

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 10 April 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 20 March 2013 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/13/0001 - Outline planning application (with all matters reserved) for the erection of 10 no dwellings on The Paddock, Taunton Road, Bishops Lydeard.
- 6 14/12/00015 - Change of use of land to site five no. mobile homes and five no. touring caravans with the conversion of stables to a utility block at Laphorn, Adsborough.
- 7 49/13/0004 - Outline application with all matters reserved for the erection of a dwelling in the garden of Dene View, West Road, Wiveliscombe.
- 8 E/0122/42/12 - Unauthorised business running from Farthings Farm, Lipe Hill Lane, Comeytrove, Taunton.
- 9 38/12/0265/T - Unauthorised works to three Cherries included in Tree Preservation Order TD634, (Taunton No.4).
- 10 Planning Appeals - The latest appeal decisions received (attached).
- 11 38/13/0074 - Replacement of conservatory with the erection of a single storey extension to the side of 25 Batts Park, Taunton.
- 12 48/13/0010 - Erection of wooden carport at Greystones, Goosenford, Cheddon Fitzpaine.

Tonya Meers  
Legal and Democratic Services Manager

15 May 2013

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

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

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## **Planning Committee Members:-**

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

## **Planning Committee – 20 March 2013**

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, A Govier, C Hill, Mrs Hill, Horsley, Mrs Smith, Tooze, Watson, A Wedderkopp, D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Maria Casey (Planning and Litigation Solicitor) and Andrew Randell (Corporate Support Officer)

Also present: Councillor Mrs Herbert in connection with agenda No. 10, Councillor Mrs Warmington in connection with application No. 13/12/0009 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **30. Apologies/Substitution**

Apologies : Councillors Denington and Miss James.

Substitution : Councillor Horsley for Councillor Miss James.

### **31. Minutes**

The minutes of the meeting of the Planning Committee held on 27 February 2013 were taken and read and were signed.

### **32. Declarations of Interest**

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Govier also declared that application No 43/12/0130 had been considered at a Wellington Town Council he had attended. He had not 'fettered his discretion'. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillors Nottrodt and Watson declared that application No 13/12/0009 had been considered at a meeting of the Bishops Lydeard and Cothelstone Parish Council which they had attended. Neither had 'fettered their discretion'. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England.

### **33. Applications for Planning Permission**

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

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

**14/12/0032**

**Outline application for the erection of a bungalow in the garden of 8 Heathfield Close, Creech St Michael (amended)**

**Conditions**

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo VPH-Trott-001 Elevations/Floor Plans;
  - (A3) DrNo VPH-Trott-002/003 site plan dated 27-02-13 received on 07/03/13;
  - (A4) Block Plan; and
  - (A4) Plan No. 4 Location Plan with revised red line to adopted highway received on 19/03/13;
- (c) The parking and turning area shown on the submitted plan, shall be hard surfaced before the dwelling is occupied. It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the new dwelling. This area shall be retained for parking and turning in association with the dwelling hereby permitted;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected adjacent to or within 5m of the boundary with Crown Lane without the submission of a planning application for their approval;
- (e) No site clearance works or development (or specified operations) shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority;
- (f) The dwelling shall be not occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) 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. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;

- (h) The development shall provide for covered and secure storage facilities for cycles, details of which shall be indicated on the plans submitted in accordance with condition (a) above. Such facilities shall be provided prior to the occupation of the new dwelling and shall thereafter be retained for those purposes;
- (h) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (j) Further to the reference to landscaping in condition (a) above, for the avoidance of doubt:- (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;
- (k) 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, garage(s), loft conversions, rooflights, windows on the northern elevation other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) In respect of connections, applicant was advised to contact Wessex Water for both water supply and waste water. Separate systems of drainage will be required to serve the proposal. No surface water connections will be permitted to the foul sewer system; (3) Applicant was advised that if the surface water was to discharge to a soakaway, this should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant was advised that whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application

site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property; (5) Applicant was reminded that the granting of planning permission does not override the requirement to obtain consent from the respective owners of Crown Lane for access and use of that Lane; (6) Somerset County Council (SCC) Rights of Way section advises that any proposed works must not encroach on to the width of the footpath. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. SCC has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the path resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group:-

- A Public Right of Way (PROW) being made less convenient for continued public use.
  - New furniture being needed along a PROW.
  - Changes to the surface of a PROW being needed.
  - Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would
- make a PROW less convenient for continued public use (or)
  - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided.)

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

The proposal, for a single dwelling, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR5 (Development in Rural Centres and Villages) and 49 (Transport Requirements of New Development), Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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

**38/13/0041T**

**Application to fell one Prunus Tree included In Taunton Deane Borough (Taunton No.5) Tree Preservation Order 1991 at 4 Queens Drive, Taunton (TD523)**



## **Conditions**

- (a) The proposed work shall be completed before the expiration of two years from the date of this permission;
- (b) The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) in accordance with British Standard BS4428:(1989): 1 x *Prunus cerasifera* 'Pissardii' or 'Nigra', planted as a standard tree or larger (minimum trunk girth 8-10cm), and planted in the front garden within 5m of the felled tree. If within a period of five years from the date of planting the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted.

(Notes to applicant:- Applicant was advised of the following: 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 of Natural Habitats and Species (Amendment) Regulations 2012, 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 Governments 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.)

**38/13/0027**

**Erection of single storey extension at 1 Cambridge Terrace, 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:-

(A4) DrNo 0612-02 Location Plan;

- (A4) DrNo 0612-03 Site Plan;
- (A1) DrNo 1612-01 REV A Floor Plans and Elevations; and
- (A1) DrNo 1612-01A Floor Plans and Elevations;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons for granting planning permission:-**

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**13/12/0009**

**Erection of two storey rear extension at Fennington Oaks, Kingston St Mary**

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons for granting planning permission:-**

The proposed extension by reason of its scale and design details and position fails to respect the character of the existing linear dwelling and would adversely affect the visual amenity and character of the dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

**08/13/0001**

**Erection of conservatory to rear of 10 Standfast Place, Cheddon Fitzpaine**

**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) Existing and Proposed Floor Plans;
- (A3) Elevations as Existing;
- (A3) Elevations as Proposed;

- (A4) Block Plan;
- (A4) Location Plan; and
- (A4) Conservatory Details.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons for granting planning permission:-**

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**34. Erection of 4 No. dwellings together with associated works (additional car parking within the vicinity including the change of use of the playing area) on land adjacent to 35 Penny Close and 72 Howard Road, Wellington (resubmission of 43/12/0072) (43/12/0130)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure a contribution of £7,770 + VAT towards the enhancement of children's play facilities at the existing Howard Road Play Area, 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 110558 L(0)01 Rev A Location Plan;
- (A3) DrNo 110558 L(0)02 Rev F Site Plan;
- (A3) DrNo 110558 L(0)11 Rev B Site A Plan;
- (A3) DrNo 110558 L(0)12 Existing Site Sections
- (A3) DrNo 110558 L(0)13 Rev B Proposed Site Elevations 1 and 2;
- (A3) DrNo 110558 L(0)101 Rev A House Type A1-2B4P;
- (A3) DrNo 110558 L(0)102A House Type B1;
- (A3) DrNo 110558 L(0)103 Rev A House Type B2-3B5P Brick;
- (A1) DrNo 110558 P(0)02 Topographical and Tree Surveys;
- (A3) DrNo 110558 L(0)21 Rev A Site B Plan;
- (A3) DrNo 110558 L(0)22 Existing Site Sections 3 and 4;
- (A3) DrNo 110558 L(0)23 Rev A Site B Proposed Side Elevations 3 and 4;

- (A3) DrNo 110558 L(0)24 Additional Parking Area Details;
  - (A3) DrNo 1105-01 Landscape Proposals; and
  - (A3) DrNo 1105-02 Landscape Proposals;
- (c) Prior to the commencement of any other works on site, the additional 11 parking spaces and access to them (six on the site of the former play area, three parallel to the highway at the eastern end of Penny Close and two unallocated spaces opposite plots 1 and 2) indicated on drawing L(0)02 rev F shall be provided to at least base course level and brought into use. The said parking spaces and access to them shall be fully surfaced in accordance with the drawings hereby permitted prior to the occupation of the 4th dwelling hereby permitted. The parking spaces relating to the proposed dwellings to which they will serve shall be provided and surfaced in accordance with the details hereby permitted prior to the occupation of the dwelling to which they relate 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) Only those materials specified on the plans hereby permitted shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons for granting planning permission:-**

The proposal would provide affordable dwellings for the area without compromising car parking within the estate. Contributions to provide additional play equipment at Howard Road would enhance the play facilities for users in the area and provide superior facilities to those that would have existed on the former play area at Penny Close. The proposal was therefore considered to be acceptable in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy, Retained Policy C4 (Standards of play provision) of the Taunton Deane Local Plan, Policy 49 (Transport Requirements of New Developments) of the Taunton Deane Local Plan and advice contained in the National Planning Policy Framework.

**35. E/0168/35/12 – Conversion of store/garage to residential accommodation at The Globe Inn, Kittisford Road, Stawley, Wellington**

Reported that it had come to the attention of the Council that a former bottle store at The Globe Inn, Kittisford Road, Stawley had been converted without planning consent for use as residential accommodation.

The owner of The Globe Inn had been contacted and confirmation had been received that the store, now known as 'The Bunker', had been used for residential purposes since December 2012. The owner had also confirmed that he wished to use The Bunker as a residence for approximately four months a year and intended to submit a planning application to use the property as an occasional holiday let.

**Resolved that:-**

- (1) Enforcement action be authorised to stop the use of The Bunker, The Globe Inn, Kittisford Road, Stawley as a separate unit of accommodation;
- (2) Any enforcement notice served should have a six month compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**36. E/0206/10/12 – Unauthorised occupation of mobile home at Ivylen, Stapley Road, Biscombe, Churchstanton**

Reported that it had come to the attention of the Council that a mobile home that had been sited for many years on land at Ivylen, Stapley Road, Biscombe, Churchstanton was currently being used as a separate unit of accommodation.

The owners of the of the property Ivylen, had been contacted and had confirmed that the mobile home had, in the past, been used by their children as overflow accommodation as the main house was rather small. However, in September 2012 they had allowed a family friend to make use of the mobile home pending a move to alternative accommodation.

The occupier of the mobile home currently helped with aspects of the business being operated from the main property and also took some meals with the family. Despite this, it was considered that the mobile home was being used as a separate unit of accommodation without the necessary planning consent.

**Resolved that:-**

- (1) Enforcement action be authorised to secure the cessation of the residential occupation of the mobile home sited on land at Ivylen, Stapley Road, Biscombe, Churchstanton;
- (2) Any enforcement notice served should have a six month compliance

period and;

- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**37. 38/12/0265 – Erection of 7 No detached dwellings on land to the rear of 14-28 Stoke Road, Taunton**

Reference Minute No. 5/2013, reported that conditional approval had previously been granted for this development subject to a Section 106 Agreement being agreed to secure leisure and recreation financial contributions as well as allotment and community hall contributions.

The developers, Gadd Properties Limited, had approached the Council stating that there would be logistical complications in arranging for all seven separate landowners to sign the proposed Section 106 Agreement which was likely to put back the development by many weeks. Gadds had therefore suggested that the proposed S106 Agreement be substituted with an agreement in the form of the draft submitted with the report. It was considered that the Council would not be disadvantaged by this course of action.

Further reported that in connection with this proposed development, two additional items had arisen which needed further consideration by Members:-

- It had been suggested that Members might have been misadvised regarding the potential ultimate height of the Prunus Avium trees which were intended to replace the trees covered by a Tree Preservation Order (TPO); and
- As part of the site clearance, one of the three TPO Cherry trees had been felled and the others pruned without any express grant of any planning consent.

With regard to the first issue, the Landscape Lead had indicated that on such a site as this one, it was likely that the mature height for a Prunus Avium was likely to be 10-15 m and that they were sufficiently far aware from the dwellings not to cause a problem in the future.

However, Members thought that different replacement trees ought to be agreed with the developer through the landscape condition, although the minimum height of such trees needed to be 4 m.

As to the felling of a TPO tree, this had been identified as being largely dead in the original tree survey. If this was the case, no permission to remove it would have been needed. The Landscape Lead would be investigating this matter further together with the alleged unauthorised works undertaken in respect of the other Cherry trees.

**Resolved** that:-

- (1) The proposed replacement trees – to be a minimum height of 4 m – be agreed with Gadd Properties Limited by the Landscape Lead through the landscaping condition imposed by the Committee at its meeting on 9 January 2013;
- (2) The proposed Section 106 Agreement to secure leisure and recreation financial contributions as well as allotment and community hall financial contributions be substituted by an Agreement in the form of the draft submitted with the Legal Services Manager's report, between the Council and Gadd Properties Limited to secure similar financial contributions; and
- (3) It be agreed that any decision relating to the potential breach of the Tree Preservation Order in relation to the three Cherry trees be deferred to allow the Landscape Lead to make further enquiries with a report to be submitted to the next meeting of the Committee.

**38. E/0181/46/10 – Alebar Farm, Bussels Farm Lane, Blackmoor, West Buckland**

Reference Minute No 28/2011, reported that an enforcement notice had been served on the owners of Alebar Farm, Bussels Farm Lane, Blackmoor, West Buckland seeking the cessation of the occupation of the mobile home situated on the land by 1 August 2012.

Negotiations with the owner of the land had continued after the service of the notice in an attempt to resolve the situation.

Promises had been given over recent months that an application for planning permission would be submitted with supporting evidence that the mobile home was required in conjunction with the care of animals on the farm. However, no such application had been received.

As a result, a prosecution file had been prepared to take action over the non-compliance with the enforcement notice which was due to be heard on 22 March 2013.

Further reported that the owner of the land had recently contacted the Council to say that she had purchased a farm in Cornwall and would be vacating Alebar Farm towards the end of June 2013.

**Resolved** that the prosecution action scheduled for 22 March 2013 be deferred in order to allow the owner of Alebar Farm, Bussels Lane, Blackmoor, West Buckland to relocate, as confirmed. Should this not occur, the prosecution action would be continued.

**39. Appeals**

Reported that two appeal decisions had been received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 7.49 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 UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

06/13/0001

MR P TAPSON

**OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED) FOR THE ERECTION OF 10 No DWELLINGS ON THE PADDOCK, TAUNTON ROAD, BISHOPS LYDEARD**

Grid Reference: 316884.128978

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

Subject to the applicant entering into a Section 106 Agreement to secure the provision of:

1. 25% affordable housing provision (2 units). 1 social rented; 1 intermediate housing.
2. Contributions of £2,688 for each 2+ bed dwelling to provide children's play.
3. Contributions of £1,454 for each dwelling towards the provision of facilities for active recreation;
4. Contributions of £194 per dwelling for allotment provision;
5. Contributions of £1,118 per dwelling towards local community hall facilities in Bishops Lydeard.

Planning permission be granted for the following reason:

The proposed development of 10 dwelling houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the character and appearance of the surrounding landscape. The proposal is considered not to have a detrimental impact upon visual or residential amenity or highway safety. As such the proposal are considered to accord with the provisions of policy SD1 and SP1 of the Core Strategy. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposals are therefore considered acceptable and, accordingly, do not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained policy C4 of the Local Plan.

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

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

is commenced.

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

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

2. The layout and alignment, gradient, widths and levels of the proposed road, road junctions, and points of access, visibility splays, footpaths, turning spaces, street lighting and drainage shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, in accordance with the approved details.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

3.
  - (i) The landscaping scheme that shall be submitted to and approved as part of a reserved matters application 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.
  - (ii) 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted with any reserved matters application seeking approval of layout. The agreed boundary treatments shall be completed before any dwelling hereby permitted is first occupied and thereafter shall be so maintained.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- Details of which areas drain to which attenuation facility and the associated volumes projected ;
- Details of how the scheme shall be maintained and managed after completion

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, both on and off site and ensure future maintenance of the surface water drainage system in accordance with Core Strategy Policy CP8 and guidance contained within the National Planning Policy Framework.

6. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the environment by ensuring separation of clean and foul waters.

7. 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 gate fence wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the dwelling house(s) or of the exposed flank wall of any corner dwelling, other than that expressly authorised by this permission, without the further grant of planning permission.

Reason: To ensure that the open character and appearance of the area is maintained in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. There shall be no vehicular access to the site from Brendons without the further grant of planning permission.

Reason: In the interests of highway safety and amenity, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy DM1 and CP6 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Where works have to be undertaken on or adjoining the public highway a Section 50 NRSWA 1991 licence will be required. These are obtainable from Mark Fitzgerald, Streetworks Co-ordinator (01823 483135).
3. Where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Maureen Atwell, Transport Development Group, Environment Department, County Hall, Taunton. TA1 4DY, or by telephoning her on 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.
4. 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. 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.
5. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
6. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.
7. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
8. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

## **PROPOSAL**

This application seeks outline planning permission, with all matters reserved, for the erection of ten dwellings on land at The Paddock, Taunton Road, Bishops Lydeard.

An indicative layout plan has been provided, which indicates the positioning of ten plots within the site. The development proposes to derive access directly off Taunton Road, with an internal estate road running to the Southwest; dwellings would be positioned to the Southeast, NorthWest and South of the proposed highway. A turning head is provided, which can potentially provide future pedestrian and vehicular access to land adjoining the Southeastern site boundary.

Scale parameters have been provided, which sets out that the proposed dwellings will be of two storeys with widths of approximately 7 metres and a depth of 10 to 12 metres. The dwellings will measure between 5.8m (eaves) and 8 metres (ridge).

## **SITE DESCRIPTION AND HISTORY**

The application site is currently a small paddock laid to grass of approximately 0.37 hectares in area. The site is level with low grass banks to the North, South and East boundaries. To the Northeast of the site is Taunton Road whilst to the Southeast and South and Southwest is further open agricultural land. To the Northwest the site is adjoined by six dwelling houses (no's 1 to 6) at The Brendons; these properties have gardens that back onto the site and are generally bound by timber post and rail and close boarded fencing with some planting.

The Southeast boundary is planted out with approximately 13 trees, of the cypress, walnut and maple species; these trees are the subject of a Tree Preservation Order, reference TD1098.

The site is currently accessible through a field access gate to the Northwest boundary. This access track is derived off The Brendons and runs between no's 4 and 5.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - In principle the proposal is acceptable as long as the following comments on the proposed layout are incorporated into the design.

The proposed site access shall include visibility splays measuring 2.4m x 43m in both directions with no obstruction above 300mm within the splays, then the full extent of the splays would be adopted by Somerset County Council.

The proposed junction on the site with Taunton Road needs to incorporate 6.0m radii.

The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Taunton Road.

The proposed internal estate road could take the form of a block paved 5.0m carriageway with 500mm wide margins if it served up to a maximum of 20 dwellings or a 5.0m wide type 4 bitumen macadam carriageway 5.0m in width with 2.0m wide footways provided, to serve in excess of 20 dwellings, bearing in mind the possibility of extending the internal access road into land to the south east of the application site.

It has been noted that surface water from the application site will be discharged via sustainable drainage systems. Should this take the form of attenuations systems, then such facilities must not be located within public highway limits. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required.

Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. It may be necessary to excavate trial holes to determine the existing thickness of the bituminous macadam layers.

The gradient of the proposed access road should not, at any point be steeper than 1:20 for a distance of 10m from its junction with Taunton Road.

No doors, gates, low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

Therefore to conclude the Highway Authority has no objection to this development in principle but would request that the applicant provide further details on the points raised.

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

The site is not within the current settlement limit.

The Council feels that approval on this site would prejudice the TDBC SADMP process which is in consultation currently. As sites are not due to be allocated until Autumn 2014, the Council feels that any development on this site should be considered strategically as part of that process.

The Council wishes to note the following criteria which it feels would be important in the consideration of any future development on the site:

- Traffic access should be off Taunton road, no access should be given through Brendons;
- Houses should not front directly onto Taunton Road, but should be set back;
- Adequate screening should be provided along Taunton Road and by the houses on Brendons;
- A footway along Taunton Road is essential for pedestrian safety.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comment received

*HOUSING ENABLING* - There is an affordable housing need within Bishops Lydeard parish.

If the development is deemed acceptable in Planning Policy terms, this would trigger an affordable housing obligation of 25% of the new housing to be in the form of affordable homes.

Should the site be considered unacceptable in planning policy terms the site could be considered as a rural exception site, where 100% affordable housing would be required.

In both scenarios, the tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats and the houses should be predominately 2 and 3 bedrooms.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*LEISURE DEVELOPMENT* - Provision for play and recreation should be made for residents of these dwellings.

Contributions of £2,688 for each 2+ bed dwelling to provide children's play. The contribution to be spent on additional facilities for the benefits of new residents within the vicinity of the development.

Contributions of £1,454 for each dwelling towards the provision of facilities for active recreation.

Contributions of £194 per dwelling for allotment provision and £1,118 per dwelling towards local community hall facilities.

All contributions to be index linked.

*PLANNING POLICY* - The application site is situated outside the existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy policies (CP8, SP1 and DM2). Despite being in the open countryside, the site adjoins the settlement limit and has good levels of access to a range of services and facilities in the village, including primary school, post office and doctors surgery. The site is also well-related to transport infrastructure, which includes an hourly service to Taunton.

Bishops Lydeard is identified as a Major Rural Centre in the adopted Taunton



Deane Core Strategy. The Policy SP1 identifies requirements for up to 200 dwellings to be accommodated in Bishops Lydeard over the period up to 2028. In line with the adopted TDBC Core Strategy, new housing development at the major rural centres will include an appropriate balance of market and affordable housing together with some employment provision.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is now in the process of producing a Site Allocations and Development Management Policies Plan (SADMPP). It is anticipated that through this Plan each rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites. The Council has published an Issues and Options Site Allocations and Development Management policies plan for public consultation in January 2013. A public consultation event took place in Bishops Lydeard on the 29<sup>th</sup> of January 2013.

All applications must be considered on their merits. The SADMPP is at the earliest stage of development. This site has been proposed as a potential allocation in the SADMPP Issues and Options consultation together with the adjoining site immediately south of the site along with a number of additional opportunities within Bishops Lydeard. Not all sites will be needed. Given that the SADMPP will be subject to extensive community engagement prior to adoption it would seem preferable to see this proposal advanced through the SADMPP. However, due to its location and the Core Strategy requirement for additional growth at Bishops Lydeard there are no policy objection to this proposal in this instance, subject to the resolution of the following:

The design and access statement demonstrates that access to the site will be served by an estate road from Taunton Road and that future road access to the adjoining land south east will be established to avoid the necessity for another access from Taunton Road to that land. There is a concern that the proposed new estate road could end up being used as a ransom strip to serve any future development of the adjoining land should it be proposed for development in the future. Without confirmation from the County Highways that another access road from Taunton Road could be accommodated to serve any future development of the adjoining land, this proposal could be seen prejudicial to potentially developing the adjoining site if progressed in the SADMPP.

A public access to the adjoining land should be provided subject to an ecological assessment to ensure permeability between sites. Contributions towards children's play areas and 25% of affordable housing will be required in line with the Core Strategy policy CP4.

*ENVIRONMENT AGENCY* - No comments received.

*DRAINAGE ENGINEER* - Objects on grounds that insufficient drainage information provided.

*LANDSCAPE* - No details of root protection area submitted and therefore a full landscape assessment cannot be made.

SCC - CHIEF EDUCATION OFFICER - No comments received.

## **Representations**

2 letters of COMMENT received from local residents raising the following planning related matters:

- The access should be directly onto Taunton Road; there is insufficient space between 4 & 5 The Brendons to make a 90 degree turn because the angle of the splay is such that visibility is impaired. Such a road turning would be contrary to highway regulations;
- Any development should consist of conventional houses as opposed to flats such as that on the corner of Silk Mills at the Cross Keys roundabout;
- Any development should be considered as part of the overall development along Taunton Road;
- The development would impinge on the privacy and safety of most houses in Brendons;
- There is increasing congestion between Brendons and Gore Square making exiting from Brendons hazardous;
- There are safety issues here due to a lack of pavements and a relatively narrow road.

8 letters of OBJECTION received from local residents raising the following planning related matters:

### Principle of development:

- The site is outside the development boundary and therefore contrary to policy DM2 of the Core Strategy;
- There will be a loss of privacy to residents on the Eastern side of the Brendons development;
- Development occurring of brownfield sites within the village and adjacent to the West Somerset Railway;
- The site is not sustainable as it will develop another Greenfield site when other more suitable sites are available;
- The proposals are piecemeal and may prejudice the proper planning of larger development on Taunton Road; could result in incompatible, unplanned, unsympathetic development;
- If TDBC are minded to follow the 2011 SHLAA recommendations the site should be developed as a whole with site BL003a;
- By approving the development now TDBC will prejudice the SADMP consultation, which sites are not due to be allocated until the Autumn of 2014;
- Cannot see the benefit of providing 10 dwellings on a Greenfield site;
- Do not think the proposals can be considered at present as it is a Greenfield site, within focus of current public consultation, needs to be viewed in tandem with other adjacent land and is one land parcel subject to consideration in respect of sprawl;
- The application should be withdrawn and not considered until the SADMP is adopted in Autumn 2014;

### Highway Issues:

- Good to see access now enter via Taunton Road. Would recommend a condition to prevent development using the Brendons for access;
- Traffic impact should be assessed in terms of safety as vehicle speeds are in excess of the limit.
- Some form of traffic calming may be required along with visibility and technical standards to accommodate full development of 160 dwellings off Taunton Road;
- Increased use of Brendons by traffic will result in disturbance;
- Previous highway safety issues should be considered;
- The access off Brendons should not be used during or after construction;
- Access does not comply with highway regulations; inadequate visibility splay to the East;
- A lack of pavement provision from Taunton Road is a great concern; more people walking between Brendons and the post office; there is an accident waiting to happen;

### Amenity:

- Any development would be contrary to policy QD1 of PPS7; houses will overlook gardens, living rooms, conservatory and bedrooms causing an unacceptable loss of privacy;
- Suggest a condition to ensure LPA can influence layout of the development to protect privacy of residents at Brendons;
- The plans do not take into consideration the proximity of houses to gardens;
- As well as privacy there will be additional noise and nuisance

### Other matters:

- The site is not considered properly from a water or traffic management point of view;
- Development of the site now will result in unregulated encroachment and sprawl restricting the visual impact of the landscapes character;
- Bishops Lydeard is designated as an AONB; development beyond the village boundary will result in a loss of space for recreation, open space, wildlife;
- Would question the agricultural use of the field, not being used since 2001 and believe this to be incorrect and misleading;
- The view of the road and from the road would be impacted upon and could have knock on effect to tourism, damaging income to pubs and shops;
- There are many new developments in Bishops Lydeard contributing to an oversubscribed surgery and school. Further development will comprise the efficiency of these services.
- The Paddock was designated as 'open space' on the last public consultation;
- End of village planting along the back of Brendons was considered important by TDBC and was duly implemented when planning permission was granted for the former brownfield site;
- No information on scale, detail, density or number of houses; development similar to Kings Yard would be inappropriate
- No wildlife survey, flood risk assessment or foul drainage proposals provided; wildlife has been seen in the hedgerow on Taunton Road;
- The site is crucial buffer and landscape zone between the village and bypass, crucial to protecting the rural community rather than growing into urban sprawl;

- There has been substantial increase in the number of houses in the village in recent years with no increase in provision of jobs, services or facilities contrary to PPS7;
- Would hope further new developments encourage business and services and home offices;
- Would hope provision is made for recreation and play together with affordable homes;
- Concerned that this open space is being lost.

## **PLANNING POLICIES**

CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 STR1 - Sustainable Development,  
 STR3 - Rural Centres and Villages,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S&ENPP48 - S&ENP - Access and Parking,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 NPPF - National Planning Policy Framework,

## **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)	£11,351
Somerset County Council (Upper Tier Authority)	£2,838

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£68,104
Somerset County Council (Upper Tier Authority)	£17,026

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the principle of the development in planning policy terms and the potential impact of the proposals upon neighbouring amenity, highway safety and landscape character and taking these into account whether the proposals would form a sustainable form of development.

### Planning Policy

The site is located outside the defined settlement limit of Bishops Lydeard and is

therefore within open countryside in planning policy terms. As noted by the Councils Planning Policy team such a position renders the site and proposed use to conflict with Policies DM2 and CP8 of the adopted Core Strategy. However, Bishops Lydeard is identified as a Major Rural Centre by Core Strategy Policy SP1. Such states that these settlements will provide an appropriate balance of housing provision, with allocations of up to 200 net additional dwellings being made through the Site Allocations and Development Management Policies Plan (SADMPP).

Despite being outside the identified settlement, the application site directly adjoins the settlement limit of Bishops Lydeard. The site is within easy walking distance and has good access to a high level of services within the village including; nursery, garage, primary school, doctor's surgery, shop, post office, pubs and sports clubs on the basis of the sites physical location and proximity to Bishops Lydeard, the site is considered to be sustainable in terms of its location. This is in the context of the Core Strategy considering Bishops Lydeard to be a sustainable location in itself for up to 200 additional dwellings.

The application site is identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable', in that it is potentially suitable for housing development, it is available for development and achievable. The site is currently part of an initial consultation document, the SADMPP, as it has been put forward as a potential site for allocation by the land owner. Notwithstanding this matter, neither the SHLAA or SADMPP consultation are considered to prejudge the outcome of any planning application nor indicate that the site will eventually be allocated through the forthcoming development plan document.

From an allocation point of view, the SADMPP is in its infancy and is unlikely to be formally adopted by the Council until the Autumn of 2014. Objection has been received from the public with regard to approving development on sites that are currently being consulted upon. It is accepted that a plan-led system is often the most appropriate way of assessing the suitability and potential of a site for development. However the application has been made to the Council and therefore it must be considered and determined on its own planning merits, particularly given that the site is considered to be within a sustainable location.

The National Planning Policy Framework (NPPF) is an important material consideration. At paragraph 14, it sets out a presumption in favour of sustainable development stating that, for the purpose of decision taking, where the development plan is absent, silent or relevant policies are out of date, local planning authorities should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

Core Strategy Policy SP1 indicates that within Major Rural Centres allocations of up to 200 additional dwellings will be made. Clearly not all of these dwellings will be capable of being provided within existing settlement limits and therefore some scope for allocation outside the settlement, such as is being considered at The Paddock, will be required. In the absence of an adopted SADMPP, it is considered that the development plan is silent on the matter of where the additional dwellings identified

by policy SD1 will be located. Therefore, given that the location itself is considered to be sustainable, as discussed above, it is considered that the development is acceptable in principle and that permission should be granted provided that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits.

### Amenity

Several objections have been received with regard to the potential impact of the development upon neighbouring amenity. The application has been made in outline, with all detailed matters, including access, scale, appearance, layout and landscaping being reserved. Scale parameters have been provided so as to give an indication as to the built form of dwellings within the site.

It is acknowledged that the erection of dwellings at The Paddock will have a degree of impact upon existing residential amenity. However at this outline stage the actual degree of harm cannot be fully assessed. Notwithstanding this, it is considered that issues raised by local residents with regard to privacy and outlook can be overcome through ensuring good sensitive design is brought forward at the reserved matters stage, which will need to account for neighbouring properties and the relationship between existing and proposed units. I am satisfied that an appropriate development can be designed at the reserved matters stage that will ensure that there will be no significant adverse impact upon the amenity of neighbouring residents at Brendons, having regard to outlook, privacy, light and other forms of potential nuisance.

