The blue land includes buildings '1' to '5', 1 being the original Farmhouse, the others being outbuildings/stores, with '3' being Nichola's House, a former outbuilding converted to ancillary accommodation for a family member. There is a vehicular means of access to both the red and blue areas from the A361.

The site is not within any settlement limits; Durston is not recognised as a settlement in Taunton Deane Local Plan nor the Taunton Deane Core Strategy, it lies in open countryside.

### Relevant Planning History

16/11/0001LE - certificate of Lawful Development for the existing use of ancillary Annexe as a separate dwelling, granted, 08/08/2011.

16/98/0008 - conversion and external alterations to outbuilding to provide disabled ancillary accommodation, approved 19/11/1998.

16/91/0001 -erection of garages and carport, approved 04/03/1991

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - It is noted that the current development is situated outside any Development Limits, however the proposal will not increase the occupancy of the site so the principle is not in question.

The development is located along Glastonbury Road also known as the A361 a County Route as stated in the Somerset and Exmoor National Park Joint



Structure Plan Review (Adopted 2000) and a designated Class 1 highway.

In detail the application seeks to demolish the existing dwelling and outbuildings with a new bungalow, a like for like replacement. Having made a site visit and studied the supporting information submitted with the application, the proposed dwelling will make use of the existing access onto the A361, which is acceptable.

Drawing No. 2256/01A shows a suitable parking and turning arrangement for the replacement dwelling. The turning area provided will allow motor vehicles to turn within the site and exit onto the highway in a forward gear. The site will also retain an acceptable level of vehicle parking inline with the newly adopted Somerset County Council – Parking Strategy (March 2012).

As a result, the Highway Authority raises no objection to this proposal subject to condition.

*DURSTON PARISH MEETING* - supports on the basis that Nicolas house being reverted back to an outbuilding and the proposed bungalow being built on the footprint of existing buildings.

*DRAINAGE ENGINEER* - comments

Details of surface water are to be provided including outfall to the receiving pond BEFORE any works commence on site.

I note that foul drainage is to go to a private sewage treatment plant; at present discharge arrangements are unknown. Full details of the necessary percolation tests or discharge arrangements including the Environments Consent to discharge to a watercourse or below ground strata are required BEFORE any works commence on site.

The requirement that the above information is required BEFORE any works commence is to ensure that adequate and functional systems can be provided and to allow alternative arrangements to be investigated should the preset proposals not work.

*LANDSCAPE LEAD* - my main concern is the domestication of existing farm buildings. The proposed landscape goes some way to soften impact but in my assessment not enough.

*WESSEX WATER* - no response received

*BIODIVERSITY* - re birds, two in-active bird nests found in outbuilding 7, and one in-active nests in building 4; no bats or signs of bats but bats could roost in building 6. Vegetation near the outbuildings had potential to support nesting birds. Demolition and clearance of vegetation should take place outside the nesting season. Suggests condition and note.

## **Representations**

Cllr Gill Slattery:

Both the current and the proposed access which already exists have good visibility to the A361, the new dwelling will use a number of existing walls in its construction, and it is logical to divide the site into 2 separately accessed dwellings. I understand that the very small home behind the farmhouse will be altered to remove its facilities for habitation, and that other outbuildings previously used for stock will also be demolished. The proposal would be a pragmatic way for the owners to stay within the community whilst providing accommodation more suitable to their age and mobility, thus supporting community life.

Cllr Phil Stone:

This application should be approved as it involves the rationalisation of the existing buildings on this site and would result in a more satisfactory arrangement of the site than presently exists. The owners of Hascolls Farm no longer need the large farmhouse and wish to move to the converted outbuildings which are substantial. The proposals involves removal of the domestic property status of a further building to the rear of the farmhouse which had been converted to a separate dwelling for a family member. This is no longer required and will become an outbuilding associated with the farm house. Further outbuildings which were used for stock will also be demolished which will further rationalise the site. The nature of the site is that the subdivision of the site into separate dwellings is logical with two existing vehicle entrances onto the main road which both have good visibility each way. This application has the support of most, if not all, of nearby residents who understand the need and the logic of the owners wishing to subdivide the site as proposed.

