

48/09/0003

MR & MRS CHEMIEWISKI

**CHANGE OF USE OF SITE TO PRIVATE HIRE MINIBUS BUSINESS (AMENDED PLANS TO 48/07/0070) AT 154 BRIDGWATER ROAD, BATHPOOL, TAUNTON**

326057.126862

Full Planning Permission

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**PROPOSAL**

The proposal is for the provision of two parking bays for use to park two minibuses on land to the rear of 154 Bridgwater Road, Bathpool and the siting of a steel container for storage purposes to the east of the minibus parking. The dwelling is currently used for bed and breakfast and there are 4 car parking spaces two at the front and two at the side of the property used for that purpose. The minibuses are used for the school run and are available for private hire.

**SITE DESCRIPTION AND HISTORY**

The site is located to the east of the A38 and the front and side of the property can be seen from that location. The 5m wide access into the plot runs along the south of the property and serves both 154 Bridgwater Road and 154A Bridgwater Road which lies to the rear of the subject property. There are other residential properties to the north and east of the site with agricultural fields to the south and the roadway to the west. The whole site is included within the Monkton Heathfield major development site with the field to the south currently allocated for a proposed school.

In 2006 planning permission was granted for the use of the dwelling for bed and breakfast purposes. The proposal included the provision of 2 parking spaces at the front of the property, two to the rear of the dwelling and the erection of a garage across the rear of the site (excluding the drive). This use has commenced but the garage has not been provided and the parking spaces are not laid out or used in accordance with the approved plans and condition.

In August 2007 a planning application was requested for the unauthorized minibus business being carried out at 154 Bridgwater Road.

In October 2007 an application for the change of use of the site to private minibus business with parking for four minibuses, two in the front garden of the property and two at the rear and turning was submitted.

In June 2008 this application was refused. It was considered that the Minibus business as proposed at that time would be detrimental to residential amenity due to noise and other likely disturbance and that the visual impact of minibuses parked in the front garden would be detrimental to the street scene.

In October 2008, following the refusal of planning permission, members declined to approve enforcement action for the unauthorized use but requested that the applicant submit another application to regularize the situation at the time.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*West Monkton Parish Council* - A limit of two mini buses should be imposed as a maximum if allowed

*Somerset County Council - Transport Development Group* - There is already a minibus business operating at this location and this proposal will not materially effect that use and as such I have no objections in principle. (The Highway Authority have been advised that the current use is unauthorised and revised comments requested that take this into account).

*Principal Environmental Health Officer - Noise & Pollution* - views awaited

## **Representations**

2 letters of representation have been received raising the following points of objection :- the proposals do not represent a reduction in the number of vehicles likely to operate from the site as the site was always too small for 4 minibuses; the applicants own a total of 5 vehicles which they park on the site and there are 2 permanent lodgers and 1 additional room available for occupation resulting in a requirement for 8 spaces for their current uses rather than the 7 spaces shown on the plans; The proposed turning area is too small to allow the minibuses to turn in the site and exit in forward gears without using the neighbours private domestic hard standing area causing a potential safety hazard for the occupants including their children; currently I am disturbed by engines left to warm up in the morning, doors slamming, headlights shinning into my property whilst using the entrance to turn; buses leaving and returning at all hour; drivers talking and shouting to each other; the site has not been used for HGV's since the dwelling was built at the rear of the site several years ago and the workshop that was at the rear was demolished when the house was built; the whole site is unsightly and unkempt and the shipping container sited to the rear adds to the unsightly character of the site; the vehicle movements to and from the site is more than suggested in the application forms; the storage container has been moved right next to the rear boundary of our garden and is unsightly when viewed from our house and garden; in addition to the applicants and their son who they claim work from the site there is a part time worker which they have failed to mention it is obvious that the business does not just create 6 movements a day; although the applicant's state that they are halving the proposal, they still own a third smaller minibus which they claim is for their own private use and a taxi sized Audi; the lodgers are full time and not bed and breakfast; they state that the hard surface allows surface water to drain and yet there the front exit to the A38 floods regularly; the increased use of the access will be detrimental to the safety of pedestrians using the pavement outside the property.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPG4 - Industrial & Commercial Development & Small Firms,  
PPG13 - Transport,  
PPG24 - Planning and Noise,  
STR1 - Sustainable Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposal is for the continued use of the garden of 154 Bridgwater Road for the

parking of 2 minibuses and the retention of a storage container. Whilst the minibuses are generally used for the school run they are also available for hire at other times of day and night.

The previous planning permission for bed and breakfast required the provision of two car parking spaces to the front of the dwelling, two parking spaces to the rear and a garage across the rear of the site ( excluding the access drive) resulting in 6 spaces in total plus a turning area. The garage has not, to date been provided and that area of land has been used to resite the storage container. The applicant has since removed a section of hedgerow at the side of the site and converted it to additional parking. This is evident from the A38 and footway and the combination of the existing and proposed parking on the site for the dwelling, bed and breakfast and minibus uses results in a cramped commercial appearance to the property, detrimental to the visual amenity of the area and contrary to Taunton Deane Local Plan policy S1 (D) and S2(A).

The property is part of a semi-detached pair of dwellings fronting onto Bridgwater Road. Between the properties at the front there is a hedge just under 2m in height and to the rear a 1.2m high fence with 0.5m wood trellis on top. The land adjacent to these boundaries is laid out as parking areas for cars(associated with the dwelling and bed and breakfast use of the dwelling) and the two minibuses, at the rear. At their meeting on 29th October 2008, Planning Committee members considered that the unauthorized minibus use was acceptable and invited the submission of the current application to regularize the situation. However, having considered the submitted layout of the minibus parking areas, arranged at right angles to the rear boundary, I believe that the proposal would be likely to result in unacceptable disturbance to the neighbouring occupants due to potential noise and lights from the minibuses and this would be detrimental to their amenity and contrary to the requirements of Taunton Deane Local Plan policy S1 (E) and S2(F).

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

Recommended Decision:

**REFUSE PERMISSION**

In the opinion of the Local Planning Authorities opinion the introduction of a minibus business of the nature proposed here by reason of potential noise and disturbance and adverse visual impact would have an unacceptable detrimental affect on neighbouring residential properties, contrary to the provisions of Taunton Deane Local Plan Policies S1 (General Requirements) & S2 (Design).

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

Notes for compliance

1. In light of the detailed report and site plans for consideration by Committee tonight the Planning Committee are requested to authorise enforcement action

to secure the cessation of the unauthorised uses for the reasons as stated in the reason for refusal above.

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

**CONTACT OFFICER: Mrs J Moore Tel: 01823 356467**