### Access and highway safety

The proposed development site would be accessed directly off Taunton Road to the Northeast. Taunton road is a classified unnumbered highway subject to a 30 mph speed limit. The highway is well aligned, has some areas of pedestrian footpath, and on street parking is limited. The application site is set back from the highway by approximately 5 metres at the proposed point of access; there is currently a grass verge separating the site and the highway.

The Highway Authority do not object to the proposed development subject to a number of technical design matters being incorporated within any reserved matters application. It is considered that the proposed visibility can be achieved; the alignment of Taunton Road together with the ability to provide unobstructed splays across the site frontage to necessary standards and possibly beyond, will result in a safe means of access being achievable. Internally there is sufficient space to provide a suitably designed estate road and plots are of sufficient size to allow for the provision of off road parking.

Concerns have been raised from the public regarding access and highway safety. It is generally accepted that any form of access to the site from Brendons would not be acceptable and only a pedestrian footpath would be appropriate if any form of link is to be provided.

### Landscape character and wildlife

The proposed development will be located on a greenfield site currently laid to grass. It is bound to the Southeast by mature trees, subject of preservation orders whilst the Southwest boundary is more sporadic with regard to hedgerow and tree planting. The Council's Landscape Officer is not satisfied as no details of root protection zones have been provided, however it should be noted that at this outline stage the impact of the development upon trees within and around the site cannot be fully assessed as the site layout is a reserved matter.

The indicative layout shows large plots within the site and as per the submitted scale parameters for the dwellings, it is considered possible to position dwellings away from trees so as to minimise any potential impact. It is acknowledged that the road access and turning head, which will allow future connectivity to the adjoining land if required, may have an impact upon protected trees however this impact is not likely to be significant and can be fully assessed through a reserved matters application in this case, with full arboricultural reports and appropriate mitigation being agreed at that time, if necessary.

Objection has been received concerning the visual impact of the development. The Council's Landscape Officer has not raised concern in this regard. When seen from the B357 to the South the site will be partially screened by existing trees. New dwellings within the site will relate visually to those already in situ at Brendons and along Taunton Road. The proposals will not result in sporadic new buildings within the landscape.

The site has not been used for intensive agricultural purposes for a number of years according to the submission and the site is currently covered with grass. There is no biodiversity report submitted with the application, however, there are no proposals at this time to remove trees or hedgerows and the agricultural use of the site will historically have limited biodiversity within the site. When reserved matters are applied for, a full biodiversity survey of the site will be required so as to ensure that protected species are not harmed and any necessary mitigation incorporated within the development. At this time the impact of the development upon wildlife is not thought to constitute a significant issue to the proposals.

There is opportunity to enhance landscaping and biodiversity within the site with additional planting; this will help mitigate any adverse visual impact and result in a development that relates appropriately to its surroundings.

### Other matters

Observations have been received regarding flood risk at the site. The site is located within flood zone 1 and is therefore in a location where new residential development should be steered towards. Whilst no details of drainage proposals have been provided, it is common for small scale housing developments to connect into existing drainage systems and provide on site surface water drainage provision. No issues have been raised suggesting that there are critical drainage problems within the area nor am I aware of such a history of localised flooding issues. On this basis it is considered reasonable to secure drainage details at the reserved matters stage, should planning permission be granted.

The proposals will need to provide 25% (or two units) of affordable housing on site and also make financial contributions towards recreation and play, village halls and

allotments. Such can be secured by way of a Section 106 agreement and that agent/applicant has initiated this process with the Council's legal department.

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

### Conclusions

The proposed development will result in the development of ten dwelling houses on an unallocated Greenfield site. The proposals are considered to generally accord with the core planning principles set out within the National Planning Policy Framework. Whilst the release of this site will be premature having regard to the ongoing SADMPP consultation, Policy SP1 of the Core Strategy identifies Bishops Lydeard as being a sustainable location for development, with up to 200 net additional dwellings being potentially provided between this settlement over the period of the plan.

Bishops Lydeard is well serviced by existing services and facilities, including a primary school, nursery, doctors surgery, pharmacy, public houses, shops, cafe and hairdressers to name but a few. Bishops Lydeard is serviced by a regular bus service to Taunton and other settlements. The site is well located in relation to these services, all of which are considered to be within easy walking distance. The site is considered to be within a sustainable location and would deliver community benefits in the form of two affordable houses and financial contributions to play and recreation, village halls and allotments. Virtue of these matters, the site is considered to be sustainable having regard to its proximity to the village and its services and there are also good links to surrounding areas.

Having regard to the above matters, the proposals are not considered to result in any significant or demonstrably harmful impacts that would outweigh the benefits of the development. It is therefore recommended that planning permission should be granted.

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

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



14/12/0015

MR J PACKMAN

**CHANGE OF USE OF LAND TO SITE 5 NO. MOBILE HOMES AND 5 NO. TOURING CARAVANS WITH THE CONVERSION OF STABLES TO A UTILITY BLOCK AT LAPTHORN, ADSBOROUGH**

Grid Reference: 327623.129251

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of the Taunton Deane Core Strategy (adopted 11/09/12) since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety.
- 2 The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12) since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.
- 3 The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12).
- 4 The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test in relation to highway safety and as such the application has been

refused.

## **PROPOSAL**

The application is for the change of use of land to site five mobile homes, have 5 touring caravans and convert the existing stables to a utility block. The utility block would provide toilets, showers and wash basins and would result in there not being a utility building for each mobile home. The mobile homes would have two bedrooms. The site layout plan shows the proposed mobile homes sited between a new access track and the boundary hedge.

The site is to the east of the A38 close to the junction with the road to Thurloxtton. The hamlet of Aadsborough is sited to the southeast of the site. Lapthorne is an existing bungalow sited to the southeast of the application site and is owned by the applicant. The site slopes up from the southeast corner up to the entrance to the field, which is also the vehicular access onto the A38 via a pull off area. There is a hedge around the site so it is screened from the northernmost access to Aadsborough.

### Case on behalf of the applicant

The application is accompanied by a design and access statement and personal circumstances, which states that the land is owned by the applicant, that the five mobile homes will be for his children and extended family, such as a grandmother in need of on going care, a sister, and grown up children. The statement provides evidence of gypsy status. The five touring caravans would be used by families when leaving the site, while seeking work and attending traditional Gypsy horse fairs. The pitches can be provided by the applicant at no burden on the taxpayers or Local Authority.

The justification put forward is that there is a need for additional site/pitch provision, that several pieces of land have been put forward to TDBC which were discussed, but found unsatisfactory. The site is seen by the agent as being sustainable, it being a short distance to North Petherton or Taunton where there is access to GPs, schools and shops.

Additional information has been received from the agent, this includes a highway statement and survey, information on the sewage treatment plant already installed, comments on the objector's comments and the Local Planning Authority's questions. In addition, an aerial photograph has been supplied which shows caravans on site in 2000.

In respect of highways, the report states, the Planning Policy for Traveller sites (PPTS) states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and this planning policy for traveller sites. There are no specific accessibility criteria in the PPTS. The report states that the site lies adjacent to the A38 with easy access to it for easy connections to the wider highway network. In addition the A38 carries frequent public transport services linking the site to the north to North Petherton and Bridgwater and to the south to Taunton, for a wide range of services including primary and secondary education, shopping, leisure and recreation opportunities and a wide range of employment opportunities.

The author of the report considers para 32 of the NPPF is key, “development should only be prevented or refused on transport grounds where there is residual cumulative impacts of the development are severe.” Regarding traffic generation, the proposal is for 5 pitches, each of which would have a mobile home and a touring caravan. The County Council suggests this is equivalent to 7 to 8 dwellings, but each pitch is for a single family, therefore each pitch is equivalent to one house. This is frequently accepted by County Councils and Inspectors at appeal. In addition, anyone familiar with the gypsy and traveller community will be aware that work is often undertaken by the male occupants who jointly carry out contract work. Car sharing is often used, and they would tend to be away from home for several days at a time.

The report has considered the trip generation as that of 5 houses with reference to the TRICS database, using this, when all pitches are occupied, the figures are similar to the County Council’s figures. The County Council do not raise issue with the capacity at the junction itself. A 5% level of impact is normally regarded as “material”, the impact here will be well below the “material” level. Thus the traffic increase due to the proposal can be regarded as modest with no significant impact on local highway network.

Regarding the site access, the report considers the visibility for various traffic movements, and concludes that there is adequate visibility given the speeds of vehicles turning into/out of the site. The County Council do not raise concern regarding the A38 Adsborough Hill/unnamed lane to either accommodate the traffic generated by the proposal or in respect of highway safety. The report carefully considers the approach given in the Highways Agency’s Design Manual for Roads and Bridges (DMRB) and the CLG Department for Transport’s Manual for Streets (MfS) (for wholly residential roads) and Manual for Streets 2 (MfS2) as an attempt to bridge the two sets of guidance. The submitted report considers vehicles turning left or right into the lane at likely speeds allowing for manoeuvring and given the number of potential movements from the site would be unlikely to compromise highway safety.

In relation to sustainability, the report considers the site is reasonably located to facilities. Information submitted include the current bus services. The number 15 (Burnham on Sea to Wellington) via Highbridge, Bridgwater, North Petherton and Taunton Town Centre, Musgrove Hospital and Somerset College run every half an hour Monday to Saturday daytime; the 21 (Burnham on Sea to Taunton via Highbridge, Bridgwater College and north Petherton and Taunton, is every 20 minutes Monday to Friday daytimes, and half an hour on Saturdays, and an hourly service in the evenings and on Sundays.

Other information submitted from the agent, is that there are no other suitable available sites, the potential residents currently are residing in Taunton Deane or Sedgemoor Districts. The Middlezoy Transit site has been closed for at least a year; there are no plans to replace this facility. The Septic tank installed is large enough for 9 bedrooms and the applicant will provide additional landscaping as suggested, and will move the pitches away from the edge of the site to provide for additional planting and protection of the tree root area.

## **SITE DESCRIPTION AND HISTORY**

The application site is just to the east of the A38 where it is close to the road junction leading to the Maypole Inn Thurloxtton to the west and Adsborough to the east. The site is at the north-eastern site of the administrative area of Taunton Deane; with Sedgemoor District boundary approx. 140m to the north of the site. The main part of the hamlet of Adsborough is to the south-east of the site, with dwellings on the other side of the A38. The site is bounded by a thick hedge to its south, south west and west side, with wide gates and an access to the northwest adjacent to the adopted highway. The bungalow of Laphorne is to the east of the site, separated by a post and rail fence from the site, and it has two points of access, one to the A38, the other to the unclassified access road serving Adsborough. The northern boundary has a high boarded fence and there is an existing stable building close to the northern boundary. The land slopes gradually to the south east part of the site. The map base does show a pond on the site, with a water source flowing through the application site. This pond has at some stage been filled in.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - I refer to the above-mentioned planning application received on 07 August 2012 and, after carrying out a site visit have the following observations on the highway and transportation aspects of this proposal:

The application proposals are for a change of use of land to site five mobile homes and five touring caravans on land adjacent to a dwelling known as Laphorn.

In principle, the proposed development site is remote from any urban area and distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are very infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan review, and policy S7 of the Local Plan.

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

The site is located adjacent to the junction of the A38 Adsborough Hill and an unnamed minor road. In the vicinity of the site the highway network is subject to a 60mph speed limit, The roads in the vicinity of the site are unlit and do not benefit from any segregated pedestrian footway provision.

Vehicular access to the site would be gained via the existing 'Laphorn' access onto the minor road. On site observations confirmed that available visibility from the access onto the minor road is acceptable to the east (left) but poor to the west (right). Forward visibility for vehicles turning left from the A38 onto the minor road is

also substandard.

The development proposals would result in five mobile homes and five touring caravans on the site, which, would be equivalent to the traffic which could be generated for 7-8 dwellings. On this basis it is considered reasonable to assume that the proposed site could generate in the region of 52 vehicle trips per day. Given the substandard forward visibility, any vehicle turning left to the minor road from the A38 would not see a vehicle exiting the site access. Similarly, any vehicle exiting the site access would not be aware of any left turning vehicles. On this basis, there is a high risk of vehicle conflicts and any intensification of the use of the access would therefore not be in the interests of highway safety.

On site observations also confirmed that the application site can also be accessed directly from the A38 via a now defunct access, which used to form the crossroads junction with the A38 and was the old alignment of the adjacent minor road. Given the deficiencies at the main site access, the development proposals could lead to vehicles using the A38 access. This would not be in the interests of highway safety as it could lead to accidents between vehicles on the A38 and vehicles using accessing the application site.

On this basis, it is recommended that the planning application is refused permission for the following reasons:

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S1 of the Taunton Deane Local Plan since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S1 of the Taunton Deane Local Plan since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy S1 of the Taunton Deane District Local Plan.

The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

#### comments on additional information

Further to our consultation response dated 02 October 2012, the Applicant has submitted a Transport statement which seeks to address the previously raised highway safety concerns. Having assessed the additional information, we offer the

following observations:-

In terms of national policy, stated view that paragraph 32 of the NPPF being the key paragraph to consider is not an opinion that is shared by the Highway Authority. The last sentence of paragraph 32 from the NPPF states

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.'*

Although this is not disputed, the above-mentioned paragraph should not be taken in isolation. The previous bullet points in the paragraph are relevant, and make it clear that decisions should take into account whether sustainable transport modes have been taken up and that safe and suitable access can be achieved. For the reasons outlined in our response dated 02 October 2012, it is not considered that these criteria have been satisfied.

The Transport Statement discusses the visibility requirements in great detail, particularly with regard to which guidance document is applicable when calculating the necessary Stopping Sight Distances (SSD) for vehicles at the site access and turning towards the site access from the A38. The SSD used have been taken from Table 7.1 within Manual for Streets. However, in our opinion, Manual for Streets would not be the appropriate guidance to use. This is because the A38 is a high speed route, a red route, and its primary function is to cater for the movement of traffic. On this basis, it is considered that the Design Manual for Roads and Bridges (DMRB) would be the appropriate guidance to use when calculating SSD's. Therefore, the SSD (and therefore visibility) that would be required for the site access would be much greater than the values given in the Transport Statement. The Transport Statement also discusses the sustainability of the site and suitability in the context of national guidance. As stated within our previous consultation response, it is our opinion that the site is unsustainable, and is contrary to a number of local policies. However, as stated within our response, it would be a matter for the Local Planning Authority to balance the planning benefits of the application against national objectives to reduce reliance on the private car.

Therefore in summary, our previous concerns remain and it is recommended that the application is refused permission for the reasons previously stated within our consultation response.

**CREECH ST MICHAEL PARISH COUNCIL** - Creech St Michael Parish council wish to OBJECT to this planning application because

- Access to the site is directly from the A38 at the Adsborough/Maypole junction, the area is covered by the SLR transport consultation document commissioned by the Parish Council (attached) and this is classed as a 'red route'. Road improvements are proposed because of the safety concerns.
- Adsborough is NOT part of a strategic urban extension and we believe is classed as 'an open countryside area outside of a defined settlement', similar nearby planning requests for development (caravan site at the Maypole Public House and a housing development in Thurloxton) have been opposed by planners. We are led to believe pre-application advice has been that no new dwellings will be allowed in this locality.
- Lack of need in this specific location, West Monkton urban extension includes social housing and 3 caravan parks with vacancies exist within a 3 mile radius.

