

Application Details	
Application Reference Number:	19/23/0007
Application Type:	Full Planning Permission
Earliest decision date:	04 August 2023
Expiry Date	25 August 2023
Extension of time	28 th June 2024
Decision Level	Committee
Description:	Change of use of part of garden with construction of vehicular access and driveway for access to land at the rear of Palmers Green House, Stewley Road, Hatch Beauchamp
Site Address:	PALMERS GREEN HOUSE, STEWLEY ROAD, HATCH BEAUCHAMP, TAUNTON, TA3 6AE
Parish:	19
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mike Hicks
Agent:	
Applicant:	MR R CHELTON
Committee Date:	25 th June 2024
Reason for reporting application to Committee	The Planning Agent is regularly employed by the Council to undertake work for the Planning Service.

1. Recommendation

1.1 That permission be GRANTED subject to conditions. Conditional Approval

2. Executive Summary of key reasons for recommendation

2.1 Subject to conditions, the proposal will have an acceptable impact on the character and appearance of the area, residential amenity, highway safety, ecology within the site and the Somerset levels and Moors Ramsar site.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Time limit
- Approved plans
- Visibility splay

- Consolidated surface
- No discharge of surface water onto the highway
- No gates within 12 metres of the highway

3.2 Informatives (bullet point only)

Proactive Planning

4. Proposed development, site and surroundings

4.1 Details of proposal

The application proposes the change of use of a section of residential garden to provide an access driveway associated with some stables and equestrian paddock. The application also seeks consent for the formation of the vehicular access onto the highway.

4.2 Sites and surroundings

The site consists of existing domestic garden associated with Palmers Green House. The section of garden is located to the west of the house and extends to the highway and up to an existing paddock to the rear of the dwelling. The public highway is unclassified. The proposed access would provide vehicular access to the stables at the rear of the dwelling. There are several dwellings in the area surrounding the development site, including Norgles Nook located opposite the proposed access and Nos 1-4 Palmers Green Cottages which are located to the west of the site.

5. Planning (and enforcement) history

None relevant.

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that the development is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 10 July 2023

8.2 Date of revised consultation (if applicable): 25 April 2024

8.3 Press Date: 14 July 2023

8.4 Site Notice Date: 02 January 2024

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
HATCH BEAUCHAMP PARISH COUNCIL	<ul style="list-style-type: none">• There is an existing access which has good visibility.• The proposed access is in a dangerous location- limited visibility, narrowest part of the lane, opposite an existing house, near junction.• 5 metre width is excessive for agricultural access.• Hardstanding could contribute to flooding issues	The width of proposed access is required as demonstrated by the vehicle tracking plan. Refer to highway section of report.
SCC - ECOLOGY	No vegetation removal within nesting season unless removal supervised by an ecologist.	Refer to ecology section of report
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	Refer to highway section
SCC - RIGHTS OF WAY	No comments received	
LANDSCAPE	No comments received	

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Following consultation, representations have been received from a total of 5 properties objecting to the development, 4 of these properties are in close proximity of the site and one is located elsewhere in the district. The following objections are raised:

Material Planning Considerations	
Objections	Officer comment
The applicant already has an access onto Station Road.	Refer to principle of development section.
Adverse impact on neighbouring properties- will detract from outlook of adjacent properties, cause noise, security concerns.	Refer to residential amenity section. There would be no significant impacts on security for neighbours over and above the existing situation.

The property opposite the access would be encroached onto by vehicles manoeuvring out of the access.	Vehicle tracking demonstrates that a large vehicle and trailer can manoeuvre safely without encroachment.
Concerns over narrowness of Stewley Road at the point of access	Vehicle tracking demonstrates that a large vehicle and trailer can manoeuvre safely without encroachment.
Access does not need to be so wide.	The width of proposed access is required as demonstrated by the vehicle tracking plan.
Telegraph pole adjacent to Norgles Nook not shown on plan	The location of this telegraph pole would not impact on the safe manoeuvring of vehicles.
Concerns that the applicant intends to gain access in this location to develop the paddock into housing.	The application must be considered on the merits of what is proposed, not a hypothetical future scenario.
Vegetation has already been removed from the site which has destroyed bird nests	The removal of vegetation prior to a decision being made does not impact on the merits of the proposal, however it means that the condition relating to the timing of vegetation removal is not required.
No planning notice posted	A notice was posted in January 2024.
Area has flooded in the past- concerns over water runoff	A condition will ensure that there are measures installed to prevent discharge of water onto the highway.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

DM1 - General requirements,
CP8 - Environment,

Supplementary Planning Documents

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

9.1 National Planning Policy Framework

The NPPF is a material consideration.

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The principle of the development is acceptable. Comments have been received from neighbours in relation to the presence of another access into the field and therefore questioning the motivation behind this application. It is understood that the purpose of creating the access in this location is due to the proximity to the stables and therefore it provides more convenient access. Furthermore, the existing access is unlikely to enable a vehicle and trailer to enter and exit the site due to the tight turning radius at that location and narrow width of the track. Notwithstanding this, the application has to be considered on its individual merits. There are not any planning considerations or policies that would exclude a parcel of land from having a second entrance. The acceptability of the scheme is therefore dependent on the planning impacts of the development as set out in the report below.