9 letters of support forwarded by the agent which raise the following issues:

- there will be no visual impact;
- the access is existing and causes no problem with traffic flow;
- no overall increase in number of residences;
- Hascoll's Farm will then be available for larger families;
- the number of buildings on site is reducing;
- low energy bungalow;
- applicants will continue to live in the area, and will continue to participate in parish activities;
- conversion of garage and storage block is welcomed;
- two families will not now use the existing restricted access.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H8 - TDBCLP - Replacement Dwellings Outside Settlements,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

## Planning Policy

In terms of the main policy H8 Replacement Dwelling outside Settlement there are 4 criteria which all need to be passed:

A) the residential use has not been abandoned; The conversion is relatively recent (post 1996) and a Certificate of Lawful Development was granted in 2011. This criteria is satisfied.

B) either 1) the appearance of the existing dwelling is incompatible with a rural location or: 2) it would be uneconomic to bring the dwelling to an acceptable state of repair or standard of amenities; The existing dwelling is a conversion of an outbuilding, it is brickwork with large upvc panel and window facing the courtyard, with a clay tiled roof. It is completely compatible with the farm buildings and this setting. The outbuilding was converted and the resulting structure was an annexe for a disabled person post 1996, and thus is not in a state of disrepair or needing any substantial degree of repair or rebuilding, and there is no question of it being uneconomic to bring it up to modern standard. These either/or criteria are not met, and the agent's comment that the replacement dwelling will be in character does not overcome the need to comply with this criteria.

C) It is a one for one replacement which is not substantially larger than the existing dwelling; whilst the agent has stated that the existing one bed former annexe will be converted back into storage use, and there will be demolition of existing garage/carports and storage buildings (the former annexe being replaced by the proposed new dwelling) these actions do not meet the stated criteria. The proposed new dwelling will measure approx 18.5m by 13m with a small 5.5m by 4m inset area. The original storage building which was 6.5m by 6.7m, was converted into a one bed unit with ensuite and living room. The criteria "which is not substantially larger than the existing dwelling" is not met. Whilst it is appreciated that the applicants may wish to have all new accommodation on one floor and wish to have room for family visits, the main building is approx 219sqm. The submitted forms state the replacement dwelling would be a 4+ bed unit. This is substantially larger than the existing dwelling and former annexe (Nichola's House) which is approx 45sqm. The agent has stated that three existing outbuildings, including those on the site of the proposed dwelling will be demolished. These could be demolished at any time and their replacement by the new dwelling is not within the criteria in H8. Whilst the agent has stated that the existing dwelling will be converted back to storage, this is not within the red line application site, there are no plans to support this and such would be difficult to enforce without a legal agreement which has not been suggested by the agent.

D) the scale, design and layout of the proposal in its own right is compatible with the rural character of the area. Most applications for replacement dwellings received by the Local Planning Authority are for the replacement of 'Woolaway' bungalows or similar by 'modern' houses. A bungalow is not in character with the area; the predominance is two storey houses or cottages. The landscaping may help screen the site, but the bungalow would be out of character with the immediate locality and the area as a whole. It is not considered that the proposed various degrees of roof slopes accords to reasonable design, albeit designed to appear similar to the garages and carport. The resulting building is not considered to be an acceptable design for this rural situation, notwithstanding the previous objections in principle.

In terms of the Taunton Deane Core Strategy Policy DM2 Development in the Countryside, 5. Replacement Dwellings will be supported only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one for one replacement and is not substantially larger than the existing dwelling, and must be compliant with the Habitat Regulations, near a public road, be of a scale, design and layout compatible with the rural character of the area, ....not involve the creation of a residential curtilage which would harm the rural character of the area. For the reasons stated above the proposals do not accord with Policy DM2 (5).

### Other Issues

The County Highway Authority has no objections to the proposals, and as the site has two accesses, the use of the existing eastern most access for this application is not an issue.