- The site is NOT sustainable and it is NOT well related to local services (car transport is needed to Dr's, schools, shops, there is no employment)
- The site is not served by appropriate infrastructure (there is no gas or mains drainage in Adsborough, water pressure is sub-standard and electricity power cuts are frequent)
- The site will have an adverse impact on the environment, surface and effluent water runoff is to existing water courses that run through other properties) Laphorne lies on the spring and all water drains through the shillet downhill to Adsborough Farm Pond and out again on a water course that leads through farms to the River Tone. Laphorne is a small bungalow that HAD a septic tank adequate for 4/5 people. TDBC Building Control have confirmed that no works have been applied for since 1987 which means either the septic tank will not be sufficient OR the septic tank has been replaced without Building Reg approval. It is likely that the site will be a major health hazard for adjacent properties and those further down the stream.
- The impact of the development on the existing community (Adsborough has just 26 properties, this proposal will house a minimum of 5 and maximum of 10 additional families). The proposed development is not in keeping with the other properties in the village which are of traditional stone/brick construction, many of which, including the adjacent property are listed. The site has a Dutch elm hedge which will disappear. The Caravans are on high land that will be visible.
- The plans represent significant over development of the site in comparison with other properties in the area.
- It is contrary to TDBC policies to Protect the Open Countryside. The Councils strategic development at Monkton Heathfield will leave the open countryside between it and North Petherton (i.e. including Adsborough) as a very valuable open break in line with the TD Core Strategy. We believe the application is contrary to the Taunton Deane Core Strategy which aims to protect open areas outside of defined settlement areas as well as contrary to the TDBC policies (incl DM3) regarding gypsy sites (that were circulated to council prior to the meeting). We understand that there are other available sites in the locality.
- The parish council were addressed by 29 members of the Adsborough community, all objecting to the proposal. There has been no effort by the applicant or their correspondent to liaise with the community or the parish council in this regard at any time during the application, this course of action was recommended in the pre-application advice, attached to the application, this shows a lack of effort to integrate even at this early stage. Lastly, please note a residents community meeting was held. This was attended by over 40 households, TDBC councillor, Somerset County Councillor and Parish Councillors, all present confirmed they objected to the application.

*WEST MONKTON PARISH COUNCIL* - have also commented and wish to place the following comment on the record: The proposed access to the site from the A38, adjacent to a busy crossroads, is entirely unsuitable, both for vehicles and pedestrians. The position of the site is dangerous for service vehicles, and the proximity of the A38, without pavements, represents a significant danger to pedestrians who may use the roadside verges, or else walk on the road, and who may try to cross the A38, which at that point is wide and has no speed restriction.

*THURLOXTON PARISH COUNCIL* - have also commented and wish to object to the above planning application because:-

- The site is directly off the A38 at the cross roads to Thurloxtton and Adsborough. This junction has been a major safety concern for the Parish Council for a long time.
- The A38 being classed as a Red Route is very busy road with fast traffic. The traffic on this road will increase over the years with all the development in both TDBC and SDC.
- The visibility coming out of the junctions from both Thurloxtton and Adsborough onto a very fast road is very poor.

There have been many accidents at this junction. If a further 5 to 10 vehicles (a number of these vehicles towing caravans) were using this junction on a regular bases it would put more pressure on the area. It would make it more dangerous for residents coming out onto the A38, catching buses and pedestrians/horses crossing the road.

The site is remote from any urban area and therefore distant from adequate services and facilities, such as education, wider employment, health and retail leisure.

As a consequence, the occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.

In November 2011 SDC refused planning permission for the erection of 5 dwellings less than half a mile from this application. One of the reasons for refusal was that the site lies in open countryside of any defined settlement boundary as defined by the Core Strategy where development is strictly controlled for the benefit of all.

Would this reason not apply to the above application?

At the last Parish Council meeting where a number of residents were present the Councillors felt that the site for the above planning application was not appropriate therefore they object to this application on the points made above.

*HERITAGE* - The site is well screened. The proposed development, is not considered to affect the setting of the listed Godfreys, to the east.

#### *PLANNING POLICY –*

In terms of the principle of this development: The key policy of Taunton Deane Core Strategy (CS) is Development Management Policy DM3: Gypsy and Traveller Site Selection Criteria. This sets out a sequential approach to site selection and criteria to be satisfied for residential sites.

Of significant consideration is the Somerset Gypsy & Traveller Accommodation Assessment (GTAA) published in January 2011. This assessment of need is a statutory requirement under the Section 225 of the Housing Act 2004, Planning Policy for Travellers 2012 and National Planning Policy Framework. The GTAA forms part of the Strategic Market Housing Assessment (SHMA). The SHMA provides a comprehensive understanding of the Market Housing Area in order to provide a robust evidence for accommodation need.

The 2011 GTAA took account of the RSS pitch requirements as well as existing



provision in the Borough. The calculation of need also considered, inter alia, the analysis of Central Government data in the bi-annual caravan count, natural migration and immigration patterns, authorised private and public pitches, unauthorised encampments, survey responses from the Gypsy & Travelling community and Central Government guidance on population growth. The 2011 GTAA set provision for 25 residential pitches and 5 transit pitches from 2010-2015, in addition a requirement of 19 residential pitches is required from 2015-2020.

Under the National Planning Policy Framework; the Council; is required to translate this into a rolling 5 year requirement. As of the date of these observations, taking into account a rolling requirement, the 5 year requirement of Gypsy & Traveller Pitches is 22 residential units.

Core Strategy Development Management Policy DM3: Gypsy and Traveller Site Selection Criteria sets out a sequential approach to site selection and criteria to be satisfied for residential sites. It states that expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with the provisions set out in criteria a) to f) of the policy.

- a. The proposal will help to meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application; and
- b. The site is well-related to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision; and
- c. The environmental impacts of the proposal are minimised, this will include appropriate screening and siting of development taking into account landscape issues as well as any likely impacts upon wildlife, built heritage and flood risk; proposals should in particular avoid any adverse impact on the Natural 2000 sites in the Borough and comply with Habitats Regulations 2010. Details of habitats protection and mitigation including bat protection zones are covered under Environment Policy.
- d. The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; and
- e. The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage;
- f. The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.

The National Policy – Planning for Traveller Sites March 2013, states that planning policy should align more closely with that of settled housing. This would mean that in rural areas residential development should:

- be strictly controlled in the open countryside,
- isolated dwellings require special justification – i.e they meet identified local need, through the GTAA and SHMA
- ensure that the scale of such sites does not dominate the nearest settled community

The emerging National Policy – Planning for Traveller Sites makes clear that private Gypsy developments are a key component in meeting requirements.

Location: In terms of the location of Gypsy and Traveller sites, National and Local

Policy make it clear that the applicant should demonstrate that in the first instance consideration has been given to sites within existing settlement boundaries. Where such sites are not available consideration should be given to those adjoining or adjacent to existing settlement limits, Consideration of sites which do not fulfil his criteria will only be justified where the Council is satisfied that alternative sites are not reasonably available to the applicant.

Criterion (b) of Core Strategy Policy DM3 states that sites should be well located to local services and facilities including retail opportunities, schools and doctors surgeries as well as existing employment provision. In this regard, the site is contrary to policy as it is situated some distance from these services; however it does benefit from fairly direct access to a high frequency bus service to Burnham-on-Sea, Highbridge, Bridgwater, Taunton Railway Station, Taunton Town Centre, Taunton Musgrove Park Hospital, Wellington and Rockwell Green.

Adsborough has a pub (approx 160 metres from the site) and good public transport (bus stop 80 metres from the site) with Webber Bus Service No15 running between Burnham on Sea and Rockwell Green and First Bus Service No.21 running between Burnham on sea and Taunton. Whilst the site is within acceptable walking distance of a bus stop, it is well beyond acceptable walking distances from the nearest local facilities including primary school, shops and doctor's surgery.

As far as criterion (c) of the Core Strategy is concerned, the site is not within an AONB or a SSSI. Nor, to my knowledge, would it harm the special environmental importance of any other protected area.

Need: The issue of need is addressed by criterion (a) of policy DM3 in the Core Strategy and the accompanying text.

The GTAA has identified the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015 and 19 residential pitches between 2015 and 2020. Since 2010 planning permission has been granted for 11 new residential pitches in the Borough. The remaining need can not be met solely through the plan-led process since need is to 2015 and the Site Allocations Development Plan Document will not be adopted till post April 2013.

In addition to this TDBC has a shortfall in its 5 year requirement of Gypsy & Traveller Pitches of 22 residential units.

The applicant has submitted details of evidence that the future occupants are members of the Romani Gypsy Community, including information on their past travel and link to work patters. This is in accordance with requirements in Policy DM3.

Summary: This proposal is counter to Policy DM3 of the adopted Core Strategy, principally in terms of its unsustainable location, Adsborough is not a location in which market housing would be considered acceptable and therefore cannot be considered policy compliant for gypsy and traveller provision in view of the observations offered above. Notwithstanding this it needs to be borne in mind that the Authority does not have an adequate supply of pitches to meet the need set out in the GTAA or meet its 5 year supply. Significant weight should therefore be attached to the lack of a five year deliverable supply of pitches and this should be taken into account in deciding whether or not planning permission should be

granted.

It should be noted that no view is offered as to whether or not the proposal would comply with criteria c-f of Policy DM3. Such a judgment will be more appropriately based upon responses from other consultees and the Case Officer.

*LANDSCAPE* - The existing tree and boundary hedgerow provide some useful screening during the summer months (leaf cover) however this should be reinforced with additional planting if it is to be more successful. The eastern boundary should be planted with trees to provide additional landscape mitigation. The western boundary tree should not have any excavations or services within its root area and therefore pitch 2 should be relocated. Pitch 5 is very close to the eastern boundary with little scope for tree planting. I recommend relocating pitch 5 to provide sufficient space for landscape mitigation. *Amended scheme* is acceptable.

*SEDGEMOOR DISTRICT COUNCIL* - Sedgemoor District Council has forwarded details of recent decisions on recent planning applications for traveller developments in the area:

- An additional two mobile homes in May 2008 approval was granted for a gypsy family in Chestnut Lane, Ashcott.
- Recent press attention has centred on a compromise on an unauthorised site in Rooksbridge where consent was granted for two families (20/07/07).
- 1 pitch in Ashcott (our ref. 01/08/18) OS Field No. 0090 to the East of, Combe Hill Lane, Ashcott, Bridgwater, TA7 9BH (Miss C Coles and Mr Mapstone) approved delegated powers 5/09/08.
- 6 pitches in Puriton (our ref. 42/08/08) The Paddocks, Woolavington Road, Puriton, Bridgwater (Mr and Mrs M Issacs, Mr and Mrs Friend, Mr and Mrs Wells, Mr and Mrs M Issacs (jnr), Mr and Mrs B Issacs and Mr Jones) approved (they are already on site).
- 11 pitches in Cossington (our ref. 54/08/21) OS Field No. 0551, South of, Cossington Lane, Woolavington, Bridgwater application approved.
- 54/11/00008 - 2 plots at Westonzoyland for Mr D Stanton approved 2011.
- 50/09/25 - Yeo Moor Drove, Theale refused and dismissed at appeal.

*DRAINAGE ENGINEER* - From the details contained in the application form, there is not enough information to ascertain how drainage from the proposal is to be achieved, therefore at this stage I have to formally object to the application in its present form. Foul drainage: the form states in one area that foul flows are to connect to a new septic tank whilst below it states "cess tank existing for 8 families". The process for foul drainage disposal needs to be outlined further; is it to a septic tank or to an existing "cess pit". With regard to the surface water disposal directly to a watercourse a development of this site will require attenuation of flows before discharging to stream. SUDS processes should be investigated such as soakaways, attenuation pond etc.

*Comments on additional information* - It appears that this is an existing septic tank and the standard condition should be attached.

I note that foul flows are to connect to an existing septic tank. The applicant shall ensure that suitable and satisfactory drainage provision is made. The applicant shall ensure that the capacity of the septic tank system is satisfactory to provide for the maximum possible number of occupants and appliances that discharge foul water into the existing septic tank system, including flows from any existing source for which it already serves.

If a new septic tank is to be installed then the standard condition applies regarding new tanks.

Flooding has not been raised as an issue with the Drainage Officer.

#### *ENVIRONMENTAL PROTECTION CONTAMINATED LAND -*

no comments

### **Representations**

#### Councillors Kelly and David Durdan of Adsborough, Ruishton and Creech

My self Councillor Kelly Durdan and Councillor David Durdan would like to have our objections noted. We would like to object to the planning application for full planning to site 5 Mobile Homes, 5 Touring Caravans and to convert a block of stables to an utility block.

As the local District Councillors we feel this site is totally inappropriate, as it runs alongside the already notoriously dangerous A38 as you will be aware there is an on going consultation with Somerset County Council regarding this particular stretch of the A38.

There are also no amenities close by ie Schools, Shops, Doctors etc.

So any Children needing to get to school by public Transport would have to venture out onto the A38 where there are no pavements, there has already been an accident regarding a school child being knocked down while trying to catch a bus.

In short we strongly object to this Planning application and having read the proposal feel it would be to the detriment of the proposers and the surrounding area.

#### Cllr Fothergill SCC Councillor for North Curry Division

As the local County Councillor for the area I have been heavily involved with the residents of Adsborough over the past four years with regards to road safety. In particular we have been fighting for improvements to the A38, the Adsborough North Turning, the crossing to the Thurloxtan side of the Parish and the footpaths alongside the road to the bus stops. I believe that this development if it were allowed to progress on this site would severely add to the traffic problems in the area. I am particularly concerned about vehicular access on and off the site in such close proximity to the A38 intersection. The dangers which would be created by allowing this development on the adjoining highways should not be underestimated and I would urge full consideration of the impact.

32 letter of OBJECTION have been received which raise the following issues:

### Traffic

- There is an ongoing history of accidents;
- An increase in turning movements;
- Larger vehicles/towing caravans will be dangerous at this location;
- There is poor visibility at the crossroads;
- There is already agricultural vehicles using this dangerous junction;
- There is very poor visibility for traffic emerging from the Adsborough turning;
- Stationary buses further impede visibility;
- Traffic frequently uses the hatched area for overtaking, and does not have the necessary minimum braking distance;
- The touring caravans shown are over-large and will require transit vans or larger vehicles to tow them, resulting in likely damage to verges;
- The proposed increase in use of the junction is contrary to the findings of a recent highways survey commissioned by the residents of Adsborough, and presented to the County Highway Authority and TDBC;
- This is already a dangerous junction – the proposal will make it worse;
- There is overhanging vegetation which blocks visibility;
- There is a blind spot as you emerge from the Maypole Inn turn;
- There is a single lane road though the hamlet with no pavements, an on-going dispute regarding road safety measures;
- There are no safe pedestrian crossings in the area;
- No safe access to bus stops;
- If any trade is carried out, there will be additional traffic movements from vans, lorries and plant;
- Vehicles have been recorded travelling at up to 90mph;
- This section of A38 has more than 60% more accidents than any where else in the county;
- This area of road is used by walkers, horse riders and agricultural vehicles to cross the road;
- There will be an increase of traffic in association with Hinkley Point and housing developments at Bathpool and near Junction 24 of M5;
- The report by SLR consulting commissioned by Creech St Michael Parish Council and Adsborough residents in 2010 found 60% more accidents than the norm for similar roads in the UK;
- This report noted 23% of vehicles travelling above the 60 mph speed limit;
- At times when additional traffic uses the A38, speeds are excessive or the traffic is at a standstill;
- The A38 is used as a bypass to the M5;
- There are 6 other existing junctions with ½ mile on either side;
- The area outside the site is unused unmade road, possibly owned by not maintained by the County Highway Authority;
- It would be dangerous for children to live so close to such a dangerous road;
- The proposal would result in additional pedestrian and vehicular traffic to and from the site which would endanger the existing population and be a risk for the proposed residents;
- As a caravan user, I have knowledge of problems at that junction towing a caravan;
- In a fast car you often have to wait 5 or more minutes even at 7.30am, turning onto the A38 towing a caravan would take longer and pose more danger to other caravan users;

### Previous applications/refusals

- Applications for residential development in this area have been refused;
- The current owner stores furniture for retail sale, no permission has been sought for this;
- Recent planning applications have been refused and the increase in vehicular access has been one of the main grounds for this;
- Sedgemoor District council refused permission for erection of 5 houses at Pethers Farm, Thurluxton, which is less than half a mile from the site, - the reason being open countryside outside any defined settlement boundary;
- About 12 years ago an application for a caravan touring site in a field opposite the site and adjoining the Maypole Inn was refused;
- A plan to build 2 houses on the Maypole site refused in 1988;

