



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON 31 JULY 2002 AT 17:00.

(RESERVE DATE : 05 AUGUST 2002 AT 5:30 PM)

AGENDA

1. Minutes
2. Apologies
3. Public Question Time
4. BISHOPS LYDEARD - 06/2002/035
CONVERSION OF CHAPEL TO PUBLIC HOUSE,
FUNCTION ROOM, SHOP AND 2 NO. FLATS, ST LUKES
CHAPEL, COTFORD ST LUKE AS AMENDED BY PLAN
RECEIVED ON 2ND JULY, 2002 AND FAXED DRAWING
DATED 17TH JULY, 2002
5. BISHOPS LYDEARD - 06/2002/036LB
CONVERSION OF CHAPEL TO PUBLIC HOUSE,
FUNCTION ROOM, SHOP AND 2 NO. FLATS, ST LUKES
CHAPEL, COTFORD ST LUKE.
6. CHEDDON FITZPAINE - 08/2001/029
ERECTION OF TWO STOREY EXTENSION, PORCH AND
EXTERNAL ALTERATIONS AT THE BOTHEY,
HESTERCOMBE, CHEDDON FITZPAINE AS AMENDED
BY AGENTS LETTER AND PLANS RECEIVED 1ST
OCTOBER 2001, 17TH JUNE, 2002 AND AMPLIFIED BY
AGENT'S LETTER AND ARCHAEOLOGICAL DESK TOP
APPRAISAL RECEIVED 5TH FEBRUARY, 2001.
7. CHEDDON FITZPAINE - 08/2001/032LB
DEMOLITION OF A SECTION OF WALLED GARDEN,
WITH REBUILD TO A HIGHER LEVEL TO FACILITATE
AN EXTENSION, REPAIRS TO GARDEN WALL,
REMOVAL OF WALL CAPPING AND ASSOCIATED
COMPONENTS OF THE DEMOLISHED ADJOINING
OUTBUILDING AND INSERTION OF WINDOWS AND
DOORS IN WALL AT THE BOTHY, HESTERCOMBE,
CHEDDON FITZPAINE AS AMENDED BY AGENTS

LETTER RECEIVED 1ST OCTOBER 2001, 17TH JUNE, 2002 AND AMPLIFIED BY AGENT'S LETTER AND ARCHAEOLOGICAL DESK TOP APPRAISAL RECEIVED 5TH FEBRUARY, 2001.

8. CHEDDON FITZPAINE - 08/2002/013
ERECTION OF FENCE TO FRONT OF 54 THE SHAULDERS, NERROLS, TAUNTON AS AMENDED BY APPLICANTS LETTER AND PLANS RECEIVED 28TH JUNE, 2002.
9. CREECH ST MICHAEL - 14/2002/022
ERECTION OF TWO DWELLINGS WITH DOUBLE GARAGES AT LAND SOUTH OF THE CROWN INN, CROWN LANE, CREECH HEATHFIELD AS AMENDED BY LETTER AND PLANS RECEIVED 18TH JULY, 2002
10. HATCH BEAUCHAMP - 19/2002/011
ERECTION OF DWELLING ON LAND ADJACENT TO 8 CRIMTHORNE COTTAGES, HATCH BEAUCHAMP AS AMENDED BY DRAWINGS RECEIVED 18TH JULY, 2002
11. OAKE - 27/2002/008
ERECTION OF A SCOOTER STORE TO THE FRONT OF 29 OAKE CLOSE, OAKE.
12. OTTERFORD - 29/2002/008
CHANGE OF USE OF BARN TO ANCILLARY ACCOMMODATION, ADDITION OF ROOFLIGHT AND ALTERATIONS TO BARN OPPOSITE LITTLEFIELDS, BISHOPSWOOD.
13. RUISHTON - 31/2002/007
ERECTION OF BUNGALOW AND GARAGE ON LAND TO THE REAR OF HIGHCROFT, HENLADE.
14. STOKE ST GREGORY - 36/2002/016
ERECTION OF A HAY BARN TO THE WEST OF THE EXISTING SILAGE CLAMP AT FARM AT LABURNHAM COTTAGE, WOODHILL, STOKE ST GREGORY.
15. TAUNTON - 38/2001/222
REDEVELOPMENT OF BLOCKS A, C, D AND F, REMOVAL OF BLOCK B AND ERECTION OF NEW BLOCK (Y) AND REVISED PARKING ARRANGEMENT AND STRUCTURAL LANDSCAPING SCHEME INCORPORATING PEDESTRIAN ROUTES AT SOMERSET COLLEGE OF ARTS AND TECHNOLOGY, WELLINGTON ROAD, TAUNTON.

16. TAUNTON - 38/2002/104
ERECTION OF FITNESS CENTRE WITH ASSOCIATED
CAR PARKING AT WESTERN POWER DISTRIBUTION
SITE, PRIORSWOOD ROAD, TAUNTON AS AMENDED
BY LETTER AND PLANS DATED 15TH MAY, 2002 AND
AS AMENDED BY PLANS NOS. 12320/02C, 03C, 04C, 05C,
06C RECEIVED 16TH JULY, 2002
17. TAUNTON - 38/2002/190
ERECTION OF 14 DWELLINGS WITH ASSOCIATED
ROADS AND GARAGES ON LAND OFF RICHMOND
ROAD AND WOODSTOCK ROAD, TAUNTON AS
AMENDED BY PLANS REF. 9946/10F, 12C, 13D, 14C, 15D,
16C; CASE DRAWINGS T/2908/O1P AND 02P RECEIVED
ON 15TH JULY, 2002 AND PLAN NO. 90 RECEIVED ON
16TH JULY, 2002 AND ACCOMPANYING LETTER DATED
11TH JULY, 2002 RECEIVED 15TH JULY, 2002
18. TAUNTON - 38/2002/221
CHANGE OF USE FROM A2 (FINANCIAL SERVICES) TO
A3 (FOOD AND DRINK) AT FORMER LLOYDS TSB
PREMISES, 25 FORE STREET, TAUNTON.
19. TAUNTON - 38/2002/240
ERECTION OF A SINGLE STOREY EXTENSION TO
ROADSIDE FRONTAGE AND CONVERSION OF GARAGE
TO LIVING ACCOMMODATION, 18 HARP CHASE,
TAUNTON.
20. TAUNTON - 38/2002/255
ERECTION OF FIRST FLOOR EXTENSION AT 9
WYNDHAM ROAD, TAUNTON.
21. TRULL - 42/2002/017
RETENTION OF CONSERVATORY TO REAR OF
WHITEGATES, STAPLEHAY.
22. WELLINGTON - 43/2002/072
ALTERATIONS TO WALL TO PROVIDE VEHICULAR
ACCESS TO THE WEST OF SCHOOL COTTAGE,
CROSSLANDS, TONEDALE, WELLINGTON.
23. WELLINGTON (WITHOUT) - 44/2002/012
ERECTION OF 2 NO. DWELLINGS AND FORMATION OF
ACCESS, FARTHING DOWN, HOLYWELL LAKE,
WELLINGTON AS AMENDED BY LETTER DATED 22ND
JULY, 2002 WITH ACCOMPANYING PLANS
24. WEST BAGBOROUGH - 45/2002/005
ERECTION OF A SINGLE STOREY EXTENSION AND

TWO STOREY EXTENSION AT THE RISING SUN PUBLIC HOUSE, WEST BAGBOROUGH.