The Landscape Officer is concerned about the domestication of existing farm buildings, and is also concerned that the amount of landscaping is insufficient to soften the visual impact. According to the submitted wildlife report, there are inactive birds' nests; and a precautionary and an enhancement scheme. This issues could be resolved if the principle part of the application was acceptable. The Drainage Officer had originally objected in respect to there being no details of the SUDS, this has now been discussed and the matter could be conditioned.

The letters of support sent in with the application all have similar statements, although some do comment that the "conversion" is acceptable. No conversion of outbuildings is proposed. Whilst these letters and the support of the ward Members is noted, the proposal is contrary to Taunton Deane Core Strategy Policy DM2 Development in the Countryside, and Policy H8 of Taunton Deane Local Plan. It is acknowledged that these supporters come from the local area and they are supporting a local couple however, the proposed dwelling is a new bungalow in the countryside and not a replacement dwelling. It is claimed that the Farmhouse will be used for larger families, this outcome cannot be guaranteed. Even if the design incorporates measures to construct the dwelling to Code 4, this does not make the proposal acceptable in itself. The reduction in numbers of outbuildings does not need permission and could be undertaken at any time. The design is considered to be out of character with the area contrary to Policies S1 and S2 of Taunton Deane Local Plan, and the amount of landscaping is limited given this prominent location.

Usually the dwelling to be replaced will be demolished as the site is the same or similar to the site of the replacement dwelling. In this case the existing dwelling is part of the range of outbuildings close to the original farmhouse, and the replacement dwelling will be some distance from this site. It will replace other buildings namely a garage/carport and store. As stated above these outbuildings can be removed at any time and their removal will not alter the character of the area, and it will not be an environmental benefit to have these buildings removed. In any event, it would be likely that the original Farmhouse occupants would seek a garage or double garage, given the size of the dwelling, thus there is likely to be little overall change in volume/area terms.

In conclusion, the proposal is not considered to meet the criteria and requirements of Taunton Deane Core Strategy Policy DM2 Development in the Countryside, and

Taunton Deane Local Plan Policies H8, there are no overwhelming reasons to depart from the Local Planning Authority's policy on replacement dwellings. In addition the design of the proposal is not considered to be in character with the area contrary to TDCS Policy DM1 and TDLP Policies S1 and S2 and there is insufficient landscaping to help screen the site Policy EN12.

**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**

**E/0272/43/08**

**WOODEN HOARDING TO FRONT ELEVATION OF 27 NORTH STREET,  
WELLINGTON**

**OCCUPIER:**

**OWNER:** MR D JARMAN  
4 GRAVELANDS LANE, HENLADE, TAUNTON  
TA3 5DL

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**PURPOSE OF REPORT**

To consider whether it is expedient to take Enforcement action to secure the removal of the timber lean to structure to the front elevation.

**RECOMMENDATION**

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action should the notice not be complied with to secure the removal of the structure.

The Enforcement Notice shall require:-

- To secure the removal of the timber lean to structure.

Time for compliance : 3 weeks from the date the notice comes into effect.

**SITE DESCRIPTION**

27 North Street Wellington is an imposing building situated on the north side of North Street. It is a two storey property with a central gable. The first floor is of facing bricks whilst the ground floor is smooth render finished in mock ashlar pattern. the ground floor windows are large with semi circular tops.

**BACKGROUND**

The building was last used as a retail shop selling musical instruments but was formerly used as a furniture sale room. Part of the building was used as living accommodation. In 2008 a complaint was received that a timber lean to structure had been erected in front of one of the windows. As the property is on the back edge of the pavement the structure restricts the width of the pavement. The owner was contacted and advised that the structure should be removed. He said that renovation works were about to commence and the structure was in effect a lobby providing access to the building. The door of which is lockable making it a secure entrance. The other entrance to the building is in joint ownership and would be difficult to secure. Some work was carried out and further complaints were received not about the structure but the works being carried out. To date the building remains in an unfinished condition and no further work is being undertaken. The structure remains in the same position.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The structure is approx 1.2m wide, 1.8m high and projects approx 900mm from the

face of the building. This leaves about 900mm of pavement at this point. The structure would be acceptable if it was used as a temporary entrance as initially intended during renovation works. These works are no longer under way therefore the appearance on the front of the building detracts from the visual amenities of the street scene. The restriction of the pavement can cause pedestrians to walk onto the road. North Street is relatively narrow and has fast moving traffic. The presence of a pedestrian in the road could lead to a serious accident occurring.