### Amenity/character of area

- Adsborough is a hamlet of 28 dwellings, historically farming community of which over 50% still farm crops or have livestock, have small holding, grow vegetables/fruit etc;
- This is an attractive rural area, the presence of mobile homes and touring caravans would be an eyesore;
- Overdevelopment, when compared to rest of Adsborough;
- 10 caravans are not in keeping with the character of the stone and brick houses in Adsborough;
- This hamlet is not a suitable place for a caravan park;
- There is a successful neighbourhood watch scheme where everyone knows their neighbours by face and name, this will be difficult to maintain with ever changing residents and tourists;
- The proposed development could almost double the population of the hamlet and disrupt social life since there is no plan to integrate it with the rest of the community;
- The site is in open countryside, adjacent to the Quantocks and Area of Outstanding Natural Beauty;
- Could the site be kept in a neat and tidy condition?
- There is a recent example of the Park and Ride site being left in a dirty state when travellers left the site;
- The site will not be screened in winter;
- The site is in a prominent and elevated location at the entrance to Adsborough;
- There was a pond on site, now filled in; there may still be protected wildlife on site;

### Lack of services/facilities

- Additional waste disposal and energy usage beyond normal residential use;
- This is a small site for up to 10 caravans with issues of waste, drainage etc;
- An additional 10 dwellings would be over 30% of the original dwellings with the potential for at least 40 residents, and have an impact on refuse, waste water, sewerage, noise, flora and fauna;
- None of the existing dwellings has mains waste water/sewerage pipes;
- The road through Adsborough is already subject to rainwater flooding;
- There is already poor water pressure and power cuts;
- Additional effluent and grey water from septic tank(s) will create potential environmental damage to water courses, wildlife ponds, and possible pollution to food and fruit crops;
- Additional rainwater run-off from extra dwellings will place unacceptable burden

- on existing culverts and ditches, increasing risk of flooding;
- There could be environmental damage and pollution from any trade carried out on site;
- A large area is needed for a septic tank and soakaway, concerned that the site does not have sufficient space;
- There are no amenities or shops and therefore no advantage for any tourists;
- No local primary school, medical centre or shopping facility here or within walking distance;
- The proposed residents are unemployed, there are no permanent employment prospects in the area;
- Adsborough is on the spring line, care is needed in respect to maintaining water supplies;
- After heavy rainfall, the water table rises and water can be seen to be seeping out of the bank sides at Lapthorne;
- By increasing the number of family units on the site, the ground does not have the capacity to absorb the potential volume of fluids – water or effluent;
- A pond which was on the site has been filled in;
- There are “drain” smells as you run past Lapthorne boundary, and the levels of vegetation growth could indicate an increase in nutrients;
- There is no main gas supply;
- Primary schools at North Petherton, Creech St Michael and West Monkton are close to capacity;
- The drainage system may have been designed for one family, it will be insufficient for additional families and could result in health issues to people further down stream;

#### Other sites

- Somerset View Caravan Park about 2 miles away has spare capacity, and has had permission for 20 additional static homes;
- This site has a large lay-by off the A38 where the speed limit is 40mph;
- There are three established caravan sites within 2½ miles with all amenities, so there is unnecessary demand for an additional caravan park in this hamlet;
- There are a large number of dwellings being built between Taunton and Bridgwater;
- There are caravan sites at North Petherton Rugby Club and Bathpool;
- There are sites for travellers all over Somerset, what is the need for one at Adsborough;
- There is an existing Gypsy/Traveller site at Weston Zoyland that is unoccupied;

#### Consultation/procedure

- Not all properties in Adsborough were sent letters;
- All properties in the wider area including all surrounding villages should have been consulted;
- The application should not be rushed through;
- This proposal appears to have avoided a planning application;
- This appears as a back door conspiracy to avoid the proper procedures;
- What research has been done to identify the need for this change of use;
- Notices should have been placed on village notice boards;
- The County Gazette article showed that the site would be a restricted site, and not for tourist or holiday makers;

#### Need

- The applicant states that there is a need to house his family, there is no

- guarantee that the family will stay if permission is granted;
- Social housing should be used;

### Other

- This is a way to avoid a full application;
- Precedent for similar developments in open countryside;
- No building regulations have been applied to Laphorne since 1987;
- Significant alterations to the drainage system have been carried out without building regulation approval;
- There were previously greater crested newts on site;
- There are newts, bats and toads in the area south of the A38;
- There appears to be confusion over Mr Packman's working life as he appeared to be as successful businessman running his own retail company;

### Policy

- The proposal is not in accordance with Taunton Deane Core Strategy Policy DM3 (Each point examined and 'contra' evidence shown);
- The proposal does not accord with the Central Government Gypsy and traveller site selection Criteria, no account has been taken of the traffic concerns, amenities and local integration;
- A need or requirement for this site does not appear in the TDBC Local Development Plan;
- If permission is granted, there should be planning gain, the development should provide for the vehicles using the application site and the needed improvements to the maypole junction, including acceleration and deceleration lanes, sight lines and widths, reservations for right hand turning movements and facilities for pedestrians to cross the road;
- There should be conditions imposed to control sheds, outbuildings walls fences, prevention of noise, fumes, bonfires, business work, open storage, outside lights dogs, livestock, colour, materials vehicle numbers and movements within the site, waste planting and maintenance of hedges;
- The site should not be used as a touring caravan site;

A 12 page letter from a firm of solicitors has also been received, it states to be on behalf of 24 households in Adsborough or Thurluxton, some of whom have also written objection letters; this letter reiterated comments made above. Additional comments are:

- Planning Policy for Traveller Sites March 2012, para 4 includes Green Belt as the only policy designation expressly referred to in the Central Government's aims for traveller sites: " Plan making and decision taking should protect the Green Belt from inappropriate development" para 14 – Travellers sites in Green Belt are inappropriate development". Although Adsborough is not Green Belt it is at present a rural hamlet close to the Quantocks AONB.
- The NPPF includes the presumption in favour of sustainable development. The site is remote from services such as education, shop, health, or other community facilities. The site is not viable due to the infrastructure cost to upgrade the highway network to a satisfactory and safe standard.
- Para 22 requires councils to ensure that travellers' sites are sustainable, economically, socially and environmentally, out of the 8 criteria, this site fails on 4.
- Policy C sites in rural area and the countryside, .....the Local Planning Authority



should ensure the scale of such sites does not dominate the nearest settled community. The proposal has potential for two gypsy families on each plot, with further room for more plots. There are 28 households in Adsborough at present; thus the gypsy families would represent a significant proportion of the increased numbers. There are no details of numbers of residents involved, therefore no way of properly assessing highways capacity, number of school places, noise and nuisance potential.

- Policy H states the Local Planning Authorities should strictly limit new traveller's site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan, this site does not meet the criteria.
- Re Policy Taunton Deane Core Strategy Policy DM3; there are 6 criteria; the site fails to comply with any.

In summary the solicitor's letter states that the proposal fails to meet the majority of Policy requirements; and also raises issues of nature conservation importance, general environmental considerations, access to facilities, highway safety issues, health, education and relations with settled communities. In conclusion, in the light of the policy, technical and procedural limitations outlined by the solicitors, the clients have been advised that if the Council is minded to approve, then there would be justification for a judicial review.

One additional letter of objection received referring to the agent's Transport Report, comments:

- Will this report be scrutinised by SCC?
- The use of the access will be intensified;
- The applicant has already widened this access;
- Certain aspects of policy have been ignored;
- SCC's comments did not address right hand turning traffic;
- The A38 is substandard;
- The agent's highway report is incomplete, misleading and has not addressed all the issues.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM3 - TD CORE STRATEGY GYPSY AND TRAVELLER SELECTION CRITERIA,  
EN12 - TDBCLP - Landscape Character Areas,

## **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)	£5395
Somerset County Council (Upper Tier Authority)	£1350

## 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£32370
Somerset County Council (Upper Tier Authority)	£8095

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining issue revolves around weighing up the outstanding general 'need' for gypsy and traveller sites set against any identified harm or conflict with national and local planning guidance.

### Policy

Nationally the NPPF sets out the Core planning principles and at its heart is a presumption in favour of sustainable development. In section 6, Delivering a wide range of high quality homes, the Government highlights areas of search and inter alia states (in para 49) housing applications should be considered in the context of the presumption in favour of sustainable development. In Para 55, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that the Local Authorities should avoid new isolated homes in the countryside unless there are special circumstances which are set out. The application site is in open countryside, close to the hamlet of Adsborough, and is also in a location adjacent to a major road with public transport. It is not in the Green Belt or Green Wedge, nor is it in an Area of Outstanding Natural Beauty. Thus the site's location is fundamentally unacceptable in sustainability terms, it does have some benefits as regards proximity to public transport and thus accessibility to services.

The Planning Policy for Travellers Sites (PPTS) sets out in detail the Central Government's planning policy for traveller site and includes definitions. It states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life for travellers while respecting the interests of the settled community.

The PPTS in para 4 sets out the Government's aims:- **Policy A**

In assembling the evidence base necessary to support their planning approach, local planning authorities should:

- a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
- b) co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities
- c) use a robust evidence base to establish accommodation needs to inform the

preparation of local plans and make planning decisions.

**Plan-making, Policy B:** Planning for traveller sites set out guidance for Local Plans to set pitch targets etc. **Policy C:** to consider sites in rural areas and the countryside, **Policy D;** rural exception sites, **Policy E:** Traveller sites in the Green Belt, **Policy F:** Mixed planning use traveller sites, **Policy G:** major development projects.

**Policy C:** Specifically “sites in rural area – when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” The current application is for the extended family of the land owner of Laphorne, with the number 7 residents given on the application form. Whilst this would not guarantee this number into the future, the number of mobile homes would be for 5 families, It is not considered that 5 families would ‘dominate’ the nearest settled community of either Adsborough or Thurluxton.

**Policy D:** “Rural exception sites – if there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites, including using a rural exception site policy for traveller sites that should also be used to manage applications. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities, that would not normally be used for traveller sites.” This Policy is not being specifically addressed in the consideration of this application, but shows that Central Government has identified issues in finding affordable sites.

**Policy E:** The guidance states that traveller sites in the Green Belt are inappropriate development. The current site is not in the Green Belt, not in the Green Wedge, not in the Quantock Hills Area of Outstanding Natural Beauty. The site is located approx. 3300m from the nearest point of the Area of Outstanding Natural Beauty. Local residents have objected on grounds of proximity to the Area of Outstanding Natural Beauty; however given this distance, this is not considered to be a objection which can be upheld.

**Policy F:** Mixed planning use traveller sites, gives guidance on including traveller sites suitable for mixed residential an business use, having regard to the safety and amenity of the occupants and neighbouring residents. The application under consideration is for wholly residential use.

**Policy G:** Major development projects refers to occasions when a major development project requires the relocation of a traveller site. This policy is not relevant to this application.

**Decision-taking Policy H** determining planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and

not just those with local connections

The Local Planning Authority has to consider a) the existing level of local provision and need for sites:

The Taunton Deane Core Strategy has not identified any sites for travellers as it is mainly aimed at Strategic sites, but the search for smaller sites for residential development and traveller sites is ongoing. The GTAA identifies a need.

There is a statutory requirement for the Authority to carry out an assessment of Gypsy and Traveller Accommodation (GTAA) provision under Section 225 of the Housing Act 2004, Planning Policy for Travellers 2012 and the NPPF. The findings of the GTAA published in 2011, from the evidence base for gypsy and traveller provision within the Borough. The findings of the GTAA supersede the Secretary of States Proposed Changes to the RSS which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The findings of the GTAA identify the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. Since 2010, permission has granted for 11 new residential pitches. The report also identifies that a further 19 residential pitches will be required for the period 2015-2020 together with an additional 5 transit pitches. Under the National Planning Policy Framework; the Council; is required to translate this into a rolling 5 year requirement. As of the date of these observations, taking into account a rolling requirement, the 5 year requirement of Gypsy & Traveller Pitches is 22 residential units. There is therefore a need for sites.

b) the availability or lack of alternative accommodation for the applicants – the applicant and agent have stated that there are no suitable alternative sites, that Taunton Deane BC has not identified any sites although there have been general discussions to attempt to find sites. Some pieces of land identified were adjacent to railway lines or motorways, and these were not readily available in any event. There is a shortage of suitable/available land. Officer comment – the policy section has noted that the Authority does not have a 5 year supply of gypsy and traveller provision.

c) other personal circumstances of the applicant. In other applications for traveller sites, applicants have often had health reasons to locate in a particular location, this is not the case here. The applicant has stated that he can at his own expense provide pitches for his family, with no burden on the taxpayers or the Local Authority; the applicant's children are now grown up, married or getting married, with babies in due course, with nowhere to live; there is a grandmother in her eighties with a need for ongoing care; there are long waiting lists for pitch provision. They need to have a postcode to obtain proper health care and education, with no address or postcode, there is no health care cover, only walk in centres or A & E, with no follow up treatment. This is a family in dire need of accommodation and they should be encouraged to help themselves. Officer comment – it appears from this information that there are personal circumstances to take into account.

d) that locally specific criteria used to guide the allocation of sites in plans .....is not relevant as this is not an allocated site.

e) that they should determine applications for sites from any travellers and not just those with local connections – not relevant, the applicant is local in this case.

Policy H continues, that Local Planning Authorities should strictly limit new traveller site development on open countryside that is away from existing settlements or outside areas allocated in the development plan. Local Planning Authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. This is similar to the general presumption of the NPPF and previous Central Government Policy which seeks/sought to strictly limit new developments in open countryside. There have also been exceptions such as agricultural/forestry worker's dwellings, which accompanied by sufficient justification, have been allowed in open countryside. Most travellers' sites have historically been in open countryside, nonetheless Central Government policy reiterates and has strengthened the policy of sustainable development, to encourage locations within settlement boundaries where the range of services, facilities and public transport can generally be found. In this case the facilities in the area are limited to the public house in Thurloxtan and the bus service on the A38, with good connections both to Taunton and Bridgwater. The current application site is in open countryside and the nearest hamlet of Adsborough itself is open countryside, where new developments would be strictly limited. However the proximity of the public transport routes does result in there being access to schools, medical services and other facilities in nearby settlements and towns.

Policy H, para 24 states that when considering applications, LPAs should give weight to the following matters –

a) effective use of previously developed (brownfield), untidy or derelict land; - none of these are applicable, the land is paddock.

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; - the site is well screened by existing high hedges and gates to the highway, such that the site cannot be seen from the adjacent road when the hedge is in leaf. The tops of mobile homes may be seen over the top of the hedge, but this alone is not a significant detrimental visual impact. This criteria is not met in its "openness" but is soft landscaped and thus some weight can be given to this point.

c) promoting opportunities for health lifestyles, such as ensuring adequate landscaping and play areas for children - there is adequate landscaping around the site, and the applicant has agreed to plant more trees, there is no play area shown, but this could be accommodated within the site, the proposals show space between the mobile homes so the site is not overdeveloped.

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community – as stated above there is an existing high hedge around the site adjacent to the road. High walls or fences are not proposed.

Thus in relation to the policy criteria in para 24, the proposal does not reuse brownfield or derelict land, but it would be well landscaped with existing hedges but not enclosed by high walls or fences.

Para 25 relates to temporary permissions – this is not being sought.

Para 26 indicates how Local Planning Authorities could overcome planning

objections by using planning conditions or planning obligations, these could include limiting parts of a site which may be used for business operations, specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events) and limiting the maximum number of days for which caravans might be permitted on a transit site.

In the case of the current proposal, the Local Planning Authority has Taunton Deane Core Strategy Policy DM3, which sets out this authority's policy. At the present time no sites have been specifically identified for travellers, and thus individual applications are the way that traveller's sites are being 'found'. Finding possible sites and then allocating sites for travellers by its nature is a long and controversial process, as many of the settled community do not wish to have such sites near their homes, and usually object strongly when the individual applications arise.