25. WEST MONKTON - 48/2002/041
CONSTRUCTION OF A 212 SEAT GRANDSTAND AT TAUNTON RUGBY FOOTBALL CLUB, HYDE LANE, BATHPOOL.
26. WIVELISCOMBE - 49/2002/020
TRANSFER OF AGRICULTURAL TYING CONDITION (CONDITION 04 OF PERMISSION 50/1977/010) FROM THE BUNGALOW, MAUNDOWN, WIVELISCOMBE TO CORDINGS FARMHOUSE, WHITEFIELD, WIVELISCOMBE AS AMPLIFIED BY LETTER DATED 4TH JULY, 2002
27. WIVELISCOMBE - 49/2002/024
ERECTION OF 7 NO. DWELLINGS WITH ASSOCIATED CAR PARKING AND PROVISION OF CAR PARKING FOR APPROVED LIGHT INDUSTRY/OFFICE BUILDINGS, ALTERATIONS TO VEHICULAR ACCESS AND FORMATION OF PEDESTRAIN ACCESS, FORMER RGB PREMISES, TAUNTON ROAD, WIVELISCOMBE AS AMENDED BY DRAWING NO. 0205.02B RECEIVED ON 20TH MAY, 2002, LETTER DATED 24TH JUNE, 2002 WITH ACCOMPANYING DESIGN STATEMENT AND DRAWING NOS. 0205.04 AND 0205.05 AND LETTER DATED 11TH JULY, 2002 AND ACCOMPANYING DRAWING NOS. 0205.01C AND 0205.05A
28. WIVELISCOMBE - 49/2002/037
ERECTION OF SINGLE GARAGE AT WHITE ROCK BARN, WHITEFIELD, WIVELISCOMBE AS AMENDED BY
29. WIVELISCOMBE - 49/2002/040
ERECTION OF FIRST FLOOR EXTENSION, 22 RUSSELS, WIVELISCOMBE AS AMENDED BY
30. 49/2000/058
ERECTION OF 20 M LATTICE TOWER TO SUPPORT 3 NO. DIGITAL ANTENNAS AND 2 NO. 300 MM MICROWAVE DISHES AND PROVISION OF RADIO EQUIPMENT IN CABIN (2.7 M X 2.7 M X 3.2 M) IN A SECURE COMPOUND, NORTH RODDEN FARM, MAUNDOWN HILL, MAUNDOWN, WIVELISCOMBE
Miscellaneous Item
31. Cheddon Fitzpaine - 157/08/2002
63 Cashford Gate, Taunton
Enforcement Item

32. Stoke St Gregory - 36/1994/007
Holly Barn, Holly Farm, Meare Green, Stoke St Gregory.
33. Appeals Lodged/Appeal Decisions

Enforcement Item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

25 July 2002

Tea will be available from 4:45pm onwards in Committee Room 2

PLANNING COMMITTEE – 10 July 2002

Present: Councillor Mrs Hill (Chairman)
Councillor Bishop (Vice-Chairman)
Councillors Mrs Allgrove, Mrs Angus, Debenham, Denington, Edwards, Escott, House,
Hunt, Mrs Lippiatt, Mrs Miller, Mrs Parrish and Vail

Officers: Mr N T Noall (Chief Planning Officer), Mrs J M Jackson (Senior Solicitor) and
Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00pm.)

(Councillors Escott arrived at the meeting at 5.08pm).

146. Minutes

The Minutes of the meeting held on 19 June 2002 were taken as read and were signed.

147. Apologies

Councillors Eckhart, Floyd and Guerrier.

148. Applications for Planning Permission

The Committee received the report of the Chief Planning Officer on applications for planning permission and was RESOLVED that they be dealt with as follows:-

- (1) That the **detailed plans be approved** for the undermentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

43/2002/061

Erection of dwelling on land adjoining 45 Wellesley Park, Wellington.

Note to applicant:- N021 - conditions.

- (2) That **planning permission be granted** for the undermentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

(Councillor Hunt declared a Code of Conduct interest in the following application).

05/2002/022

Change of use and conversion of two barns to holiday accommodation at Rumwell Farm, Rumwell.

Conditions

- (a) C001 - time limit;

- (b) C106 - second hand materials;
 - (c) C201 - landscaping;
 - (d) C215 - walls and fences;
 - (e) P010 - no further windows;
 - (f) C416 - details of size, position and materials of meter boxes;
 - (g) P001A - no extensions;
 - (h) P003 - no ancillary buildings;
 - (i) C413 - restriction of occupation for holiday lets in permanent buildings;
 - (j) C926 and C926A - remediation investigation/certificate.
- (Notes to applicant:- (1) N048A - remediation strategy; (2) N025 - conversions; (3) N095A - owls and bats; (4) N051B - health and safety; (5) N034 - drainage/water).

09/2002/003

Alteration and extension of building to form annexe to the side of East Above Church, Chipstable.

Conditions

- (a) C001 - time limit;
 - (b) C102 - materials;
 - (c) C404 - single family unit;
 - (d) C404A - single family unit - link.
- (Notes to applicant:- (1) N116 - disabled access; (2) N112 - energy conservation; (3) Applicant was advised to ensure that pedestrian access to the public telephone box is maintained (where necessary)).

10/2002/009

Change of use and conversion of barn to dwelling and formation of access (revised proposal) at Trents Farm, Moor Lane, Churchinford.

Conditions

- (a) C001 - time limit;
- (b) C106 - second hand materials;
- (c) C110 - materials - for hard surfacing;
- (d) C112 - details of guttering, downpipes and disposal of rainwater;
- (e) C201 - landscaping;
- (f) C215 - walls and fences;
- (g) The garage hereby permitted shall be constructed only in accordance with the approved plans, and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only;
- (h) C917 - services - underground;
- (i) P001A - no extensions;
- (j) P003 - no ancillary buildings;
- (k) P006 - no fencing;
- (l) P010 - no further windows;
- (m) The windows hereby permitted shall be recessed in the walls to match the existing windows;
- (n) Before the commencement of any works hereby permitted, details of the means of venting the roofs shall be submitted to, and approved in writing by, the Local Planning Authority;

- (o) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (p) C307 - access - gates set back;
- (q) The access is to be used as an alternative to that approved under Permission No 10/2000/014. In the event of the alternative access being brought into use, this permission shall forthwith lapse and be of no effect.
(Notes to applicant:- (1) N025 - conversion; (2) Applicant was advised that the foul drainage should be kept separate from the clean surface and roof water and connected to the public sewerage system as detailed in the planning application; (3) Applicant was advised that there is a small stream to the north and east of the site. Although it is unlikely that flooding would occur, the stream could pose a significant nuisance in the event of a severe thunderstorm. It is therefore recommended that appropriate measures are taken to reduce this risk. Such measures include ensuring the stream is well maintained, for which the riparian owner is responsible).

16/2002/002

Erection of general purpose building and ancillary offices, staff kitchen and toilet at Durston Forestry Yard, Durston (enlarged alternative scheme to that previously submitted 16/2001/006).

Conditions

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) C705 - restricted use - ancillary use only;
- (d) The building shall be used for the scaffolding business only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order;
- (e) No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between 07:00 and 19:00 hours on Mondays to Fridays and 07:30 to 15:00 hours on Saturdays;
- (f) No external lighting shall be installed on the site unless otherwise agreed in writing by the Local Planning Authority;
- (g) The concrete panels shall be painted dark green to match the cladding within one month of the commencement of works on site and maintained as such thereafter;
- (h) (i) Prior to the commencement of works on site, details of how the planting of the oak trees is to be undertaken shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) 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. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority 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.

(Note to applicant:- With regard to condition (h), applicant was advised that the oak trees should be planted in one metre square soil pits on the yard side of the hedge as they are unlikely to establish properly if planted within the hedge).

19/2002/008

Erection of dwelling on land adjacent to Beauchamp Bungalow, Hatch Beauchamp.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C208A - protection of trees to be retained;
- (e) No tree or hedgerow shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority;
- (f) C215 - walls and fences;
- (g) C238 - tree protection in relation to construction;
- (h) C326 - garage - domestic use only;
- (i) P003 - no ancillary buildings;
- (j) P006 - no fencing;
- (k) Before any part of this permission is begun, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (l) C010A - drainage - not commenced until percolation test approved.
(Notes to applicant:- (1) N040A - drainage/water; (2) N041A - drainage/water; (3) Applicant was advised that the roadside hedge boundaries have been allowed to grow and at present they restrict visibility, particularly to the right for vehicles emerging from the access. These roadside hedge boundaries should be cut back hard to provide maximum visibility for emerging vehicles; (4) N111 - disabled access; (5) N112 - energy conservation; (6) N114 - design - meter boxes; (7) N115 - water conservation; (8) N116 - disabled access; (9) Applicants attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (10) Applicant was advised to contact Wessex Water prior to the commencement of any works to agree connection points onto the Wessex Water system; (11) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (12) Applicant was reminded of the need to obtain the Environment Agency's Consent to Discharge foul drainage to an underground strata).