## **RELEVANT PLANNING HISTORY**

43/86/0056 Conversion of Club rooms to furniture sales room and bachelor flat  
43/86/0065 Conversion of Club rooms to retail shop and flat.

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework,

Enforcement (Paragraph 207)

Taunton Deane Local Plan 2004

S1 General Requirements.

Taunton Deane Borough Council Core Strategy 2011 - 2028

DM1 - General Requirements

## **DETERMINING ISSUES AND CONSIDERATIONS**

The structure is sited on the front elevation of the building, detracting from the façade of 27 North Street to the detriment of the buildings architectural merit and appearance. Furthermore, the siting of the structure, projecting forward of the building, is considered to harm the visual amenity of the area and street scene at this point, this is further exacerbated by the poor design, materials and current condition of the structure.

Though there are no Highway Authority comments, the addition of this structure has resulted in the narrowing of the pavement and is considered to impede users of the footpath to the detriment of their safety. This may lead to users leaving the pavement to negotiate the structure.

Given the above, the structure is not considered to be acceptable.

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

**PLANNING OFFICER: Mr D Addicott**  
**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

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

**E/0027/38/12**

**SMOKING SHELTER ERECTED AT BLAGDON RETIREMENT VILLAGE,  
TAUNTON**

**OCCUPIER:**

**OWNER:** MS C CROWTHER  
BLAGDON RETIREMENT VILLAGE, MIDDLEWAY, TAUNTON  
TA1 3RR

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**PURPOSE OF REPORT**

To consider whether it is expedient to take Enforcement action to secure the removal of the smoking shelter comprising of a lean to structure sited on the end of a garage block within the grounds of Blagdon Retirement Village.

**RECOMMENDATION**

No further action be taken

**SITE DESCRIPTION**

Blagdon Retirement Village is accessed from Middleway and is built on the former Princess Margaret School site. It is a purpose built residential development for the over 55s and managed by the a management company who have an office within the retirement complex. The smoking shelter has been erected on the end of a block of garages in an open grass area. The shelter is constructed of trellis fencing panels and a green coloured corrugated roof. It is positioned away from the main complex and adjoins the rear gardens of the properties in Wilton Orchard.

**BACKGROUND**

An enquiry was received from the manager of the Retirement Village stating that they had received complaints that persons using the smoking shelter was causing a nuisance to some of the residents in Wilton Orchard. Smoke would drift across from the shelter and linger in the rear gardens of the properties. They did not think that any Planning approval was needed but one of the complainant's told them that they did. The Manager asked if a meeting could be held to discuss the matter and what the best course of action would be.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The structure has volume as it has a solid roof but is open on all sides apart from the rear wall of the garage block. The structure requires Planning permission as the facility is for the management company and not residents of the Retirement Village. No permitted development rights exist for the erection of such a structure. The unit is made up mostly of trellis fencing panels and with the addition of some planting and the removal of the roof, it is likely that planning permission would not be required.



## **RELEVANT PLANNING HISTORY**

38/03/0549 – Planning permission granted for the demolition of Blagdon Lodge and erection of retirement village comprising 72 apartments, 11 bungalows and 12 houses (including 1 dwelling in coach house to be extended) at former Princess Margaret School site, Middleway, Taunton

## **RELEVANT PLANNING POLICES**

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Local Plan 2004

S2 – Design

## **DETERMINING ISSUES AND CONSIDERATIONS**

The shelter is positioned at the end of a garage block and is small and discreet in its appearance. It is erected on the side elevation of a block of single storey garages which are on slightly elevated land from the neighbouring properties. It is approximately 4.5 metres from the hedge and fence boundary and 20 metres from the neighbouring dwelling. It is not considered to have any adverse visual impact from either within the site or from neighbouring properties.