### Residential Sites

In all cases the following criteria should be satisfied fully:

- a The proposal will help to meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application; and
- b The site is well-related to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision; and
- c The environmental impacts of the proposal are minimised, this will include appropriate screening and siting of development taking into account landscape issues as well as any likely impacts upon wildlife, built heritage and flood risk; proposals should in particular avoid any adverse impact on the Natura 2000 sites in the Borough and comply with Habitats Regulations 2010. Details of habitats protection and mitigation including bat protection zones are covered under Policy CP8: Environment.
- d The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; and
- e The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage;
- f The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.

The applicant states that he has given consideration to sites in existing settlement boundaries or adjoining or adjacent to settlement boundaries, but none are available. The policy continues "consideration of sites which do not fulfil this criteria will only be justified where the Council is satisfied that alternative sites are not reasonable available to the applicant.

In terms of the criteria:

*a) The proposal will help meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application;*

The Policy section has confirmed that there is a shortage of allocated pitches in the Borough; the applicant has the land and it is available.

*b) The site is well related to services*

The site is away from services and not well related to shops, schools, doctors surgeries or existing employment provision. However such services are available by public transport, and bus routes pass the site. This criteria is considered not met.

*c) The environmental impacts*

The site is well screened, and is considered not to have a detrimental visual impact on the area; there will be no detrimental impact on wildlife, built heritage, flood risk or the bat protection zone. This criteria is considered to be met.

*d) The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers*

All comments received in relation to this application have been objections, and there are strong feelings from those objectors in Adsborough and Thornfalcon, that the proposal will prejudice the amenity of adjoining or adjacent occupiers. The adjacent occupier is the applicant, so is in support of the proposal. There are no other immediate occupiers. In terms of impact on the residents of Adsborough, the site is well screened and is not considered to have a detrimental visual impact; there would be some increase in traffic at the junction, but vehicles accessing the site are unlikely to go through Adsborough given the location close to the A38, so there will not be an impact from traffic generation. Given the distances to the nearest dwelling, other than the applicants it is not considered that there would be any noise nuisance from the site. General domestic noise may be emitted but such noise is acceptable. It is therefore concluded that the proposal would not unacceptably prejudice the amenity of the residents of Adsborough.

*e) The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage*

This has been subject of much comment from local residents who have voiced objection on the basis of inadequate drainage. The Drainage Officer has no records of problems being brought to his attention, and the County Highway Authority has not commented upon highway drainage. The Drainage Officer has seen the details of the tank as installed and has no adverse comment.

*f) The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.*

This criteria has been considered by County Highway Authority and strong objections have been raised; there are four suggested reasons for refusal and following a rebuttal from the agents highway consultant, the County Highways' officer still considers his original reasons for refusal stand. The Local Planning Authority would have to have strong reasons for departing from these suggested reasons for refusal. The wording requires attention as it refers to policies in the Taunton Deane Local Plan, whereas the Taunton Deane Core Strategy is now adopted. (It is likely that the original County Highway Authority comments were drafted at the time when the Core Strategy was being adopted and the Local Plan was no longer the main policy document; some Local Plan Policies are however retained.) Significant weight is given to this aspect of the policy criteria in the determination of this application.

The Somerset and Exmoor National Park Joint Structure Plan Review, Policy 36 states "Sites for Gypsies and travelling People - The provision of sites for Gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities. It is considered that this policy is met as there are smaller settlements and Taunton itself within a "reasonable" distance.

### Local Objection

These are summarised above and many have been addressed in the paragraphs above on policy issues and this includes the traffic issues.

In terms of the comments made by objectors; highway issues have been addressed by the Somerset County Highways and the agent's professional highway engineer who has stated that there is no new entrance, it is a long standing entrance. The caravan parks in North Petherton and Bathpool are caravan parks for touring caravans only and not for Gypsy/Traveller sites. Other sites within the area are privately owned or ex LA sites, sold or leased to a private person and the current residents are not happy with the new owners in respect of running or management of these sites. The previous refusals in the area are not relevant in the consideration of this proposal. In terms of character and impact, some of the residents have assumed that the caravans will be entering the site on a frequent basis, and that these will be available as additional living accommodation; this is not the case, and the impact is not considered to be as significant as suggested.

Other sites have been considered by the applicant and agent, and whilst full details have not been formally submitted, these sites have not been made available to the applicant or have been in wholly unacceptable locations having regard to family life. Whilst there may be pitches available in some other sites, the applicant feels that family co-location is important. It is important to the applicant that the family is co-located.

The lack of services suggested by local residents is not considered to be an overwhelming reason to object to the proposal. The consultation process was the usual process, and given the level of objections raised, residents were aware of the proposal. The application is a full application and has been submitted for permission to development and has not been submitted subsequent to occupation/development.

There is concern that the number of new occupants would overwhelm the residents within Adsborough. The application relates to 5 pitches, each of which would comprise a mobile home, with a tourer. The numbers of persons indicated on the application form is seven and whilst, if permission were to be granted, this number cannot be imposed or enforced, it gives an indication of total numbers envisaged, Such a number cannot be held to overwhelm the local population. The site is reasonably well screened and with additional planting could be further screened, it is not considered to be out of character with the area. It would be unreasonable to impose a condition to keep the area tidy. Farmyards, for instance are often characterised by old redundant machinery and overgrown unkempt areas. There have been examples of areas/sites where some travelling people have left rubbish and debris. The applicant points out that he should not be accused of wishing that situation to occur on his land. There is no evidence of wildlife on the site.



### Further supporting information from the agent

Additional information from the agent has been submitted following the formal comments of the County Highway Authority; the former has tried to overcome the reasons for refusal set out by the County Highway Authority. It states inter alia that the visibility is acceptable given the anticipated speeds of vehicles entering/leaving the site and the traffic generation is not a significant amount. The County Highway Authority's Officer has reiterated his objections and reasons for refusal.

### Conclusion

There is a need for Traveller sites, this site is available, the application is for gypsy families, it will not be visually intrusive, is adjacent to public transport routes and would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; however the site is outside settlement limits, in open countryside, not adjacent to a settlement, is remote from services and the County Highway Authority objects on grounds of traffic generation, inadequate visibility splays, an increase in the conflict of traffic movements close to an existing junction and an increase in pedestrian traffic on a highway lacking adequate footways all of which would be prejudicial to highway safety.

The calculations in the Local Finance Considerations do not give weight in the determination of this application.

Given the Local Planning Authority does not have the sites to meet the assessment in the Gypsy and Traveller Accommodation, this site appears to be more suitable as there are bus routes using the adjacent A38, than others which are in open countryside with poor access to main highways, and thus the proposal does have merit. However in this case there is significant objection on traffic grounds and the weight of this objection is such overrides the merits of this proposal.

The Highway's objections are significant and in this situation and circumstances are considered to outweigh the case for the travellers' rights. It is recommended that permission be refused on highway grounds.

**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**

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING IN THE GARDEN OF DENE VIEW, WEST ROAD, WIVELISCOMBE**

Grid Reference: 307353.127589

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel. There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users. The proposal is therefore contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 49 and Taunton Deane Core Strategy Policies SP1, CP4, CP6, DM1 and DM2 together with guidance contained within the National Planning Policy Framework.
- 2 The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. Moreover, the dwelling, garaging, and access would detract from the setting and approach route into Wiveliscombe. The application site is sited in an area that is open in character with attractive elevated public views across to the site. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement. The proposal is therefore contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Structure Plan and Taunton Deane Core Strategy Policies DM1, DM2 and CP8 together with guidance set out within the National Planning Policy Framework.
- 3 The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route. The proposal would therefore be contrary to Policy 49 of Somerset and Exmoor National Park Joint Structure Plan Review.
- 4 The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore contrary to the requirements of Policy 49 of the Structure Plan and Policies DM1 and CP6 of the Taunton Deane Core Strategy.

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

### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **PROPOSAL**

The application seeks outline planning permission, with all matters reserved, for the erection of a detached dwelling house within the garden of Dene View, Wiveliscombe. The proposals are for a four or five bedroom dwelling together with associated double garage and store. The dwelling would be accessed off West Road via an existing field access gate, which will lead onto a private drive and hardstanding. This access is to be linked to that currently serving Dene View to permit existing residents to exit their site without need of using a mirror positioned opposite the access serving the existing property.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a one acre section of grassed garden land to the South of West Road and Southwest of the applicants dwelling, known as Dene View. The site lies approximately 280m to the west of the settlement boundary of Wiveliscombe. The revised Conservation Area boundary is 150m to the east. The land drops steeply from the highway (West Road) towards the application site, which is rural in appearance. The site, which contains a small pond and underground reservoir, is bound by mature hedgerow and trees to the North, West and South.

Planning permission has been refused previously at the site for the erection of a detached dwelling and garage within the grounds of Dene View, LPA reference 49/10/0037. The application was refused on ground of planning policy and the principle of the development and sustainability, landscape impact, visibility and highway safety. A subsequent planning appeal was dismissed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Recommends the application be refused.

The site is situated on the south side of the B3227 on the western boundary of Wiveliscombe on an area of land that forms part of the garden of the property known as Dene View. The proposed site is a relatively short distance from the centre of Wiveliscombe, and is accessed off of the B3277 which is a classified County Route and has a speed limit of 40mph.

A previous outline application 49/10/0037 was submitted on 7<sup>th</sup> August 2010 and was refused on 19<sup>th</sup> October 2010. Subsequently the application went to appeal with the Planning Inspectorate on 9<sup>th</sup> June 2011 and the appeal was dismissed and the refusal upheld.

This new application is for a proposed development for a 4/5 bedroom dwelling with a double garage/store room to be constructed in the grounds of Dene View. The new application provides an alternative location for the proposed dwelling within the grounds of Dene View with amendments to the field gate access.

It has been identified previously that the site lies outside of the defined settlement boundary of Wiveliscombe. Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review makes clear that development outside towns, rural centres and villages should be strictly controlled, and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster the need to travel. No evidence has been submitted to show that there is a special need for the proposed development either for agricultural or forestry purposes or to support the vitality and viability of the rural economy in a way which cannot be sited within the defined settlement limits of a settlement. This new application does not seem to have addressed this issue in that the location has not changed.

The section of road where the site is located is unlit and has steep hedge banks on either side, with no footways. The road is also relatively enclosed and dark due to the presence of overhanging trees. The applicant has indicated in the Transport Statement that there may be a possibility of enhancing the footpath which currently lies to the north of the B3277 with the permission of local landowners, but no evidence has as yet been provided to this effect. There is also mention of the possibility of a virtual footway being installed and funded by the applicant but given the geometry, gradient and classification of the road and the lack of street lighting would not appear to be a safe solution for pedestrians, but again I have not seen any evidence of a Road Safety Audit to make an informed decision on this proposition.

On the previous application it was also identified that the required visibility could not be achieved due to the alignment of the adjoining highway and the need for a visibility splay of 2.4m x 160m to the nearside carriageway edge to commensurate with traffic speeds of 40mph as set out in the DMRB (Design Manual for Roads and Bridges) and to achieve this it would need to be incorporated into land not in the applicants ownership/control. As the Highway Authority can not promote reductions in speed limits to facilitate individual development proposals it is essential that the required visibility is achieved. The applicant does not seem to have addressed the restricted lack of visibility for vehicles emerging onto the B3277 from the site.

In detail the drawing supplied to support the application shows the site entrance with the proposed retaining wall which is to be built up to provide a ramp to the access to achieve the required level. There are no sectional drawings or vehicle tracking drawings supplied to show the proposed levels so it is unclear if in fact a vehicle would be able to turn in to the site or exit the site with the required amount of manoeuvrability or dimensions to do so and further information would be required to validate this.

The design and access statement addresses the road layout and states that a link road will be formed from the current property Dene View to the new development to allow the residents of Dene View an alternative safe access. This is something which would need to be addressed by way of a legal covenant to be included into the Deeds of both properties to allow this link road to be utilised to prevent future disputes if the properties were to be sold and the Highway Authority would need to see a signed copy of this agreement before this can be progressed.

*WIVELISCOMBE TOWN COUNCIL* - Object to the proposals for the following reasons:

The site is located in the open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel.

There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users.

The proposed siting of the dwelling is located outside of the defined built up area of Wiveliscombe and would detrimental to the rural character and appearance of the landscape. Moreover, the dwelling and access would detract from the setting and approach route into Wiveliscombe.

The application site is sited in an area that is open in character with attractive elevated public views. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement.

The proposed development seeks an access onto the B3227 to serve a residential development outside the defined settlement boundary the Town Council does not believe this can be achieved.

*LANDSCAPE* - The proposed development would be prominent within the local landscape on the edge of Wiveliscombe on the main route into the town from the West. In my assessment it would have an unacceptable landscape impact on the local landscape contrary to policy CP8.

*WESSEX WATER* - A new water supply will be required. Contact with Wessex Water required and details provided.

*DRAINAGE ENGINEER* - Flows from the development into watercourse should be attenuated by SUDS; condition required.

No details of foul drainage, Details of any consent to discharge should be forwarded for approval.

## **Representations**

*WARD COUNCILLORS* - Cllrs Gaines and Ross would wish to speak on the application should it come to committee. If minded to refuse we would like to see it at committee as how it has been dealt with in the past, and the Town Council decision raises a number of issues for our area.

*COUNTY COUNCILLOR* - Cllr McMahon endorsing the application on grounds that it represents a tastefully designed residence in keeping with its almost alpine setting and containing all the best of energy efficient measures. The disputed access is an established one and has been there for many years.

1 letter of SUPPORT from member of the public raising the following matters:

Settlement boundary:

- Yes the site is outside the settlement boundary but only by 320 metres. It is within an existing property's curtilage rather than an entirely new site;
- The land is brownfield not agricultural, which is accepted as being suitable for development;
- Properties between the site and the Memorial ground all have accesses and fall outside the settlement boundary; perhaps the boundary should have been rounded off to include them in the last realignment when Nordens Meadow was accommodated;

Safety:

- Suggesting an increase in the use of private car is bizarre; people chose to walk, cycle or drive from all around Wiveliscombe;
- There are 11/12 households currently residing on this stretch of the B3227. This increases when holiday accommodation is occupied. These occupants walk, cycle or drive along the road as do visitors; increasing reliance and fostering growth in use of the motor car is a spurious ground for objection and should be ignored;
- Safety is ultimately the responsibility of the road user whether on foot or in a vehicle; awareness here has been increased by signage and a lower speed limit;
- A virtual footway could be provided; public safety should be considered in context of measures already in place;
- No accidents involving pedestrians have ever occurred on this stretch of the road; does the Council have information to the contrary?

Environmental impact:

- The dwelling is single storey, tucked down and into the slope and has an enviable low profile; no dwellings in the valley have sight of it; there is screening along the road and more has been pledged; the building will be less visible than existing dwellings;
- Natural resistance to change is not valid in planning legislation; it has been demonstrated how the new build will be screened and how its design and position makes the best of the lie of the land;
- Well designed properties can compliment and enhance an environment whether in larger residential areas or deeply rural areas;

### Access:

- The access has not been stopped up and can be used whether for a dwelling or any other purpose;

4 letters of OBJECTION from local resident raising the following matters:

- There is already a residence so why need another, is it for profit?
- When we applied for a retirement home for mother and father we were told there was no need for another workman's home, what is the difference?
- The Parish Council vowed that consent would never go beyond the last house of Wiveliscombe this way;
- We see no need for this build and strongly object.
- No access to the former field has ever been possible due to the 2m+ drop from road level to field level;
- The removal of verge/hedgerow required to allow visibility splays will significantly and adversely impact upon views from my property;
- The prospect of allowing development which represents creep beyond the edge of Wiveliscombe town boundary would bring any and all adjoining fields eligible for future development; where would this stop?
- The size of the proposed building and associated separate garage will significantly change the appearance of the approach and hence the very nature of the town of Wiveliscombe;
- The aspect that my mother appreciated most was that this part of Wiveliscombe being adjacent to a grand old house, the countryside whereabouts had largely remained unchanged and the tranquility of the countryside was preserved;

1 letters of COMMENT from local residents raising the following matters:

- Note that some form of pedestrian footway should be considered on the B3227 from Abbotsfield/Dene View into Wiveliscombe

### **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
NPPF - National Planning Policy Framework,  
STR1 - Sustainable Development,

### **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)	£1079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

**DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues requiring consideration in determining the proposed development are the whether the proposals comply with development plan policies, the impact of the proposal on the character and appearance of the landscape, whether the development would generate an unsustainable growth in the need to travel; and, the effect on highway safety and the free flow of traffic on West Road.