20/2002/014

Erection of first floor extension to form two storey dwelling at Stoneybrooke, Nailsbourne.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C213 - hedge to be retained;

- (d) C209 - protection of hedges to be retained;
- (e) Within a period of three years from the date of this permission, details of the arrangements to be made for the disposal of surface water drainage from the proposed development, shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced.
(Notes to applicant:- (1) N111 - disabled access; (2) N112 - energy conservation; (3) N117 - crime prevention; (4) Applicant was advised that a public footpath runs along the lane that lies immediately to the west of the Stoneybrooke curtilage; (5) Applicant was advised that the Local Planning Authority is unlikely to accept any extensions along the western boundary/elevation of the dwelling where it is likely to have a dominating, detrimental impact on views of the settlement from the open countryside).

25/2002/014

Retention of fence to front of 7 Northwood Close, Norton Fitzwarren.

Notes to applicant:- (1) Applicant was advised to contact the Council's Housing Officer to discuss the proposal; (2) Applicant was informed that if you are not the sole owner of the land in question, you would need to obtain the necessary permission of any other landowner.

26/2002/001

Change of use of building from agriculture to processing, storage and transport of bottled water to schools, offices, etc, Blockhouse Farm, Nynehead.

Conditions

- (a) C001 - time limit;
- (b) The use hereby permitted shall be strictly limited to the processing, storage and transport of bottled water and for no other purpose including any purpose in Classes B1 and B8 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order;
- (c) C706 - restricted use - no retail sales.

26/2002/003

Change of use to Class B1 (light industrial), Class B2 (general industrial) or Class B8 (warehouse/distribution) or parcel delivery, sorting and dispatching depot, Unit 6 Poole Industrial Site, Wellington.

Conditions

- (a) C001 - time limit;
- (b) C708 - restricted use - no storage except where stated;
- (c) All surface water flows from the open yard areas shall be drained by a petrol/oil interceptor;
- (d) No use of power tools shall be undertaken other than within the building unless otherwise agreed in writing by the Local Planning Authority;
- (e) Noise emissions arising from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than 5 decibels, expressed in terms of an A-Weighted, 2 Minute Leq, when measured at any point 1.5m from any residential or other noise

sensitive boundary. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

38/2001/465

Erection of first floor extension with insertion of dormer window at 15 Elms Close, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials.
(Note to applicant:- N040A - driange/water).

38/2002/203

Installation of three antennae, five transmission dishes and associated equipment cabin at Toneside Telephone Exchange, Pollards Yard, Wood Street, Taunton.

Conditions

- (a) C001 - time limit.

38/2002/206

Erection of extension to Callebaut Hall, Kingston Road, Taunton to provide a rehearsal studio and toilet facilities to be used in connection with Taunton Amateur Operatic Society.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) Details and samples of the materials and landscaping to be used for the surfaces of the outside areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (d) The building hereby permitted shall be built in strict accordance with the details listed in the Agent's letter dated 21 June 2002;
- (e) The following hours for practice by the Operatic Society shall be Monday to Friday 08:00 - 21:30 hours and Saturdays 10:00 - 18:00 hours. There shall be no practices on Sundays or Public Holidays;
- (f) The velux rooflight within the western roof slope of the extension hereby permitted shall be non-opening or fixed shut and shall at no time be opened;
- (g) Noise emissions from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than 5 decibels expressed in terms of an A-Weighted, 5 Minute Leq when measured at any point from any residential or other noise sensitive premises. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which

this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at any appropriate time of day and for a suitable period of not less than 10 minutes;

- (h) The fire doors on the elevation shall remain shut at all times unless in use for genuine emergency purposes.

(Notes to applicant:- (1) N045 - encroachment; (2) Applicant was advised to take due care and attention when undertaking building works in order to avoid damage to the existing boundary walls).

38/2002/219

Change of use from A1 to restaurant (A3), 20 Lower Middle Street, Taunton.

Conditions

- (a) C001 - time limit;
- (b) Odours arising from cooking shall not be detectable at the façade of any residential or other odour sensitive premises;
- (c) Noise from any air extraction system shall not exceed background noise levels by more than 3dB(A) for a 2 Minute Leq, at any time when measured at the façade of residential or other noise sensitive premises.

(Notes to applicant:- (1) Applicant was advised that the potential problem of odours arising from cooking could be overcome by the fitting of a suitably filtered air extraction fan; (2) Applicant was advised that the proposal should comply with the Food Safety Regulations 1995 (as amended); (3) N049 - environmental health; (4) Applicant was advised to contact the Food Safety Team of the Council's Environmental Health Department once plans showing the proposed layout and workflow are available; (5) Applicant was advised that any alterations to the existing shopfront will require planning permission).

38/2002/230

Erection of community meeting hall at land adjacent to 58 Wellesley Street, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C331 - provision of cycle parking;
- (e) There shall be no events involving the playing of amplified music or amplified speech on the premises or land to which this permission relates;
- (f) Noise emissions arising from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Minute Leq, when measured at any point 1m from any residential or other noise sensitive boundary. Noise emissions which have tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured in this manner.

(Notes to applicant:- (1) N111 - disabled access; (2) N112 - energy conservation; (3) N115 - water conservation; (4) Applicant was reminded that noise emissions from the site during the construction phase should be

limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 08:00 - 18:00 hours; Saturdays 08:00 - 13:00 hours; at all other times, including Public Holidays, no noisy working; (5) Applicant was advised that with regard to Condition (e) and (f) 'background levels' shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes).

38/2002/245

Erection of single storey extension to rear of 25 Woodrush Close, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials.
(Note to applicant:- N040A - drainage/water).

38/2002/248

Erection of conservatory to the rear of 68 Thames Drive, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials.
(Note to applicant:- N040A - drainage/water).

41/2002/001

Erection of timber framed agricultural shed (phase 2) at Bridgets Farm, Tolland.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) C201 - landscaping.
(Notes to applicant:- (1) In relation to condition (c), applicant was advised that a landscaping scheme of hazel (50%), hawthorn (40%) and crab apple (10%) at 2m centres (30-45cm bare root stock) and oak (15%), ash (15%), wild cherry (40%) and field maple trees (30%) planted at 3m centres (60-90cm bare root stock) is required. These should be planted in large tree groups; (2) N044A - drainage/water; (3) N044B - drainage/water).

41/2002/002

Erection of timber framed agricultural shed (phase 3) at Bridgets Farm, Tolland.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) (i) Before any part of the permitted development is commenced, a scheme of planting of trees and shrubs 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. The landscaping shall accommodate the public footpath (T28/9) which runs to the east of phase 3; (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 the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority 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.

(Notes to applicant:- (1) In relation to condition (c), applicant was advised that a landscaping scheme of hazel (50%), hawthorn (40%) and crab apple (10%) at 2m centres (30-45cm bare root stock) and oak (15%), ash (15%), wild cherry (40%) and field maple trees (30%) planted at 3m centres (60-90cm bare root stock) is required. These should be planted in large tree groups; (2) N044A - drainage/water; (3) N044B - drainage/water).

(Councillor Mrs Allgrove declared a Code of Conduct interest in the following two applications).

46/2002/015

Erection of extension at Vemco Brasscapri, Castle Road, Chelston Business Park, Wellington.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) The premises hereby permitted shall be used for the purposes of industrial/distribution as defined in Classes B1, B2 and B8 to the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any Statutory Instrument revoking or re-enacting that Order;
- (d) C414 - no increase in site level.
(Notes to applicant:- (1) N112 - energy conservation; (2) N115 - water conservation).

46/2002/018

Erection of two storey extension to form new offices, Oake House, Silver Street Farm, Silver Street, West Buckland.