With regard to the use of the smoking shelter and any harm to residential amenity, it is acknowledged that the smell of cigarette smoke can drift across neighbouring gardens and this could cause complaint. However, this is not uncommon and can happen in any residential area without being caused by purpose built shelters. It is considered that the smell of cigarette smoke does not cause sufficient harm to warrant the serving of an enforcement notice to remove the structure.

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

**PLANNING OFFICER: Mr B Kitching**  
**PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy**

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

## **Planning Committee – 15 August 2012**

Present: - Councillor Nottrodt (Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Denington,  
Mrs Floyd, Mrs Hill, Horsley, Miss James, Mrs Reed, Watson,  
A Wedderkopp, D Wedderkopp and Wren

Officers:- Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Maria Casey (Planning and Litigation Solicitor), Tracey Meadows (Corporate Support Officer)

Also present : Councillor Stone in connection with application No 16/12/0001

(The meeting commenced at 5.00 pm)

### **99. Apologies/Substitutions**

Apologies: The Vice-Chairman (Councillor Coles) and Councillors A Govier, C Hill, Mrs Messenger, Morrell, Mrs Smith and Tooze

Substitutions: Councillor Mrs Floyd for Councillor Coles  
Councillor Mrs Reed for C Hill  
Councillor Brooks for Mrs Smith  
Councillor Horsley for Councillor Tooze

### **100. Minutes**

The minutes of the meeting of the Planning Committee held on 6 June 2012 were taken as read and were signed.

### **101. Declarations of Interest**

Councillors Brooks and D Wedderkopp 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. He also declared that he had been telephoned by the applicant in respect of application No 27/12/0019 but considered that he had not fettered his discretion. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Bowrah declared prejudicial interests in application Nos 43/12/0068 and 43/12/0067 as he knew the applicant. He left the room during the consideration of these applications.

### **102. 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:-

**43/12/0068**

**Erection of 3 No. two bedroomed cottages with all associated works at land to the end of Trinity Row, Wellington**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo 12/152/1000 Location Plan;
  - (A3) DrNo 12/152/500 Existing Site Plan;
  - (A3) DrNo 12/152/100b Proposed Details;
  - (A3) DrNo 12/152/101d Proposed Details;
  - (A3) DrNo 12/152/501a Proposed Site Plan; and
  - (A3) DrNo 12/152/201 Section;
- (c) Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented before the dwellings hereby permitted are occupied and shall thereafter be retained as such;
- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect birds and reptiles has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Acorn Ecology Limited's submitted reports, dated 30 May and 13 June 2012 and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
  - Measures for the retention and replacement and enhancement of places of rest for the species.
- Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds and reptiles 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;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions or additional windows shall be added to the dwellings hereby permitted without the further grant of planning permission;
- (g) Before the development hereby approved is first occupied, an information pack shall be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The information pack shall be made available to the first occupiers of the dwellings hereby permitted at the time of their occupation;
- (h) Prior to the commencement of the development hereby permitted, full details of the proposed means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

**Reason for granting planning permission:-**

In transport terms the site was located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it was not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal had been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

**43/12/0067**

**Erection of a one bedroomed dwelling to the end of Trinity Row, Wellington**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) DrNo 12/152/1001 Location Plan;
  - (A3) DrNo 12/152/200 Existing Site Plan;
  - (A3) DrNo 12/152/502a Proposed Site Plan;
  - (A3) DrNo 12/152/102d Proposed Details;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted

shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (d) Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such;
- (e) Before the development hereby approved is first occupied, an information pack shall be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The information pack shall be made available to the first occupiers of the dwelling hereby permitted at the time of their occupation;
- (f) Prior to the commencement of the development hereby permitted, full details of the proposed means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

**Reason for granting planning permission:-**

In transport terms the site was located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it was not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal had been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

**38/12/0146LB**

**Reinstatement of side entrance door, overhauling and altering the use of one window in Castle Bow to provide advertising space and installation of hanging sign over the side entrance door at Castle Hotel, Castle Green, Taunton**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A2) DrNo 12.1649/05 Rev A - proposed entrance to bar from Castle Bow as proposed;

