

19/12/0006

MR P RUST

REINSTATEMENT OF HARDCORE AREA TO SOUTH OF ENTRANCE AND REFORMATION OF HARDCORE AREA TO NORTH OF ENTRANCE TO LAND AT ELM BRIDGE, HATCH BEAUCHAMP (RETENTION OF WORK ALREADY UNDERTAKEN)

Grid Reference: 331371.119704

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly does not conflict with Taunton Deane Core Strategy DM1 and CP8.

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) Location Plan
(A4) Layout Plan

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

3.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy CP8.

Notes for compliance

PROPOSAL

Planning consent is sought for two hardcore areas, at a corner site at Elm Bridge. One area will be to the north of the access adjoining the side boundary and the other area is to the south west of the access, not adjoining the boundary. An unsurfaced gangway will separate the two areas and there is to be no alteration to the existing access.

SITE DESCRIPTION AND HISTORY

The site is flat and comprises part of an agricultural field that lies between the river and the road situated to the north west of Elm Bridge. The field was previously laid to grass and enclosed by a hedge. Currently along the roadside boundary there is a 1 metre high timber fence. The western boundary is separated from the adjoining field by a corrugated fence, which is not included in this application. The river runs along the southern boundary. There is some post and rail fencing inside the enclosure along with a vegetable garden and a small shed with mesh fencing attached to it.

19/11/0009 Application for change of use of land to erect stables, erection of timber fence and formation of access road. Application Refused.

19/12/0003 Application to erect agricultural building, erection of timber fence and formation of access road. Application Withdrawn

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HATCH BEAUCHAMP PARISH COUNCIL - objects to the application for the following reasons

- 1) The application in its current form is inconsistent to such an extent that it would be unreasonable to give approval: the design statement refers to a hardcore area of 0.015 hectares (150 sq. metres) and the flood risk report 325 sq metres; the design statement states that the "gangway" will not be surfaced whereas the flood risk report states that the access will be changed to crushed stone/paving; the design statement states that the

area to the north will be “reformed” and the area to the south will be re-instated whereas the flood risk report states that it is the area to the north which will be re-instated and the area to the south which will be “reformed”

- 2) The design statement is inaccurate. It refers to the northern area as soil with agricultural debris on top of an existing hardcore area whereas from the photographs on page 13 of the flood risk report this area clearly comprises an unauthorised deposit of waste materials unrelated to an agricultural use, and as the area was until recently a field it is impossible to confirm or otherwise that originally it had a hardcore surface
- 3) The application in its current form is too vague to form the basis for a planning approval: in the description the reference is to work already undertaken and in the absence of a clear statement as to what work has already been undertaken the Council cannot reasonably be expected to come to a view as to its acceptability; the deposit of waste is clearly unacceptable.
- 4) The application lacks detail as to the type, depth and size of hardcore to be used (the material on site is clearly unacceptable) and the final levels to be achieved. This area is susceptible to flooding and as is clear from the enforcement notice served by TDBC the laying of hard standing has the potential to alter ground levels and/or restrict flood waters and therefore needs to be regulated. Any proposal which increased ground levels would appear to be in conflict with the enforcement notice issued by TDBC
- 5) The absence of any business plan indicating the scale of operations on a site which currently appears to be a domestic enterprise makes it difficult to see a requirement for hard surfaced areas of such a size for the storage and parking of agricultural vehicles and other items required for the agricultural use of this small field.

Additionally TDBC be advised of the continuing concern over the lack of progress in re-instating and maintaining the hedgerow bounding this site which was removed without authority

SCC - TRANSPORT DEVELOPMENT GROUP -

The Highway Authority has previously commented on the site, specifically planning application 19/11/0009 to which a Decision of Refusal was made on 3rd October 2011 by the Local Planning Authority.

The present proposal seeks to reinstate a hardcore area to the south of the entrance and reformation of a hardcore area to the north of the entrance within the site boundary. These hardcore areas are to be used as vehicle parking.

The proposed development is located along Stocks Lane a unclassified section of highway. Due to the narrow nature of Stocks Lane and the close proximity of the junction onto Lower Mill Lane and Frog Street, vehicle speeds past the site are reduced. Traffic movements past the site are infrequent.

The site will make use of the existing access and will not generate any additional vehicle movements. However, it is noted from the Design and Access Statement (paragraph 2.7) that the proposed hard surfaced areas are fenced off and are divided by a gangway. It is assumed that the gangway forms part of the existing access into the site, therefore the highway Authority would recommend that this area is also hard surfaced, to prevent any loose stone or gravel from being dragged onto the public highway. Therefore taking into account the above information I raise no objection to this proposal.

LANDSCAPE LEAD - Subject to hedgerow, native species, planting along the western boundary fence line, proposals are acceptable.

ENVIRONMENT AGENCY -

We have no objection to the application as submitted.

We consider that, given the size and scale of the site, there is no need for any formal drainage system. The development will not result in any increase in buildings at the site or people using the site, therefore no site specific flood risk mitigation measures are required. Our only concern would be if significant ground-raising had taken place as a result of the proposals because this may reduce flood storage and restrict flood flows. However, this does not appear to be the case.

Given the flood risks at the site, the applicant should consider developing a flood emergency plan for the site so that users are aware of the appropriate actions to take during a flood.

Representations

Four letters of objection have been received raising the following issues:

- this is deliberate attempt to start a change of use
- trees and hedge have been previously removed
- area prone to flooding
- surface water run off
- use of resilient building materials
- damage to landscaping
- enforcement order should be re-issued
- there was no existing hardcore
- land is used mostly for builders rubble/waste and weeds
- hardcore area may impede the drainage of frequent floodwater
- size of hardcore area not a small area
- pity existing landscaping is not to be improved
- would not expect hardcore area in field
- hardcore area out of keeping.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

It is accepted that the land is being used for agricultural purposes and that this application is for the formation of two hardcore areas. Previously the site has been the subject of an enforcement case due to the erection of a fence and gates and formation of hardcore areas without the relevant planning permission. Subsequently the height of the fence has been reduced to 1 metre as no longer requires the benefit of planning permission. The hardcore areas were dug up so that the enforcement notice was complied with. This application is to reinstate the two areas. The application is not for a change of use and does not relate to the gates and fences.

In essence the material considerations are the visual impact of the proposed hardcore and any potential impact on flooding and flood risk from the proposed hardcore areas. It is not considered that the proposed development affects the residential amenities of the nearby properties.

Visual impact ; The hardcore areas will not be easily visible from the wider landscape. Subject to additional planting along the roadside boundary the Landscape Officer has no objections to the proposal. It is considered that the visual impact from the proposal is significant enough to warrant a refusal.

Flood risk; Part of the site lies within flood zones 2 and 3 and the river is prone to flooding part of the site. The Environment Agency has been consulted regarding the proposals and has no objections. The hardcore areas will not present a flood risk to users of the site. The proposals do not involve raising the site levels and there is considered to be no impact upon flood storage or flood flows. When the Enforcement Notice was served requiring the removal of the hardcore area (which was complied with), no flood risk assessment had been carried out and it was considered appropriate to apply a precautionary principle and require the removal of any built up land. This application includes a flood risk assessment so a view can be made to the impact on flooding.

In summary, no change of use is proposed and this application is for the formation of two hardcore areas. The proposal does not increase the flood risk of the area and does not affect the amenities of nearby dwellings. The visual impact of the proposal can be mitigated by a suitable landscaping condition.

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

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