Conditions

- (a) C102 - materials.
(Notes to applicant:- (1) Applicants attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (2) N112 - energy conservation; (3) N115 - water conservation; (4) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

- (3) That **planning permission be refused** for the undermentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

19/2001/025

Demolition of garage and erection of a building to provide residential annexe and garage on the ground floor with a workshop, office/studio on the first floor at The Old Rectory, Hatch Beauchamp.

Reasons

- (a) The site lies within the Hatch Beauchamp Conservation Area where the Taunton Deane Local Plan - Revised Deposit Policy EN15 requires development to either preserve or enhance the appearance or character of the area. The Local Planning Authority considers that the scale and location of the proposal will result in a dominant building that intrudes into the street scene and neither protects or enhances the character of the Conservation Area. Furthermore, the scale of the proposal will visually reduce the existing space between the properties along the street and this will have a detrimental impact on the character of the Conservation Area.

19/2001/026CA

Demolition of garage and erection of a building to provide residential annexe and garage on ground floor with workshop, office/studio on the first floor at The Old Rectory, Hatch Beauchamp.

Reasons

- (a) The site lies within the Hatch Beauchamp Conservation Area where there is a strong policy presumption against the demolition of buildings unless acceptable proposals for redevelopment have been approved. There are no alternative acceptable proposals for the site and the proposal is therefore considered contrary to Taunton Deane Local Plan - Revised Deposit Policy EN16.

38/2002/170

Erection of bungalow on land adjacent to 53A Middleway, Taunton.

Reasons

- (a) The proposed site is of insufficient size to satisfactorily accommodate a dwelling whilst maintaining the open character of the area. The proposal is therefore contrary to Policy S1(D) of the Taunton Deane Local Plan - Revised Deposit.

38/2002/234

Erection of non-food retail store with ancillary offices and storage on land at Creechbarrow Road, adjacent to Toneway, Taunton.

Reasons

- (a) The proposal is contrary to guidance in PPG6 and PPG13 and Policies EC7 and EC8 of the Taunton Deane Local Plan - Revised Deposit in that the proposal fails to meet the sequential test and fails to adequately demonstrate the need for the development. It is considered that more suitable sites are

potentially available for this type of development closer to the town centre. In addition, the site is inaccessible to the majority of the catchment population by means of transport other than the car;

- (b) The proposal results in the loss of an important employment site. In light of a shortage of other available employment sites it is concluded that this loss outweighs any benefits resulting from a retail use. The proposal is therefore contrary to Policy EC6 and Proposal T28 of the Taunton Deane Local Plan - Revised Deposit.

- (4) That **advertisement consent be granted** for the undermentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

(Councillor Mrs Allgrove declared a Code of Conduct interest in the following application).

43/2002/077A

Display of sponsorship signs at Chelston Roundabout and Perry Elm Roundabout, Wellington.

Conditions

- (a) - (e) C801 - C805 - standard conditions for advertisements.

(Note to applicant:- Applicant was advised that it is essential that a licence with the County Highway Authority for the positioning of the non-prescribed signs is taken out and contact should therefore be made with the County Council's Environment and Property Department).

- (5) That **advertisement consent be refused** for the undermentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

(Councillor Mrs Allgrove declared a Code of Conduct interest in the following application).

43/2002/077A

Display of a sponsorship sign adjacent to Wellington Tiles, Milverton Road, Wellington.

Reasons

- (a) The proposed advertisement on the landscaped area at Milverton Road would appear as an intrusive element in the street scene and be detrimental to the visual amenities of the area. The proposal is therefore contrary to Policy WD/EC/26 of the West Deane Local Plan and Policy EC21 of the Taunton Deane Local Plan - Revised Deposit;
- (b) R467 - precedent.

Reason for refusing permission contrary to the recommendation of the Chief Planning Officer - It was felt the sign would have an adverse effect on the visual amenity of the area and would create a precedent.

- (6) **Application No 46/2002/016** - That no objection be raised to the change of use of highway depot to provide new Metrology Unit to include the demolition of existing

buildings, use of existing warehouse for storage for Taunton Museum and Trading Standards, erection of new building to accommodate the Metrology Unit, provision of weighbridge and alteration to existing vehicular access at the Highway Depot, Chelston, Wellington subject to:- time limit, details of profiled sheeting to be used, details of the surface treatment of the parking and turning areas, parking as submitted on the plan, turning space to remain clear, no increase in site levels. Notes re energy/water conservation, photovoltaics and surface water.

(Councillor Mrs Allgrove declared a Code of Conduct interest in this application).

(7) That the following applications be **deferred** for the reasons stated:-

24/2002/017TEL

Erection of 15m monopole mast with 6 No cross polar antennae and 2 No microwave dishes with associated equipment in fenced compound at Higher Knapp Farm, Knapp, North Curry.

Reason

For further negotiations as to disguising the monopole mast.

38/2002/232

Demolition of building and erection of part three storey, part two storey building for 14 flats at 46 St James Street, Taunton.

Reason

For further negotiations concerning setting the building back from the boundary and overlooking.

149. Change of use of holiday lets to provide permanent dwellings at Denbury Farm, Ash Priors (02/2002/003).

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No further representations raising new issues by 30 July 2002; and
- (2) The views of the Ash Priors Parish Meeting, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
 - (a) C001 - time limit;
 - (b) C324 - parking;
 - (c) P001A - no extensions;
 - (d) P003 - no ancillary buildings;
 - (e) P006 - no fencing;
 - (f) P010 - no further windows;
 - (g) The agricultural building to the south of the building the subject of this application shall not be used for the accommodation of livestock unless otherwise agreed in writing by the Local Planning Authority.
(Notes to applicant:- N25A - conversions).

150. Conversion of barn to form dwelling with annexe, erection of conservatory on site of former conservatory and erection of garage and ancillary buildings, The Old Rose Garden, Terhill, Bishops Lydeard (06/2002/030).

Reported this application.

RESOLVED that subject to the receipt of a satisfactory structural engineers report, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C106 - second hand materials;
- (c) The external surfaces of the new buildings hereby permitted shall be of materials as shown on the plan hereby approved and no other materials shall be used without the written consent of the Local Planning Authority;
- (d) C112 - details of guttering, downpipes and disposal of rainwater;
- (e) C201A - landscaping;
- (f) C207 - existing trees to be retained;
- (g) C208A - protection of trees to be retained;
- (h) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (i) C210 - no felling or lopping;
- (j) C215 - walls and fences;
- (k) A waiting bay for vehicles shall be formed at the point of access in accordance with the approved plan;
- (l) C230 - waiting bay, turning space and driveway - to be hard surfaced;
- (m) C321B - parking;
- (n) C327 - turning space;
- (o) The existing garden wall shall not be raised in height at any point;
- (p) Any entrance gates erected shall be hung to open inwards;
- (q) The annexe hereby permitted shall be used solely in connection with the use of the existing house as a single family dwelling and shall not at any time be used as a separate unit of accommodation;
- (r) C601 - schedule of works to ensure safety and stability of structure;
- (s) The new doors and windows indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto;
- (t) C917 - services - underground;
- (u) P001A - no extensions;
- (v) P003 - no ancillary buildings;
- (w) P006 - no fencing;
- (x) 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 modification), no doors, windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed;
- (y) C416 - details of size, position and materials of meter boxes;
- (z) C010A - drainage - not commenced until percolation test results approved.
(Notes to applicant:- (1) N025 - conversions; (2) N25A - conversions; (3) N095A - owls and bats; (4) N111 - disabled access; (5) N112 - energy conservation; (6) N114 - design - meter boxes; (7) N115 - water conservation; (8) Applicant was advised that the soakaways should be constructed in accordance with Building Research

Digest 365 (September 1991); (9) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata is required).

151. Change of use of agricultural land to a caravan storage area at field to south of Somerset Caravans Limited, Walford Cross (14/2002/007).

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) Acceptable amended landscape and surface water drainage plans; and
- (2) No further representations raising new issues by 24 July 2002, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
 - (a) C001 - time limit;
 - (b) Details and samples of the materials to be used for the surfaces of the caravan parking area shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
 - (c) C203 - landscaping;
 - (d) Prior to the hardsurfacing of the area for the storage of caravans, the drainage shown on the submitted plan shall be fully constructed in accordance with the agreed details and thereafter maintained;
 - (e) The materials for the proposed access and drive shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences;
 - (f) The materials for the access and turning area shown on the submitted plans shall be submitted to, and approved in writing by, the Local Planning Authority before any other work on the site commences and shall be constructed in accordance with those details.