- (A2) DrNo 12.1649/07 Rev B - proposed entrance to bar Castle Bow elevation as proposed;
  - (A2) DrNo 12.1649/09 - location and block plan;
  - (A1) DrNo 8 Rev A - Basement and GND Plans;
  - (A2) DrNo 12.1649/09CB - Location Plan and Block Plan; and
  - DrNo 12.1649/12 - Projecting sign;
- (c) The windows and doors shall be painted in accordance with the agent's email received on 21 May 2012 unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (d) No existing feature or structure, other than those for which consent is hereby granted, shall be removed, interfered with or adapted without the prior approval of a further listed building consent.
- (Note to applicant:- Applicant was advised that advertisement consent will also be required for the display of any illuminated sign.)

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

It was considered that the proposal was in line with Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. The listed building and its setting and any features of historic or architectural interest were, therefore, preserved in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**31/12/0009**

### **Change of use of land from agricultural to caravan park at Dairy House Farm, Stoke Hill, Henlade (as amended)**

#### **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:-
- (A3) DrNo 1957-01 Location Plan;
  - (A3) DrNo 1957-02 Site Plan; and
  - (A3) DrNo 1957-03 Access Plan;
- (c) (i) The landscaping/planting scheme shown on the submitted plan 1957-02 shall be completely carried out prior to the commencement of the development and all trees shall be a minimum size of 'standard'.  
(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) The occupation of the building shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all

- reasonable times;
- (e) No caravans other than four touring caravans shall be positioned on the caravan site hereby permitted at any one time and these shall be positioned within the orchard planting;
  - (f) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of a line drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 33 m to the south of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

**Reasons for granting planning permission:-**

The proposed caravan site, subject to the orchard planting conditioned, would have no significant adverse impact upon the landscape character and was deemed to preserve the appearance of the countryside. It was not deemed to result in any material detriment to the residential amenities of the occupiers of nearby properties or to highway safety. As such, the proposal was in accordance with Policies STR6 (Development Outside Towns, Rural Centres and Villages) and 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies S1 (General Requirements), EC25 (Touring Caravan and Camping Sites) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) and DM2 (Development in the Countryside) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

**27/12/0019**

**Development of former builders compound and adjoining land comprising of retention of joinery workshop and adjoining yard to form reduced builders unit; demolition of storage unit and replacement with smaller unit to be used in conjunction with reduced builders unit; provision of 12 Light Industrial Units (B1 use) with associated access and parking facilities; provision of two semi-detached cottages with associated parking and garage spaces on existing residential site and provision of a new garage for Selworthy Cottage at Beaconstone, Hillcommon, Oake (resubmission of 27/12/0011)**

**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:-
  - (A3) DrNo 11.07.09 Site Location Plan;
  - (A1) DrNo SPP.1701.1 Vegetation Appraisal;
  - (A1) DrNo 11.07.10A Block Plan;
  - (A2) DrNo 11.07.08 Storage Unit 1;
  - (A1) DrNo SPP.1701.2C Landscape Masterplan;
  - (A1) DrNo 11.07.03A Site Survey;
  - (A1) DrNo 11.07.04D Site Layout As Proposed;

- (A1) DrNo 11.07.07A Proposed Industrial Units Block A and B Elevations and Plans; and
  - (A1) DrNo 11.07.06B Proposed Semi Detached Houses and Garages Plots 1 and 2 Elevations and Plans;
- (c) Prior to their installation, details and or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.  
(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) There shall be no obstruction to visibility greater than 900 mm above the adjoining road level within the visibility splays shown on the submitted plan (Drawing number 11.07.04D). Such visibility splays shall be constructed prior to the occupation of the development hereby permitted and shall thereafter be maintained at all times;
- (f) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- (g) The employment units hereby permitted shall not be brought into use until the cycle parking area has been provided in accordance with the plans hereby permitted;
- (h) Before the development hereby is first occupied, an information pack shall be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The pack shall be made available to the first occupiers of each of the units hereby permitted at the time of their occupation;
- (i) Prior to the commencement of the development hereby permitted, full details of the proposed means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development hereby permitted and shall thereafter be maintained as such;
- (j) No more than one dwelling shall be occupied until at least six of the employment units have been provided, built and put to the market in a manner that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority;
- (k) Prior to the occupation of the development hereby permitted, the new length of footway to the north of Selworthy Cottage, shown blue on Drawing 11.07.04D, shall be provided.