10.1.5 Access, Highway Safety and Parking Provision

The application is considered to be acceptable in highway terms. The access would be located on a narrow section of the lane. The lane also provides access to numerous residential accesses within close proximity to the proposed access. Vehicular speeds are low in this location due to the constrained dimensions of the highway and proximity to the junction to the west. The access would have acceptable visibility to the east but substandard to the west. The visibility splay to the west is in third party ownership and as such is not under control of the applicant. There is therefore no control over the potential obstruction of the splay for example with vegetation.

Notwithstanding the above, the lane is relatively lightly trafficked and given its nature vehicle speeds at this point in the lane are slow. In addition the substandard visibility would be in one direction only which reduces the highway safety concerns. Currently vehicles access the paddock via the existing access which has substandard visibility in an easterly direction. The proposed access would provide an improved level of visibility compared to vehicles utilising the existing access to the paddock.

The applicant has submitted vehicle tracking plans showing a large vehicle and trailer entering and exiting the site which is generally considered to be the typical vehicle type to use the access when horses need to be transported, however day to day movements would be expected to be car/4x4 without trailer. These tracking plans demonstrate that the manoeuvre can be carried out safely.

Overall it is considered that the impact on highway safety would be acceptable in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10.1.6 The impact on the character and appearance of the locality

The development will result in the loss of some hedgerow. This has already been carried out. The access is relatively wide where it joins the highway and this will have some localised visual impact, however this is not such a significant impact to warrant refusal. The proposed width is not significantly greater compared to the existing access to the west. Overall it is considered that the access will not cause harm to the character of the area.

10.1.7 The impact on neighbouring residential amenity

The access is located opposite a dwelling known as Norgles Nook. There would be some impact from the development as arising from vehicle headlights pointing down the access towards the property, however the elevation of Norgles Nook facing the access only contains two windows. Furthermore, the number of vehicular movements after dark would be anticipated to be low, and the impact from the headlights would be of short duration

There are several dwellings to the west of the site, No 1-4 Palmers Green Cottages. There would be vehicular movements in proximity to these dwellings when a vehicle enters the paddock, turns and exits, however these would not result in undue impacts on these occupiers in relation to general noise and disturbance. Furthermore these movements would not be anticipated to increase over the existing vehicular movements into the site.

The applicant has confirmed that the use of the stables has always been for private and domestic use only and that their intent is for this to continue while they have an interest in the land. A future owner could use the site for commercial purposes, however this is also currently the case as commercial activity such as a DIY livery would not represent a change of use of the land.

The re-siting of the access would increase the potential for impacts on the adjacent houses to its closer proximity to the dwellings, however the existing stables and paddock are small in scale. It would be relatively unlikely therefore for individual stables to be rented out and further intensification such as additional stables would require planning permission. At that point the necessity for additional restrictions over commercial use could be considered and imposed if necessary.

Overall it is considered that there would be no adverse impact on residential amenity and therefore the proposal would accord with Policy DM1 of the Taunton Deane Core Strategy.

10.1.9 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The Council's ecologist has commented that they do not raise any objections to the proposal, however they recommend a condition to ensure that vegetation removal does not take place within the bird nesting season unless a check for nests is carried prior to the works by an ecologist and written confirmation is provided to the Council. In this instance the vegetation clearance has taken place and accordingly this condition is not required.

Having regard to the above, there would be no undue impacts on protected species or the ecology within the site or the Somerset Levels and Moors Ramsar site. Accordingly the proposal would accord with Policy CP8 of the Taunton Deane Core Strategy.

10.1.11 Flood risk and energy efficiency

Concerns have been raised by neighbours over the potential impact of surface water and the potential to increase flood risk. A condition will be included within the decision to ensure that surface water is drained within the site and therefore does not discharge onto the carriageway.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/A

12 Planning balance and conclusion

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

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

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

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

(A3) DrNo 2472/01/ B Location and Block Plan
(A3) DrNo A101 Large Car and Trailer Entering Site From East
(A3) DrNo A101 Large Car and Trailer Entering Site From West
(A3) DrNo A101 Large Car and Trailer Leaving Site from East
(A3) DrNo A101 Large Car and Trailer Leaving Site from West

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

3. There shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level within the visibility splays shown on the approved plans.

Such visibility splays shall be fully provided before the new access is brought into use and shall thereafter be maintained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be installed prior to the access being brought into first use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

5. The first 12 metres of the access hereby permitted shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

6. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Having regards to the powers of the Highway Authority under the Highways Act 1980, the Applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager: Taunton Deane Area Highways Office, County Hall, Taunton, TA1 4DY Email: countyroads-tdeane@somerset.gov.uk