152. Demolition of barn to the rear of Thatchers, White Street, North Curry (24/2002/014LB).

Reported this application.

RESOLVED that subject to the views of the First Secretary of State, the Chief Planning officer be authorised to determine the application in consultation with the Chairman and, if listed building consent were granted, no conditions be imposed.

153. Erection of replacement dwelling at Gulval, Elm Close, Taunton (38/2002/028)

Reported this application.

RESOLVED that subject to no adverse views from the County Highway Authority, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C101 - materials;

- (c) The garage hereby permitted shall be used for the parking of a car in association with the residential use of the dwelling and for no other purpose that would preclude that;
 - (d) The vehicular access shown on the submitted plan shall be kept free from obstruction at all times;
 - (e) The 2m high brick boundary wall indicated on the submitted plan shall be completely erected prior to the occupation of the dwelling hereby permitted;
 - (f) The first floor bathroom and toilet windows shall be obscure glazed and maintained as such thereafter;
 - (g) P001A - no extensions;
 - (h) P010 - no further windows.
- (Notes to applicant:- (1) N111 - disabled access; (2) N112 - energy conservation; (3) N114 - design - meter boxes; (4) N116 - disabled access; (5) N117 - crime prevention; (6) Applicant was advised that good quality materials in keeping with the vernacular of the area will be required due to the proximity of the site to the Staplegrove Road Conservation Area; (7) Applicant was requested to contact the Council's Environmental Health Officer with regard to the removal and disposal of asbestos).

154. Siting of temporary workshop adjacent to existing temporary showroom at Chip Lane Retail Park, Taunton (temporary 10 years) (38/2002/055).

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the County Highway Authority or Railtrack by 23 July 2002, the Chief Planning Authority be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C015 - temporary permission;
- (b) C102 - materials;
- (c) The area allocated for parking on the submitted plan received on 26 June 2002 shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (d) The use hereby permitted shall be strictly limited to the use of the site as a workshop and for no other purpose including any purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order;
- (e) The premises hereby approved shall at all times be used in connection with, and ancillary to, the existing use of the adjacent temporary building as a vehicle showroom.

155. Conversion of part of building into six flats (amendment to permission No 43/2000/075), Rockwell Green Garage, Exeter Road, Rockwell Green, Wellington (43/2002/073).

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 15 July 2002, the Chief Planning Officer be authorised to determine the application in

consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C205 - hard landscaping;
- (e) C215 - walls and fences;
- (f) Prior to the occupation of the development hereby permitted, there shall be no obstruction to visibility greater than 600mm above the carriageway, taken from a point 2m back from the edge of the carriageway and parallel over the entire frontage and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (g) C324 - parking;
- (h) Prior to the occupation of the development hereby permitted, the area indicated on the approved plans for the turning of vehicles shall be provided to the satisfaction of the Local Planning Authority;
- (i) The windows on the north elevation shall be glazed with obscure glass and such glazing shall thereafter be maintained;
- (j) C416 - details of size, position and materials of meter boxes;
- (k) C926 and C926A - remediation investigation/certificate;
- (l) The use of the existing garage shall cease prior to the occupation of any dwellings hereby permitted;
- (m) P011 - no windows on the north elevation;
- (n) P006 - no fencing.

(Notes to applicant:- (1) Applicants attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (2) N112 - energy conservation; (3) N115 - water conservation; (4) N048A - remediation strategy; (5) Applicant was advised that it will be necessary to agree points of connection onto Wessex Water systems for the satisfactory disposal of foul and surface water flows generated by the proposal and for water supply; (6) Applicant was advised to ensure that the building works do not affect the public right of way adjacent to the site; (7) Applicant should agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. You are further advised that this should be agreed as early as possible and certainly before any Building Regulations application is made).

156. Erection of extension to five screen cinema to provide an additional three screens (eight screens in total) with associated highway works and parking at Odeon Cinema, Heron Gate, Taunton (48/2001/028).

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement covering the following matters:-

- (i) The costs of construction of a bus lane off the A358 into the site and the provision of a bus stop adjacent to the entrance; and
- (ii) The provision of a financial sum to subsidise an additional bus service to the site for a period of three years, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C104 - materials to match existing;
- (c) C201 - landscaping;
- (d) C205 - hard landscaping;
- (e) C204 - parking;
- (f) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992, no signs or advertisements shall be displayed on the premises without the prior consent of the Local Planning Authority;
- (g) P003 - no ancillary buildings;
- (h) P006 - no fencing;
- (i) The proposed storage area for refuse bins shall be screened in accordance with details to be submitted for prior approval in writing by the Local Planning Authority;
- (j) Details of any external lighting arrangements within the curtilage of the site shall be submitted for approval in writing to the Local Planning Authority prior to such lighting being erected or brought into operation;
- (k) Any proposed storage of any chemicals or oils on any part of the site shall be subject to the submission of detailed plans of storage facilities for approval in writing by the Local Planning Authority prior to any such development being commenced. Any above ground oil/chemical storage tanks must be fully bunded, with a bund capacity of 110% of the largest tank or interconnected tanks within the bund. All working connections to the tank must be within the bunded area;
- (l) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (m) The finished floor level of the new extension shall be set no lower than that of the existing building.

(Notes to applicant:- (1) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Bye-Laws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the River Tone (Hankridge Wetland), designated a "main river"; (2) Applicant was advised that there is a considerable problem with litter from the existing cinema and other facilities in the area which may be wind blown into the river corridor, detracting from the visual amenity of the riverside environment. This could largely be resolved by the provision of additional litter bins in the car park as part of the proposed works; (3) Applicant was advised that appropriate precautions must be taken to protect the River Tone from suspended solids and toxic materials, including cement, during construction. The Environment Agency's Area Environment Protection Section would be pleased to advise further regarding this matter; (4) Applicant was advised that if offsite waste disposal is utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (5) Applicant was advised that Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed; (6) The developer is required to protect the integrity of Wessex Water systems and agree, prior to the commencement of works on site, any

arrangements for the protection of infrastructure crossing the site. Applicant was further advised to agree this as early as possible, and before the submission of any Building Regulations application; (7) Applicant was advised that the new building will require additional landscape mitigation. You are advised that large (18-20cm girth) tree planting should be provided to the west of the cinema. This will require more space at the end of the bays for landscaping and it is suggested that two extra bays should be added to the landscaping with trip rails and shrub planting).

157. Children's Play Area, Warren Street, Rockwell Green (43/1999/024).

Reported that planning permission had been granted in May 1997 for the residential development of 250 dwellings at the former Foxmoor Nursery Site at Rockwell Green.

The approved layout included the provision of a playing field and two children's play areas, one of which had already been provided.

Work to lay out and equip the second play area off Warren Street had commenced earlier in the year. However, this had resulted in eight letters of objection being received from local residents who claimed that they had not been informed that a play area was to be provided near their properties.

The Wellington Town Council had held two site meetings and had consulted all the residents of the estate. Although some of the residents wanted the reserved land turned into a Jubilee Garden, the Town Council had unanimously voted for the provision of a kindergarten play area as originally planned.

In order to meet Taunton Deane's standards on provision of children's play areas, the Chief Planning Officer considered that both play areas were required.

RESOLVED that the report be noted and that the developers, Belway Homes, be advised that the play area off Warren Street be completed.

(Councillors Mrs Angus, Vail, Mrs Parrish and Debenham left the meeting at 6.52pm, 7.05pm, 7.47pm and 8.10pm respectively).

(The meeting ended at 9.01pm).