**Reason for granting planning permission:-**

The proposed development was for a mixed use re-development of a former brownfield employment site. Members considered that the mixed use would make the employment units more marketable in accordance with guidance contained in the National Planning Policy Framework. The provision of the B1 employment units would provide small scale employment development in the rural area in accordance with Policy DM2 (Development in the Countryside) of the emerging Taunton Deane Core Strategy.

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

Members felt that the proposed mixed use development of a previously developed site would make the employment units more marketable.

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

**16/12/0001**

**Erection of replacement dwelling at Hascolls Farm, Lower Durston, Taunton**

**Reasons**

(1) The proposed development does not meet the criteria in Taunton Deane Core Strategy Policy DM2 Development in the Countryside, section 5, Replacement Dwellings nor the criteria in Taunton Deane Local Plan Policy H8 Replacement Dwellings outside Settlements as the building to be 'replaced' is approx 45sqm and the 'replacement' dwelling is substantially larger at 219sqm; the dwelling is not considered to be a replacement dwelling but will be a new dwelling in Open Countryside and is considered to be contrary to Taunton Deane Local Plan S7. Such dwelling in Open Countryside will result in the residents of the development being 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 the NPPF, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan;

(2) The design of the proposal is considered to be inappropriate and out of character with the area, by reason of its proportions, scale as a single storey building and roofscape, it would be detrimental and harm the character of the area and would not be adequately screened by the proposed landscaping, which is contrary to Taunton Deane Core Strategy Policy DM1 General Requirements (d) and Taunton Deane Local Plan Policies S1(D), S2(A) and Policy EN12.

(Note to applicant:- Applicant was advised that whilst it is possible to overcome the second reason for refusal, there is still the principle reason for refusal.)

**103. Erection of an Extra Care Assisted Living Development comprising 58 No. apartments with associated parking and landscaping at the former Council Nurseries, 15 Mount Street, Taunton (38/12/0219)**

Reported this application.

**Resolved** that subject to the provision of a commuted sum by the applicants for affordable housing of £862,408 and it being ring-fenced for that purpose and possible maintenance of the surface water attenuation if not maintained by a management company, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (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:-
  - (A3) DrNo PA01-1885-01 Site Location Plan;
  - (A1) DrNo PA01-1885-02B Proposed Site Layout;
  - (A1) DrNo PA01-1885-03B Contextual Elevations 1;
  - (A1) DrNo PA01-1885-04B Contextual Elevations 2;
  - (A1) DrNo PA01-1885-05B Ground Floor Plan;
  - (A1) DrNo PA01-1885-06B First and Second Floor Plans;
  - (A1) DrNo PA01-1885-07B Third Floor and Roof Plans;
  - (A1) DrNo PA01-1885-08B Proposed Landscaping Layout;
  - (A0) DrNo PA01-1885-09B Contextual Elevations;
  - (A0) DrNo PA01-1885-10B Contextual Elevations;
  - (A0) DrNo PA01-1885-11A Contextual Elevations;
  - (A0) DrNo P08142\_SX Rev A Topographical Survey;
  - (A0) DrNo P08142\_SX Rev A Topographical Survey;
  - (A1) DrNo 1028\_LMP\_600 Landscape Master Plan; and
  - (A1) DrNo 7711/01 Tree Constraints Plan;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) No persons under 60 years of age and/or a partner of 55 years of age shall occupy any of the units hereby permitted with the exception of guests and/or warden(s) unless otherwise agreed in writing by the Local

Planning Authority;

- (f) The development shall be carried out in strict accordance with approved Drawing Ref: 1205/2513 V3 (titled 'Safe Access Route', prepared by Aardvark and dated 16 April 2012);
- (g) Finished floor levels of the development shall be set no lower than 21.92m AOD;
- (h) No part of the development hereby permitted shall be occupied until a flood emergency plan has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following elements:-
  - Identify areas providing a safe refuge during a flood;
  - Identify safe access and egress routes within the development;
  - Details of the responsible person / party during a flood and appropriate actions to ensure the safety of occupants; and
  - Provision of flood marker boards on the access roads within the site, which indicate safe depths for driving.