I am mindful of the previously refused planning application at Dene View for a development similar to that now proposed, in that a new access with detached dwelling and associated garage was proposed. This amended scheme has changed the location of the development site to the previous scheme. Notwithstanding, there has been little to no change locally since the previous application was refused and subsequent planning appeal dismissed.

Planning Policy and Sustainability

Policy STR6 of the Structure Plan makes it clear that development within the countryside, outside of existing settlements, will only be permitted where it would benefit the economy, maintain or enhance the environment and not foster the need to travel. Policy SP1 of the Core Strategy sets out sustainable development locations where new development, particularly residential, will be supported. This policy makes it clear that for sites outside of settlement limits, proposals will be treated as being within open countryside. Further to this matter, Core Strategy Policy CP4 makes it clear that housing should be delivered consistent with the settlement hierarchy established by Policy SP1. Policy DM2 of the Taunton Deane Core Strategy sets out the Council's approach to development proposals located outside settlement limits, essentially within open countryside. This is a positively worded Policy where acceptable uses and proposals are set out. New residential development within the open countryside will not be supported unless it meets an agricultural, forestry or other related need.

The application seeks to provide a new residential dwelling house with associated amenities on land West of Dene View. The site is located West of Wiveliscombe and outside of the defined settlement boundary for the town, which ends approximately 350 metres to the East. It is acknowledged that the site is surrounded by existing residential properties, and that geographically the site is not significantly distant from the centre of Wiveliscombe where a wide range of services and facilities can be found.



Notwithstanding its proximity to the town of Wiveliscombe, the nature of the adjoining highway, its lack of footway, cycle lane and lighting means that safe means of access to the town cannot be achieved. The previous Inspector noted that the pedestrian route is substandard and that such would result in occupiers of the proposed development would be more likely to utilise a private vehicle for the vast majority of trips. Reducing the need to travel is a key criteria of planning policy aimed at producing sustainable forms of development. On this basis, the proposals would not be sustainable in transport and accessibility terms..

It is clear that the development plan will not allow for new residential development within the open countryside unless there are exceptional circumstances so as to allow a variation from the plan. In this respect, the dwelling would not serve an agricultural, forestry or related need and whilst buildings of truly outstanding design, that are a one off example can be permitted as an exception, based upon the limited information and justification provided, including the indicative photo montage's, this development is unlikely to satisfy such a criteria

Having regard to these matters, the proposed development is considered to conflict with Policies SP1, CP4 and DM2 of the Core Strategy, STR6 and guidance contained within the National Planning Policy Framework.

### Character and appearance

The site is prominent within the immediate vicinity of West Road, being located on land set below the level of the adjoining highway. Supporters of the scheme contest that the proposed development would blend in well with the site and its surroundings and that landscaping proposed would screen the development further than the existing hedgerow and trees that surround the site.

Despite being positioned within the curtilage of Dene View and when seen from the West the proposed dwelling would be seen in conjunction with the existing dwelling house. However, there are no existing buildings on the site, which is laid to grass and relates well, in visual terms, to the open aspect of the adjoining agricultural land. Due to the degree of trees and planting within the immediate vicinity, only Dene View and Abbotsfield Lodge can be seen when approaching the site from the West. Despite being set on lower land, hedgerow planting and potentially being cut into the site, any new building here would remain visible from public vantage points along the highway; such would constitute a harmful intrusion into the landscape and its rural character and appearance.

I accept that on occasion, exceptionally well designed buildings can integrate successfully into a landscape. However, I do not consider a dwelling of a design and scale such as that indicated on the photo montage to be 'exceptional' in design. In contrast, such a design is not suited to an open rural landscape such as that in which the development site is located.

I do not consider the latest proposals to maintain or enhance the character or appearance of the landscape and site surroundings. The proposals therefore fail to comply with Policies CP8, and DM1 of the Core Strategy. There does not appear to me to have been any significant change in this stance following the previous refusal and the appeal decision which also considered a dwelling in open countryside here to harm the character and appearance of the landscape.

## Access and highway safety

The Highway Authority have noted a number of issues with the submission and have advised that permission should be refused if these cannot be overcome. At the outline stage it is pertinent to establish the principle of development and in this regard, being mindful of the previous refusal and appeal that was dismissed, whether a safe means of access can be achieved is to be considered.

The site will be accessed via a field access gate, leading to a new drive and turning/parking area. It will be shared, in part, with Dene View, the occupants of which will be able to use the access should they wish. There is some debate as to whether the proposed access is existing or new. Previously the Inspector found it to be a new access, stating that *Whilst "the entrance may have been used in the past for occasional access by farm vehicles, it cannot have been used on a regular basis by smaller vehicles. Notwithstanding the presence of the gate therefore, or its past history, to all intents and purposes, I consider the access to be new."* From my site visit, the access did not appear to be in use currently, nor had it been used recently. There remained a distinct lack of evidence in terms of vehicle tracks that movement over the verge and into/out of the site had occurred. Therefore, I am of the opinion that the access should be treated as a new one, and not an alteration to existing.

Access is a reserved matter and details of visibility splays are not provided. Access here was previously found to be substandard and unsafe for use by the appeal inspector. Technically access could be proposed as a reserved matter anywhere along the red edged site boundary of the submitted block and site plan. Notwithstanding, I consider the boundary of the site with West Road (B3227) to be incapable of providing a safe means of vehicular access at any point along its length.

The B3227 is a County route, and the formation of new accesses on such a designated highway requires special justification in order to be viewed favourably. The submission makes no reference to any special justification. It errs towards allowing the new access to be utilised by occupants of Dene View, whose current access is blind and requires the use of a highway mirror opposite. Whilst such may provide a small improvement to the safety of road users of Dene View, the access is still likely to be substandard and therefore any weight attributed to this element of the scheme is not considered to carry sufficient weight as to outweigh the overall harm of forming a new substandard access onto a county route without special justification.

## Other matters

The applicant and a supporter of the scheme contest the line of the defined settlement limit, however the Council has previously considered the site at Dene View for housing through the Strategic Housing Land Availability Assessment. This found the site to be unsuitable and I see no reason as to differ from this finding, particularly given the lack of safe access for both pedestrians and motorists.

The New Homes Bonus payments are noted however these financial considerations are not considered to outweigh the principle issues highlighted above.

## Conclusion

The site is located within open countryside where there is a strong policy objection to the provision of new housing where there is no overriding justification. The building will constitute a harmful intrusion into the surrounding landscape which will be at odds with the rural surroundings. Highway safety will be undermined by the proposals, which will generate a need to travel by private car virtue of there being no safe pedestrian footway linking the site with the town.

Having regard to the above matters, and being mindful of the previous refusal and planning appeal that was subsequently dismissed, it is recommended that planning permission be refused.

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

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

**E/0122/42/12**

**UNAUTHORISED BUSINESS RUNNING FROM FARTHINGS FARM, LIPE HILL LANE, COMEYTROWE, TAUNTON**

**OCCUPIER:** MR DUNN

**OWNER:** MR DUNN  
GEORGES FARM, GEORGES FARM LANE, TRULL  
TAUNTON  
TA3 7NY

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the process of a wood chipping business being operated together with storage and distribution of wood products connected with the business.

**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 cessation of the wood chipping business.

The Enforcement Notice shall require:-

- to secure the cessation of the wood chipping business and any machinery used in association with that function.

Time for compliance: 2 months from the date the notice comes into effect.

**SITE DESCRIPTION**

The site is off Lipe Hill Lane which is off Comeytrowe Lane heading towards West Buckland. The site comprises old farm buildings and a yard. The roadside boundary has a well established hedge and on the opposite side of the road is a property known as Grassy Rivets. To the east of the site is Farthings Farm and 1 Farthings.

**BACKGROUND**

The complaint was first brought to the Council's attention in July 2012. A site visit was carried out and contact was made with the owner to advise him that Planning permission was required for the use that was being carried out which was storage and distribution of wood products and the process of wood chipping. The owner advised that he would submit a Planning application for consideration. A month passed and a follow up letter was sent asking where the application was. Contact was then made to the Council by the owner's agent who asked to speak with a Planning Officer. The agent advised that a Planning application would be submitted but to date this has not been received. An application for a Certificate of Lawfulness was submitted in November 2012 claiming that the use had began more than 10 years ago and was therefore immune from enforcement action (see relevant planing history below)

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

The site is an old farmyard with agricultural buildings. The buildings and yard are being used to operate a wood chipping business together with the storage and distribution of products connected with the business. The main function of the business is the production of wood chips, flakes and fuel for biomass heating. This is considered not to be an agricultural function therefore a change of use has occurred on the site. The storage and distribution of the products is also considered not to be an agricultural function and therefore also requires Planning permission.

## **RELEVANT PLANNING HISTORY**

A Certificate of Lawful Development was submitted for the continued use of a building for processing, storage and distribution at Farthings Farm, Comeytrowe under 42/12/0061LE and was refused on the 8 March 2013. The Legal Services Manager considered that on the balance of probabilities, the uses had not been continuous for a period of ten years.

## **RELEVANT PLANNING POLICES**

### National Planning Policy Framework

Enforcement (paragraph 207)

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

STR6 - Development Outside Towns, Rural Centres and Villages  
Policy 5 - Landscape Character,

### Taunton Deane Borough Council Core Strategy

DM1 - General Requirements  
DM2 - Development in the Countryside  
CP8 - Environment

## **DETERMINING ISSUES AND CONSIDERATIONS**

Policy DM2 of the Taunton Deane Core Strategy introduces a sequential approach for the conversion of existing buildings and sets out a list of alternative potentially acceptable uses, including community uses, class B business uses, other employment generating uses, holiday and tourism, affordable housing, farm and forestry dwellings, community housing, and in exceptional circumstances, conversion to other residential use. The use of the buildings for storage and distribution of wood products, and chipping is therefore a use that would fall within the list set out in DM2, subject to meeting the other criteria. The policy requires it to be demonstrated that the building would not be suitable for community uses, before utilising it for Class B business uses.

It would be reasonable to consider that the buildings would not be of a nature that would be well suited to such community uses. In addition, due to the remote location, along with there being facilities already available within Taunton and the closest villages and no further local needs identified, it is not considered that the buildings are required for this purpose. As such, the principle of the use of the buildings for storage of wood and chipping, which would fall within Class B business uses is considered an acceptable alternative use, in line with policy DM2.

However, the other criteria set out in Policy DM2 that are relevant to this case also need to be taken into account. The site is directly adjacent to a public road. It is acknowledged that this public road is a narrow, single track lane, but the policy simply requires that it is near a public road and makes no specification as to the nature of that road. Whilst it lies in a countryside location, the site is only approximately 1 km from the edge of Taunton and is therefore near the public services offered within the town. The existing buildings are general purpose modern buildings and there are therefore no architectural or historic qualities to be harmed. They are also already present within the landscape and are not understood to have been altered to carry out the current use. As such, the buildings are deemed to be compatible with the rural character of the area and will have no adverse impact on the landscape. It is acknowledged that the use of the site for wood storage and chipping is likely to include some outdoor storage of timber and chippings. Whilst there is often concern regarding outdoor storage and the consequent impact this has on the surrounding area, piles of timber and chipping's, by their nature are generally reasonably low in height and do not therefore appear prominent within the landscape.

In terms of highway safety grounds, it is noted that the current use for wood storage and chipping results in the movement of large goods vehicles to and from the site. However, it is important to note that the former use of the site as a farm would have necessitated regular movements of large goods vehicles for the delivery of feed stuff, fertiliser, livestock movements, milk tanker, etc. As such, the current use is not considered to result in significant detriment to highway safety.

In terms of the impact on the residential amenity of neighbouring properties, it is noted that the use of the buildings for the storage and distribution of wood products would result in traffic movements of large goods vehicles and large machinery. However, as stated above, this is also applicable to the agricultural use of the site and as such is not considered to result in such increased noise and disturbance that would result in detrimental harm to the living conditions of the occupiers of nearby properties. As such, it is not considered expedient to take enforcement action to cease the use of the storage and distribution of the wood products.

However, it is also important to consider the wood chipping activities also undertaken on the site. It is pertinent to note that Environmental Health have received various complaints from local residents regarding noise from activities at Farthings Farm, in particular the noise from wood chipping, which was investigated as a potential noise nuisance under the Environmental Protection Act 1990. Noise monitoring equipment was installed at a neighbouring property and recordings showed that the noise was intrusive. Whilst recordings included noise from machinery moving the wood/chipping's, loading lorries and chipping wood, the wood chipping was the loudest noise. The noise from all of the machinery was clearly audible indoors with the window ajar and could be heard at a lower level with the windows closed.

It is understood that discussions have taken place between Environmental Health and the operator of the site, who suggested enclosing the chipper. However, Environmental Health were of the opinion that it would be very unlikely that it would be possible to enclose machinery like a chipper or other mobile plant due to the space needed for the operations. The buildings on the site are basic modern general purpose buildings which offers minimal sound attenuation and any acoustic barrier that would be effective, would need to be extremely high and would need planning permission on its own.

The guidance used to assess noise when considering planning applications is British Standard 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas. This estimates the noise level from the commercial premises outside nearby residential properties and compares this to the background noise level (without the plant, etc operating). The greater the difference, the greater the likelihood of complaints and a difference of 10dB or more indicates that complaints are likely.

Environmental Health have undertaken noise readings at the site (although this was not done as part of a full noise assessment) and have considered the levels measured by noise monitoring equipment installed inside a nearby residential property. These showed noise levels from plant/machinery of 45-50dB and noise from the chipper over 60dB at neighbouring properties, whereas background levels were likely to be in the 30s. As such, if a noise assessment was carried out in line with British Standard 4142, Environmental Health would anticipate a difference of between 20 and 30dB, above background levels. If this related to a planning application, Environmental Health would therefore recommend that the applicant demonstrates that they are able to reduce the potential noise disturbance, or that the application should be refused.

It is therefore considered that the use of the wood chipper on the site results in significant noise and disturbance to the occupiers of the nearby residential properties that would result in consequent material detriment to their living conditions. On the basis that Environmental Health are not of the opinion that there are any remedial works that can be carried out to reduce the noise of the chipper and the relating disturbance to nearby dwellings, it is considered expedient to take enforcement action to cease the use of the wood chipper on site

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

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

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

## MISCELLANEOUS REPORT

Application 38/12/0265

Unauthorised works to 3 cherries included in Tree Preservation Order TD634, (Taunton No.4) 1995.

During the Planning Committee Meeting on 20<sup>th</sup> March 2013, Members deferred an item regarding the felling of a tree and works to two other trees that were subject to a Tree Preservation Order. Members requested that the case was investigated further before they were able to fully consider the matter.

As a result of the deferral, officers requested that the Landscape Support Officer inspected the work and his comments are below:

### Comments of the Landscape Support Officer

“One cherry has been felled. The other two have had branches removed.

The tree survey by JP Associates, dated November 2012, states that all three trees are in moribund condition and would be recorded as category U trees under the BS5837 criteria. These are trees that are ‘unsuitable for retention beyond the short term and should normally be removed as part of any development proposals’.

The tree that has been felled is T1 of the tree survey. The survey states that this tree is mostly dead, some of the main limbs having already collapsed. This accords with my own observations in February of 2012 when contacted by the neighbour at 21 Harp Chase (photo of the tree at this time, covered in ivy, attached). I have now viewed the stump and the remains of the tree. The attached photos clearly show areas of dead tissue (beneath the cambium) and darker decayed areas. Weeping of sap is also evident.