MR D A ALCOCK

CONVERSION OF CHAPEL TO PUBLIC HOUSE, FUNCTION ROOM, SHOP AND 2 NO. FLATS, ST LUKES CHAPEL, COTFORD ST LUKE AS AMENDED BY PLAN RECEIVED ON 2ND JULY, 2002 AND FAXED DRAWING DATED 17TH JULY, 2002

16770/27350

FULL PERMISSION

PROPOSAL

The proposal provides for the conversion of the former hospital chapel at Cotford St Luke to form a public house with restaurant, function room, shop and two flats. The proposed flats will be at first floor level at the western end of the building above the shop and function room, with the public house and restaurant being at the eastern end. Most of the latter will on one level open to the roof, with part of the restaurant area being in the form of a balcony area. A parking plan has been submitted indicating spaces for a total of 14 cars. The access to the car park will be from Graham Way, as will the separate access for delivery vehicles to serve the cellar for the public house. Previous planning permissions have been granted for conversion of the building into a community centre in February 2001 and for conversion to 2 residential units in September 2001. The proposed community centre for the village is now to be accommodated as part of the new primary school at Cotford.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER the development is located within a foul sewer area, although records indicate that details have not yet been added to the public sewer map. There are no existing public surface water sewers in the vicinity of the site. Surface water should not be discharged to the foul sewer. There are water mains within the vicinity of the proposal and agreement should be reached with regard to connection onto the infrastructure. AVON & SOMERSET CONSTABULARY no objection.

ENVIRONMENTAL HEALTH OFFICER makes the following observations due to the possibility of loss of amenity due to noise and odour:- (a) noise emissions arising from any part of the land or premises shall not exceed background levels by more than 3 decibels when measured at any point 1 metre from any residential or other noise sensitive boundary; noise emissions having tonal characteristics, e.g. hum, drone, whine, etc shall not exceed background levels at any time when measured as above; and (b) odours arising from cooking not to be detectable at the facade of any residential or other odour sensitive premises; this potential problem could be overcome by the fitting of a suitably filtered air extraction system; noise from any air extraction system should not exceed background noise levels by more than 3dB(A) at any time when measured at the facade of residential or other noise sensitive premises. Food Control Officer indicates the need for extract ventilation and the lack of secure external waste storage facilities. CONSERVATION OFFICER views awaited.

COTFORD ST LUKE COMMUNITY ASSOCIATION welcome application, believe it has the potential to provide Cotford with several much needed social facilities; survey carried out in 2001 (with 21 % response rate) showed 93% of residents thought group of local shops important, 88% thought a pub important with only 1% thinking it undesirable; always advocated that the chapel should be put to public use - the present application makes this possible intelligently exploiting the building and making a feature of its best asset, the roofing beams; one of the Associations objectives is to get campaign going for the shops and pub; will make the chapel a quality multi-functional village resource with a family friendly ethos; will allow religious services to resume and encourage socially useful activities involving young people; the school/community centre will only provide one meeting/function room - the current proposal goes a long way to bridging the gap, especially for young people, mothers and toddlers; only concerns are the aspects left undefined - boundary treatment, landscaping, parking, entrance/exit and improvement of external appearance of building; expect that some local residents will object due to close proximity to properties, however Development Guide identified a pub for Cotford when houses closest to chapel were purchased; the chapel had been earmarked as a community hall and as such its use both during the day and evening would have generated traffic not dissimilar to the present application; given that the building is separated from housing and is currently a decaying eyesore, it is hoped that the wider and long term interests of residents will prevail

EIGHT LETTERS OF OBJECTION the building was constructed as a place of worship and should continue to be used as a place of worship and not be desecrated in this way; facilities in Cotford are already in short supply, but to remove a church which is fundamental to any community is morally wrong; increased noise levels from music, extractor fans, pedestrians and the parking of cars and starting of car engines which would occur in the late evening when children would be going off to sleep; inadequate parking when the business would have to attract more than just village trade to survive, this will lead to parking in the street causing congestion; should be a covenant like the houses which says that businesses cannot be carried out; increase in traffic which would compromise the relatively safe residential environment for children to grow up in; will suffer from smells produced by kitchen extractor fans; delivery lorries likely to park on the road opposite a junction; confused by the statement that there could possibly be church services held on a Sunday; find the idea of stalling depleting church congregations by holding services in licensed premises rather insulting; question the viability of the business; not consulted or informed by the village committee; assured that when purchased property that chapel would be converted into 2 dwellings; increased possibility of thefts; will result in gangs of older children hanging around; a more suitable location should be found with more distance between it and people's homes; no trees should be removed; deeds of residential properties state that no cars should be parked on Graham Way; effect on other proposed shop in the pipeline; query whether in the right place; should be adequately soundproofed; should be restrictions on outside activities; question landscaping; unsuitable position for a shop; question the type of shop; original plans inadequate; Council not doing job local tax payers pay for; underhand dealings in Cotford and developers seem to do as they please; will increase litter.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy WD/EC/18 of the West Deane Local Plan states that the alteration or conversion of a listed building will normally only be permitted where certain criteria are met. These state that (a) the internal and external fabric considered important to the historical integrity, structure, character, appearance and setting of the building are not materially affected; wherever possible fixed interior features of interest should be respected and left in situ; (b) the provision of parking spaces does not adversely affect the setting and appearance of the building; (c) the sub-division of any surrounding garden or open space does not adversely affect the setting and historic character of the building; (d) where the building's internal space is judged to be important to its character, this space is preserved; and (e) the materials used in the conversion do not adversely affect its character or appearance. Policy S1 of the emerging Taunton Deane Local Plan covers general requirements, including one stating that the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy EC7a of the same plan states that beyond Taunton and Wellington town centres the vitality and viability of local service provision will be maintained and enhanced and the level and diversity of such facilities improved. One of the ways this is to be achieved is by permitting the provision of local service facilities within or adjacent to the defined limits of a rural centre or village. Policy EN17 of the same plan states that development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses will not be permitted. Policy EN18 goes on to say that the change of use, alteration, conversion or extension of a listed building will not be permitted unless (a) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible; (b) the building's internal space would be retained where this is important to its character or historic integrity; (c) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity; (d) the design, materials and building methods used are sympathetic to the age, character and appearance of the building; and (e) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

ASSESSMENT

The conditions on the outline planning permission for the development at Cotford required the provision of a village centre and the Master Plan indicated a public house site as part of the village centre. The chapel is located adjacent to the area set aside for the village centre and I consider the principle of a public house, restaurant and shop to be acceptable in this location. Furthermore I consider that the provision of a public house use in the former chapel building is something to be encouraged, as it will secure the future of the building, be potentially less invasive on the character and appearance of the building than residential use and allow the interior of the only listed building at Cotford to be enjoyed by local residents. Whilst it is inevitable that the character of the building will be affected to some extent, I consider that in order to bring the building

back into beneficial use and to provide much needed facilities for the village, the proposal is acceptable. It is unrealistic to expect the chapel to be used solely as a church again. The Environmental Health Officer suggest noise and smell limit conditions which are incorporated in my recommendation. Some parking provision is make, but it is hoped that residents of Cotford will be encouraged to walk to this central location. The chapel is relatively close to the area set aside for the village where an application has recently been submitted for a shop and surgery. Conditions are recommended with regard to retaining trees and new landscaping.

RECOMMENDATION

Subject to no further representations raising new issues on the amended plans by 7th August, 2002 and the views of the County Highway Authority, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of materials, rainwater goods, landscaping (hard and soft), retention/protection of trees, no felling/lopping, no service trenches beneath canopy spread of trees, boundary treatment, parking, meter boxes, underground services, removal of GPDO rights for walls/fences, noise emissions arising from any part of the land or premises not to exceed background levels by more than 3 decibels when measured at any point 1 metre from any residential or other noise sensitive boundary, noise emissions having tonal characteristics, e.g. hum, drone, whine, etc not to exceed background levels at any time when measured as above and odours arising from cooking not to be detectable at the facade of any residential or other odour sensitive premises, noise from any air extraction system not to exceed background noise levels by more than 3dB(A) at any time when measured at the facade of residential or other noise sensitive premises, visibility splays and no discharge of surface water onto highway. Notes re fitting of a suitably filtered air extraction system, disabled access, meter boxes, water conservation, listed building consent, bats/owls, dropped kerbs and contact Wessex Water.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

06/2002/036LB

AGENDA ITEM NO. 5

D ALCOCK

CONVERSION OF CHAPEL TO PUBLIC HOUSE, FUNCTION ROOM, SHOP AND 2 NO. FLATS, ST LUKES CHAPEL, COTFORD ST LUKE.