The development shall subsequently be implemented and maintained in accordance with the approved details;

- (i) No development shall commence until details of flood resilience measures in the construction of the development to a minimum level of 22.3m AOD have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be subsequently implemented and maintained in accordance with the approved details;
- (j) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion;
- (k) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall thereafter be carried out in accordance with the recommendations of the approved strategy;
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect badgers, reptiles, bats and birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Aardvark reports dated October 2009 and July 2012 and Ambios Ecology's report, dated August 2010 and include:-
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles 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;

- (m) Details of any external lighting shall be provided prior to its installation and agreed in writing by the Local Planning Authority to ensure the lighting is directed downwards only;
- (n) (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;
- (o) The existing tree shown to be retained on site on proposed site layout drawing PF01-1885-02 shall be protected in accordance with BS5837: 2005 Trees in relation to construction;
- (p) A footway across the site frontage shall be provided prior to occupation of any of the residential units;
- (q) An amended Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development hereby approved. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.
- (r) Prior to occupation, details of boundary treatments, including a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority and agreed in writing. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that Land Drainage Consent will be required from the Lead Local Flood Authority (Somerset County Council) for any connection to the Stockwell Stream. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (2) Applicant was advised of the following requirements - WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s)

must comply with the appropriate wildlife legislation. BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (3) Applicant was advised to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. This agreement should be progressed well in advance of commencement of development; (4) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to development commencing, and thereafter maintained until the use of the site discontinues; (5) Applicant was advised that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Street Works Code; (6) Applicant was advised that construction traffic should avoid peak periods when children use Mountway and Mount Street to access schools in the area.)

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

The proposal, for an elderly residential care development, was located within defined settlement limits in a sustainable location where the principle of new housing was considered acceptable and in compliance with the National Planning Policy Framework. The proposed access and parking would be satisfactory and the development was sited so as not to be within Flood Zone 3 and would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49, Taunton Deane Local Plan

Policies S1 (General Requirements), S2 (Design), EN28 (Flood Risk) and M4 (Residential Parking Provision) and Core Strategy Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

**104. E/0272/43/08 – Wooden hoarding to the front elevation of 27 North Street, Wellington**

Reported that in 2008 it had come to the attention of the Council that a timber lean-to structure had been erected in front of one of the windows of the former retail shop at 27 North Street, Wellington. As the property was on the back edge of the pavement, the structure restricted the width available to pedestrians.

The owner of the premises had been contacted who had advised the Council that in connection with intended renovation works, the structure would be used as a lobby providing access to the building.

Although some works had commenced some time ago, the building currently remained in an unfinished condition and no further work was being undertaken.

**Resolved that:-**

- (1) A notice under Section 215 of the Town and Country Planning Act 1990 be served on the owner of 27 North Street, Wellington requiring the unauthorised wooden hoarding to be removed within a three week period; and
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the Section 215 Notice was not complied with.

**105. E/0027/38/12 – Smoking shelter erected at Blagdon Retirement Village, Middleway, Taunton**

Reported that it had come to the attention of the Council that a smoking shelter, consisting of trellis fencing panels and a green coloured corrugated roof, had been erected at Blagdon Retirement Village, Middleway, Taunton on the end of a block of garages in an open grass area.

Complaints had been received that people using the shelter were causing a nuisance to some of the residents in the adjoining road, Wilton Orchard, through drifting cigarette smoke.

In the view of the Growth and Development Manager the shelter, which was 20 metres from the nearest neighbouring dwelling, was not considered to have any adverse visual impact. Although it was acknowledged that the smell of smoke could cause complaint, it was felt that this did not cause sufficient harm to warrant the serving of an enforcement notice seeking the removal of the shelter.

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

(The meeting ended at 7.46 pm)