I have seen no evidence of the branches that have been pruned from trees T2 and T3. However, they are likely to have been dead or decayed, as the trees are generally in poor condition (‘moribund’) with evidence of basal decay and weeping (see photo attached).

Under the revised Tree Preservation Order legislation that came into force on 2 May 2012, it is now a requirement that five days notice is given to the planning authority before dead or dangerous trees or branches are removed, unless urgency dictates immediate action, in which case notice should be given as soon as practicable after the work becomes necessary. We did not receive this notice, and no other consent had yet been granted. In my opinion the trees were not in immediate danger of causing harm, and five days notice should have been given.”

### Officer Comments

Based on the comments above and the recent decision of the Planning Committee to grant permission for the removal of the trees, it is considered by officers that it is not expedient to take any further action. Replacement trees will be secured by the planning permission and therefore any prosecution action would not secure any further mitigation.



Prosecution action may result in a fine for not giving 5 days notice however in light of the above it is not considered expedient or in the public interest in this instance to take further action.

#### RECOMMENDATION

No further action be taken.

**APPEAL DECISION FOR COMMITTEE AGENDA – 10 APRIL 2013**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/C/12/2181114	AREA CREATED FOR CAR PARKING TO REAR / SIDE OF HAVELOCK COTTAGE, 49 KINGSTON ROAD, TAUNTON	<p>It appears to the Council that the above breach of planning control has occurred within the last ten years.</p> <p>The Land is situated next to a classified unnumbered public highway. There is no separate area for turning vehicles which is likely to result in excessive manoeuvres on the public highway. The access to the Land does not incorporate adequate visibility splays for any vehicle egressing the Land especially towards the traffic light junction of Greenway Road and Kingston Road. This is contrary to Policy S1 (General Requirements) of the Taunton Deane Local Plan; Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Transport Requirements of New Development); and the National Planning Policy Framework.</p>	E0080/38/11	<p>The Inspector considered all the grounds of Appeal and noted that although the Appellant had not been living at the property and so she had not actually seen the parking, it is clear from the appeal paperwork that the tenants of the house did use the land for the parking of motor vehicles and the appellant requested them to stop doing this when she became aware of the enforcement action. The alleged parking of vehicles therefore did occur.</p> <p>He also commented that six weeks is more than adequate time to cease the use of land for the parking of vehicles, particularly given that this has ceased anyway. The time given to comply with the notice is therefore not too short. He therefore concluded that the appeal should fail; and the enforcement notice should be upheld. The appeal was</p>

		<p>The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.</p>		<p>DISMISSED.</p>
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**APPEALS RECEIVED FOR COMMITTEE AGENDA – 10 APRIL 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/13/2192819 AND	ERECTION OF DWELLING IN REAR GARDEN AND FORMATION OF NEW ACCESS AT ASHRIDGE, HONITON ROAD, TRULL	42/12/0039
APP/D3315/A/2192823	ERECTION OF DWELLING IN REAR GARDEN AND FORMATION OF NEW ACCESS AT ASHRIDGE, HONITON ROAD, TRULL (AMENDED SCHEME TO APPLICATION 42/12/0039)	42/12/0058

**REPLACEMENT OF CONSERVATORY WITH THE ERECTION OF A SINGLE STOREY EXTENSION TO THE SIDE OF 25 BATTS PARK, TAUNTON**

Grid Reference: 321986.123088

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed extension has been designed to reflect the style of the existing property and does not appear dominating to it. It is not deemed to cause harm to the appearance of the street scene and will have no impact on highway safety or to the residential amenities of the occupiers of neighbouring properties. As such, the proposal is in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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

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

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

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

(A1) DrNo 3412\_01 Existing and Proposed Floor Plans and Elevations

(A4) DrNo 3412\_02 Location Plan

(A4) DrNo 3412\_03 Site Plan

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

**Notes to Applicant**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

## **PROPOSAL**

25 Batts Park is a part brick/part tudor effect gabled dwelling with a tiled roof. It lies facing into a small cul-de-sac, end on to the road, with a brick boundary wall to approximately 2 metres in height to the side. This brick wall separates the property from a wide area of grassed verge, on which there is a well established mature tree, along with smaller trees. A detached double garage lies to the front/side of the dwelling.

This application seeks planning permission for a single storey extension to the north elevation to provide a breakfast room. This would replace a conservatory, on the same footprint and would be constructed of brick and tile to match the existing property.

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

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

### **Representations**

Letter received from the occupiers of 23 Batts Park stating no planning related observations.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed extension is designed of a roof design and materials to match the existing property and therefore appears in keeping with it. Being single storey and set in from the sides and rear, it appears subservient and not dominating to the existing dwelling.

The brick boundary wall would largely screen the extension from the road to the side and it would be further screened from the approach from the west by the trees on the grass verge; and from the east and the small cul-de-sac by the detached garage. The extension would not therefore appear prominent in appearance and would not lead to harm to the character of the street scene.

The extension would be positioned on the roadside of the property, away from the closest neighbouring property to the south and would come no closer to the property to the west than the existing dwelling.

**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**

48/13/0010

MR A ARSCOTT

**ERECTION OF WOODEN CARPORT AT GREYSTONES, GOOSENFORD,  
CHEDDON FITZPAINE**

Grid Reference: 325081.127912

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

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

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

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

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

(A4) Side View  
(A4) Side Elevation  
(A4) Layout Plan  
(A4) Location Plan

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

**Notes to Applicant**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

**PROPOSAL**



Erection of a wooden carport to the front left hand side of the property. It will measure 4.5m x 4.5m and will be 2m high at the front sloping to the rear of the car port. Initially, the proposal showed the sides to be clad with waney edge boards however, the applicant has agreed to use Shiplap cladding to give a less rustic effect. Amended plans have been received to this effect and the applicant has confirmed that the rainwater will be collected either from guttering to a soakaway within the curtilage of the property or to a water butt.

The application is being presented to Committee as the applicant is related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The bungalow is detached and finished in render above a brick course up to the under edge of the windows. There is a hipped gable section of the bungalow that projects to the front.

The property faces onto an unclassified road and has parking and turning to the front. Opposite the property there is a similar carport that has solid wooden sides and flat roof.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development site is outside of any development limit and is therefore remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. However, the development will not see an increase in vehicle movements and is therefore considered acceptable.

The site lies along Gotton Lane, an unclassified section of highway, to which the national speed limit applies. Traffic movements past the site are low and vehicle speeds are reduced due to the constricted nature of Gotton Lane.

In detail, the application seeks to erect a wooden carport within the curtilage of the site. Having made a site visit and studied the information supporting the planning application, the Highway Authority would like to make the Planning Officer aware that the Highway Authority seeks the following design dimension requirements for car ports:-

Garages/car ports - single 6m x 3m  
Garages/car ports - double 6m x 6m

Therefore the Highway Authority request that amend information is submitted to clarify the position of the car port in relation to the site (position on existing site frontage and relation to the public highway) and its dimensions meeting the minimum requirement(s) set out in the Somerset County Council – Parking Strategy, once further information is received the Highway Authority will comment further on the scheme.

*WEST MONKTON PARISH COUNCIL* - Supports the application

## **Representations**

1 letter has been received from Renfrew Cottage enquiring as to the orientation of the car port, how the rain water will be disposed of, will the site be excavated and the distance from the boundary of the car port

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

N/a

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that despite the car port being located at the front of the property there will be no adverse impact on the street scene or on the Neighbouring property. The rear of the car port closest to the neighbour, is lower than a standard fence height and is set in from the boundary and is not considered to have an adverse impact on the neighbour. While the car port will be in front of the dwelling closer to the road there are other car ports/garages in the area in a similar position. A car port has previously been erected at the property opposite and is of a similar construction and therefore it would be difficult to resist a similar car port at Grey stones.

Whilst the Highway Authority have raised concerns with regards to the size of the proposed car port there is adequate parking within the site and therefore although the car port does not meet the general requirements in this instance it is not a significant issue. The proposal is not considered to detract from the character of the area and is considered acceptable.

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

**CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462**

## Planning Committee – 10 April 2013

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

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area  
Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Judith  
Jackson (Legal Services Manager), Maria Casey (Planning and  
Litigation Solicitor) and Emma Hill (Corporate Support Officer)

Also present: Councillors D Durdan and Miss K Durdan in connection with  
application No 14/12/0015 and Mrs A Elder, a Co-opted Member of the  
Standards Committee.

(The meeting commenced at 5.00 pm)

### 40. Apology

Councillor A Govier.

### 41. Minutes

The minutes of the meeting of the Planning Committee held on 20 March  
2013 were taken and read and were signed.

### 42. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of  
Somerset County Council. Councillor Nottrodt declared personal interests as  
a Director of Southwest One and that he knew one of the members of the  
public who had made representations in respect of application No 14/12/0015.  
Councillor Mrs Hill declared a personal interest as an employee of Somerset  
County Council. Councillor Wren declared a personal interest as an  
employee of Natural England. Councillors Watson declared that application  
No 06/13/0001 had been considered at a meeting of the Bishops Lydeard and  
Cothelstone Parish Council which he had attended. He had not 'fettered his  
discretion'.

### 43. Applications for Planning Permission

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

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

**38/13/0074**

**Replacement of conservatory with the erection of a single storey extension to the side of 25 Batts Park, 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 3412\_01 Existing and Proposed Floor Plans and Elevations;
- (A4) DrNo 3412\_02 Location Plan;
- (A4) DrNo 3412\_03 Site Plan.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.)

**Reasons for granting planning permission:-**

The proposed extension had been designed to reflect the style of the existing property and did not appear dominating to it. It was not deemed to cause harm to the appearance of the street scene and would have no impact on highway safety or to the residential amenities of the occupiers of neighbouring properties. As such, the proposal was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**48/13/0010**

**Erection of wooden carport at Greystones, Goosenford, Cheddon Fitzpaine**

**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) Side View;
- (A4) Side Elevation;
- (A4) Layout Plan;
- (A4) Location Plan.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.)

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

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

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

**14/12/0015**

**Change of use of land to site 5 No. mobile homes and 5 No. touring caravans with the conversion of stables to a utility block at Lapthorn, Adsborough**

### **Reasons**

- (a) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of the Taunton Deane Core Strategy (adopted 11/09/12) since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety;
- (b) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12) since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety;
- (c) The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12);
- (d) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However, in this case the applicant was unable to satisfy the key policy test in relation to highway safety and as such the application has been refused.)

**49/13/0004**

**Outline application with all matters reserved for the erection of a dwelling in the garden of Dene View, West Road, Wiveliscombe**

**Reasons**

- (a) The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel. There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users. The proposal is therefore contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 49 and Taunton Deane Core Strategy Policies SP1, CP4, CP6, DM1 and DM2 together with guidance contained within the National Planning Policy Framework;
- (b) The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. Moreover, the dwelling, garaging, and access would detract from the setting and approach route into Wiveliscombe. The application site is sited in an area that is open in character with attractive elevated public views across to the site. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement. The proposal is therefore contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Structure Plan and Taunton Deane Core Strategy Policies DM1, DM2 and CP8 together with guidance set out within the National Planning Policy Framework;
- (c) The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route. The proposal would therefore be contrary to Policy 49 of Somerset and Exmoor National Park Joint Structure Plan Review;
- (c) The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore contrary to the requirements of Policy 49 of the Structure Plan and Policies DM1 and CP6 of the Taunton Deane Core Strategy.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.)

- 44. Outline planning application (with all matters reserved) for the erection of 10 No dwellings on The Paddock, Taunton Road, Bishops Lydeard (06/13/0001)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure the provision of:-

- (i) 25% affordable housing provision. 1 social rented; 1 intermediate housing.
- (ii) Contributions of £2,688 for each 2+ bed dwelling to provide children's play.
- (iii) Contributions of £1,454 for each dwelling towards the provision of facilities for active recreation;
- (iv) Contributions of £194 per dwelling for allotment provision; and
- (v) Contributions of £1,118 per dwelling towards local community hall facilities in Bishops Lydeard,

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) 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 layout and alignment, gradient, widths and levels of the proposed road, road junctions, and points of access, visibility splays, footpaths, turning spaces, street lighting and drainage shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, in accordance with the approved details.
- (c) (i) The landscaping scheme that shall be submitted to and approved as part of a reserved matters application 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. (ii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted with any reserved matters application seeking approval of layout. The agreed boundary treatments

shall be completed before any dwelling hereby permitted is first occupied and thereafter shall be so maintained;

- (e) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:-
- Details of which areas drain to which attenuation facility and the associated volumes projected ;
  - Details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;

- (f) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved;
- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no gate fence wall or other means of enclosure shall be erected on the site beyond the forward-most part of the dwelling house(s) or of the exposed flank wall of any corner dwelling, other than that expressly authorised by this permission, without the further grant of planning permission;
- (h) There shall be no vehicular access to the site from Brendons without the further grant of planning permission.

(Notes to Applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that where works have to be undertaken on or adjoining the public highway a Section 50 New Roads and Street Works Act 1991 licence will be required. These are obtainable from the County Highway Authority; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway; (4) 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). 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; (5) Applicant was advised to agree a point of connection to the foul sewerage network with Wessex Water; (6) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development; (7) 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; (8) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

**45. E/0122/42/12 – Unauthorised business running from Farthings Farm, Lipe Hill Lane, Comeytrowe, Taunton**

Reported that it had come to the attention of the Council that a site comprising old farm buildings and a yard at Farthings Farm, Lipe Hill Lane, Comeytrowe, Taunton was being used without planning permission in connection with a wood chipping business, together with the storage and distribution of wood products connected with the business.

The owner of the land had been contacted who had indicated that a planning application to regularise the situation would be submitted. Subsequently, an application for a Certificate of Lawfulness was submitted claiming the use of the land had begun more than 10 years ago and was therefore immune from enforcement action.

The Legal Services Manager had considered this application and had concluded that on the balance of probabilities, the claimed use of the land had not been continuous for a period of ten years.

**Resolved that:-**

- (1) Enforcement action be authorised to secure the cessation of the wood chipping business being operated from the site at Farthings Farm, Lipe Hill Lane, Comeytrowe, Taunton and any machinery used in association with that function;
- (2) Any enforcement notice served should have a two month compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**46. 38/12/0265 – Erection of 7 No detached dwellings on land to the rear of 14-28 Stoke Road, Taunton**

Reference Minute Nos. 5 and 36/2013, reported that the Landscape Support Officer inspected the work that had been undertaken to the three Cherry trees covered by a Tree Preservation Order on this development site.

The inspection had revealed that one of the Cherry trees had been felled and the other two had had branches removed.

Reported that the tree survey by JP Associates, dated November 2012, stated that all three trees were in moribund condition and would be recorded as category U trees under the BS5837 criteria. These were trees that were 'unsuitable for retention beyond the short term and should normally be removed as part of any development proposals'.

The tree that had been felled was mostly dead with some of the main limbs having already collapsed. Although no evidence of the branches that had been pruned from the other two trees was seen, they were likely to have been dead or decayed, as the trees were generally in poor condition with evidence of basal decay and weeping.

Under the revised Tree Preservation Order legislation that came into force last year, it was now a requirement that five days notice had to be given to the Local Planning Authority before dead or dangerous trees or branches were removed, unless urgency dictated immediate action. No such notice in respect of the Cherry trees was received.

Based on the above comments above and the recent decision of the Planning Committee to grant permission for the removal of the trees, it was not considered expedient to take any further action. Replacement trees would be secured by the planning permission and therefore any prosecution action would not secure any further mitigation.

Members expressed concern that neither the developer nor the tree surgeon had given the required five day notice and requested the Landscape Lead to send an appropriate letter seeking confirmation that notice would be given to the Council in similar circumstances in the future.

**Resolved** that other than sending letters to the developer and the tree surgeon concerned, along the lines indicated above, no further action be taken.

**47. Appeals**

Reported that two new appeals had been lodged and one appeal decision received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.20 pm.)