16770/27350

LISTED BUILDING CONSENT-WORKS

PROPOSAL

See previous item.

CONSULTATIONS AND REPRESENTATIONS

See previous item.

POLICY CONTEXT

See previous item.

ASSESSMENT

See previous item.

RECOMMENDATION

Consent be GRANTED subject to conditions of materials, schedule of works, detailed schedule of repairs to the existing fabric (external and internal), maximum retention/relocation of existing fixtures, fittings and finishes within the conversion, all new internal doors, linings, architraves and skirtings to match existing; new partitions to be scribed around existing cornices, skirtings and other features; specific details of the materials and finishes to be used for new internal spaces, details of all new services or works such as damp proofing, heating, lighting, plumbing and ventilation, no works to commence until the relevant conditions attached to this consent have been discharged and a contract let for the approved conversion, all repairs to be progressed on the basis of minimal intervention, and specific details of new windows, staircases, screens to first floors, balustrades, introduction of first floor and insulation of roof. Note re planning permission.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

08/2001/029

AGENDA ITEM NO. 6

MR AND MRS DILL

ERECTION OF TWO STOREY EXTENSION, PORCH AND EXTERNAL ALTERATIONS AT THE BOTHEY, HESTERCOMBE, CHEDDON FITZPAINE AS AMENDED BY AGENTS LETTER AND PLANS RECEIVED 1ST OCTOBER 2001, 17TH JUNE, 2002 AND AMPLIFIED BY AGENT'S LETTER AND ARCHAEOLOGICAL DESK TOP APPRAISAL RECEIVED 5TH FEBRUARY, 2001.

24470/28000

FULL PERMISSION

PROPOSAL

The Bothey is situated within a Grade I registered landscape (parks and garden) at Hestercombe, as well as being sited within a Conservation Area. The property is adjacent to a Grade II Listed Lutyens walled garden. The rear wall of the house forms part of the boundary between the Bothey and the walled garden, and as such the rear wall is listed.

It is proposed to erect a 2 storey extension to the side of the property. The main body of the proposed extension runs parallel to the walled garden and measures 11.7 m x 5.6 m x 7.2 m to the ridge. The proposal also comprises a 2 storey front projection, measuring 5.4 m x 4.9 m x 6.9 m to the ridge. The proposal is partially sited on an area of land currently occupied by outbuildings, which are to be demolished. The south, west and north elevations are to have lime rendered and lime washed walls to match the existing house and the east (rear) elevation will be brick to match the listed wall. The roof is to be tiled to match the existing property. It is also proposed to erect a porch and to carry out some external alterations to the building.

CONSULTATIONS AND REPRESENTATIONS

ENGLISH HERITAGE formal views on amended scheme awaited. Initial views imply that the amended scheme is acceptable. COUNTY ARCHAEOLOGIST the proposal affects a 19th century building within a Grade I Nationally Important Garden. The property is within a Conservation Area as the garden walls are listed. The scheme will introduce development into the garden not in keeping with its special historic interest. The extension will double in size the Bothey, visually damaging its appearance resulting in an adverse effect on a planned kitchen garden. It is likely to disturb buried evidence of the garden's history. The proposal by reason of its size, design and nature will be detrimental to the setting and context and buried remains of the garden contrary to development plan Policy and Government Guidance. GARDEN HISTORY SOCIETY Hestercombe is a site of national importance signified by its inclusion on the Register of Parks and Gardens of Special Historic Interest and as such merits the highest degree of protection. The walled gardens to which this application relates are integral to the historic landscape. The development involves substantial demolition of parts of the historic garden, demolition and rebuilding in an altered form of parts of the listed garden walls as well as 3 buildings in the complex and the remains of the vine house. The historic interest and character of the area will be compromised. We are concerned that

the proposal will lead to the subdivision of the 18th Century walled garden and to further piecemeal erosion of a major component of the Grade I gardens. Adaptive re-use of kitchen gardens can be their only future in some cases, but that is not the case here in one of the top hundred gardens in the country and one subject to a restoration project. This is not some abandoned, unregistered remote site where such proposals regrettably have to be accepted. Consent should be refused on the grounds of the impact on the Grade I registered gardens.

CONSERVATION OFFICER the amended scheme is now acceptable, subject to conditions.

PARISH COUNCIL most of the items which compromised the apparent shortcomings of the earlier refused application have now been addressed and hopefully a way forward will be found for approval to be granted. It must be possible to reach agreement regarding local plan policy, as development such as that proposed would enhance the appearance of the area. The repeated intervention by Hestercombe Gardens Trust relating to the adjacent landscape becomes ever more untenable. The proposed development would not be visible from the gardens to which the public have access. We are concerned that the factor of 'setting' can be interpreted in a subjective manner, and could be used in a 'catch - all' way.

FOUR LETTERS OF OBJECTION have been received on the following grounds: the application increases the size of the existing cottage and involves demolition of buildings/walls of architectural and horticultural interest. The walls are in an area that has a direct bearing on a nationally important garden; the proposal includes the intrusive breaching of the 18th Century wall in a number of places and a doubling of size of the cottage; the proposal destroys the spacial relationship of this important group of buildings and will lead to a loss of the historic interest of the site; the building has not been inhabited for a number of years, possibly 30; the walled gardens cannot be treated as separate from the historic landscape, they are an integral part of the whole site; it is difficult to understand why such a modern development could be proposed to pierce a listed and unaltered wall; it involves the demolition of a stable and workshop; English Garden design and its development is unique and at Hestercombe we have in one place 3 different stages of that design and development. The fact that one can walk from one to the other, through the centuries, with few changes from the modern world delights the thousands of visitors; there are many devoted to the ideal of continuing the restoration of the garden to their former glory. The listings are in place to help retain the gardens. Its original features should not be altered; the importance of this assemblage of gardens and buildings lies in their complete and unaltered state; the development is intrusive and out of scale; it allows for 8 new openings in an original and unbreached 18th Century Wall. The walls are separately listed and are within Grade I registered landscape and a Conservation Area. In other areas of the historic landscape buildings have been treated a Grade II*, and this should be the case in this instance; the proposed development of the walled gardens is as unacceptable as would be a comparable development in the formal gardens. It will inevitably lead to a subdivision of the 18th Century walled garden and further applications for development. A uniquely important garden assemblage will be destroyed.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review - Policy 10 (Historic landscapes) - the proposal is considered to meet the criteria of the policy which requires proposals to take account of their impact on the character of the landscape. Taunton Deane Local Plan Revised Deposit Policy S2 (design) - the design of the proposal is considered to be acceptable. Taunton Deane Local Plan Revised Deposit Policy EN15 (Conservation Areas) - it is considered to meet the requirements of the policy as the Conservation Area will not be adversely affected. Taunton Deane Local Plan Revised Deposit Policy H11 (Household extensions) - the proposal is considered to meet the requirements of the policy. Although not subservient the proposal is considered acceptable as it is of an appropriate design and will not harm the amenity of any other dwellings.

ASSESSMENT

The amended scheme is the result of lengthy negotiations between the applicant/agent, this Authority's Conservation Officer and English Heritage. It is considered that the scheme as it now stands will not have a significantly detrimental impact on the Grade I registered landscape, the listed walled garden or the character of the Conservation Area. Although large, the form and design of the extension are considered to be appropriate and the proposal will not harm the residential amenity of any other dwellings. Therefore, the proposal is thought to be acceptable.

RECOMMENDATION

Subject to the satisfactory views of English Heritage the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of materials, repairs, details of render, landscaping, details of turning space and parking area, GDO rights removed for ancillary buildings. Note re relevant listed building consent.

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

08/2001/032LB

AGENDA ITEM NO. 7

MR & MRS DILL

DEMOLITION OF A SECTION OF WALLED GARDEN, WITH REBUILD TO A HIGHER LEVEL TO FACILITATE AN EXTENSION, REPAIRS TO GARDEN WALL, REMOVAL OF WALL CAPPING AND ASSOCIATED COMPONENTS OF THE DEMOLISHED ADJOINING OUTBUILDING AND INSERTION OF WINDOWS AND DOORS IN WALL AT THE BOTHY, HESTERCOMBE, CHEDDON FITZPAINE AS AMENDED BY AGENTS LETTER RECEIVED 1ST OCTOBER 2001, 17TH JUNE, 2002 AND AMPLIFIED BY AGENT'S LETTER AND ARCHAEOLOGICAL DESK TOP APPRAISAL RECEIVED 5TH FEBRUARY, 2001.

24470/2800

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The Bothy is situated within a Grade I registered landscape (parks and gardens) at Hestercombe, as well as being sited within a Conservation Area. The property is adjacent to a Grade II Listed Lutyens walled garden. The rear wall of the house forms part of the boundary between the Bothy and the walled garden, and as such the rear wall is listed.

The proposal comprises the demolition and rebuild to a higher level of a section of walled garden, the demolition of a stable and workshop and the insertion of 6 windows and 2 doors into a Grade II listed wall. The works are necessary to facilitate the erection of a 2 storey extension. The main body of the proposed extension runs parallel to the walled garden and measures 11.7 m x 5.6 m x 7.2 m to the ridge. The proposal also comprises a 2 storey front projection, measuring 5.4m x 4.9 m x 6.9 m to the ridge. The walls are to be predominantly lime render to match the existing house, although the rear elevation will be brick to match the listed wall. The roof will be tiled to match the existing dwelling.

CONSULTATIONS AND REPRESENTATIONS

As 08/2001/029.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit EN17 (Listed Buildings) - the proposal is considered to meet the criteria of the policy as it does not significantly harm any features of special or historic interest.

ASSESSMENT

The amended scheme is the result of lengthy negotiations between the applicant/agent, this Authority's Conservation Officer and English Heritage. It is considered that the scheme as it now stands will not have a significantly detrimental impact on the integrity

or historic fabric of the Grade II listed wall or garden itself. Therefore, it is considered that consent should be granted.

RECOMMENDATION

Subject to the satisfactory views of English Heritage the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and consent be GRANTED subject to conditions of materials, schedule of safety following demolition, no demolition before planning permission granted and contract let, repairs, window details, windows recessed, no bell casts, specific details of new windows and doors, sample panel of render to be provided. Note re relevant planning permission.

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

08/2002/013

AGENDA ITEM NO. 8

MRS L JOHNSTON

ERECTION OF FENCE TO FRONT OF 54 THE SHAULDERS, NERROLS, TAUNTON AS AMENDED BY APPLICANTS LETTER AND PLANS RECEIVED 28TH JUNE, 2002.

24050/26450

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a wooden fence within the front garden of the property, which will have a maximum height of 1.37 m. The fence will be perpendicular to the highway and comprises 0.91 m of solid fencing with 0.46 m of trellis on top. The style of fencing will match that which currently runs between 53 - 54 The Shoulders. There are other forms of enclosure in the vicinity.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL agree with Taunton Deane Borough Council.

TWO LETTERS OF OBJECTION have been received on the following grounds:- the style of boundary to the front of properties in The Shoulders is either a dwarf brick wall with railings or solely railings and the proposed fencing is not in keeping with the style or height of these other forms of enclosure.

POLICY CONTEXT

Policy S1 (General Requirements) of the Taunton Deane Local Plan Revised Deposit - the proposed is considered to comply with this policy which stipulates that development should not harm the appearance or character of any affected landscape or street scene.

ASSESSMENT

The style of fencing proposed will match that which runs between 53 - 54 The Shoulders. The impact of the fencing will be limited as it runs perpendicular to the highway and views of it from the west are partially obscured by the neighbouring property. The fence is not considered to be significantly detrimental to the street scene or visual amenities of the area and is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials.

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

MR J WHITE & MRS A UNDERHILL

ERECTION OF TWO DWELLINGS WITH DOUBLE GARAGES AT LAND SOUTH OF THE CROWN INN, CROWN LANE, CREECH HEATHFIELD AS AMENDED BY LETTER AND PLANS RECEIVED 18TH JULY, 2002

27980/27150

FULL PERMISSION

PROPOSAL

This was a reserved matters application following the granting of outline planning permission for two dwellings on land south of the Crown Inn car park in Crown Lane. Outline permission was granted in July 2001 subject to a number of conditions including that the buildings shall be constructed as one and a half storey with the main eaves in line approximately with the first floor window heads. An application for the conversion of the vacant Crown Inn (listed building) to residential, and an application for the erection of 4 dwellings on the Crown Inn car park and the site the subject of this application were refused on 17th December 2001. The current proposal has been amended to a full application for 2 No. 4 bed detached dwellings each with a double garage. There is a public right of way adjacent to the site which is currently separated from the site by means of an overgrown hedge. Access would be from Crown Lane not Charlton Road.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY RIGHTS OF WAY OFFICER the application site abuts public footpath T10/14, we would not wish the surface of the footpath to be altered and any change to it would require written consent from the Highway Authority. COUNTY ARCHAEOLOGIST no objection. WESSEX WATER it is noted that the application is for reserved matters.

LANDSCAPE OFFICER attractive rural hedge would be grubbed up, it contributes to the rural character of the area. Would access from Charlton Road be possible? CONSERVATION OFFICER no comment. RIGHTS OF WAY OFFICER footpath not marked on plans, they must include a pavement to separate walkers from traffic. DRAINAGE OFFICER notes that surface water is to soakaways - these should be to BRD 365 Standard. No mention of drainage to ditch. ENVIRONMENTAL HEALTH OFFICER no objection.

PARISH COUNCIL objects to mass and bulk of the development, surrounding bungalows will be overlooked, the access road is an old Roman road and should be preserved, the road is a public footpath, the adjacent bungalows have a right of access.

6 LETTERS OF OBJECTION assumes building to be constructed on car park; concerns about drainage issues; permission should relate to the outline permission granted, specifically height, obscure glazing, and method of surface water disposal; object to tarmacing of access; removal of hedges; object to stopping up of access road; maintenance of Crown Lane is paid for by residents, this should be made clear to new

residents; disgraceful state of the Crown Inn; who owns the right of way? - has it gone to the applicants without public knowledge; increase in costs of maintenance from the new residents; buildings should be single storey only; overlooking of bungalows; hedge and ditch should be retained; right of way should not be blocked by builders or new occupiers; heavy vehicles using private road could cause damage; pub car park should not be used.

POLICY CONTEXT

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR3 and STR5 relate to sustainable development in rural centres and villages. Taunton Deane Local Plan Policy S7 identifies Creech St Michael with Creech Heathfield as a village and settlement limits have been defined. The application site is within the settlement limits and outline planning permission was granted on this basis. Policy S1 and S2 of Taunton Deane Local Plan relate to General Requirements and Design. The proposed development is considered to be in accord with these policies.

ASSESSMENT

The buildings have two floors with the upper floor partially within the roof. Three bedroom windows to plot A, the southern most building, face east, with one facing north. There is one bedroom window facing west towards properties in Heathfield Close in unit B. There is not considered to be any loss of privacy from unit A, but unit B would overlook the gardens of properties in Heathfield Close. Drainage has now been shown to soakaway into the nearby sewer and not into the private drainage channel which runs along the east of the site. County Highway Authority requested at outline stage that the accessway be hard surfaced. This was then conditioned on the outline permission. The scale of the buildings is similar to that shown on the illustrative plans accompanying the outline submission which indicated 6.6 m to ridge level and size being approximately 9 m x 9 m with a 3 x 3 m corner removed or 6 m x 12 m. The current application shows 9.8 m x 9 m and 6.6 m x 11.7 m, ridge heights are shown as 7.2 m and 7 m. Amended plans were requested which comply with the outline permission however the agent has refused to amend the dimensions. The agent has stated that he will not amend the pitch of the roof or lower the relative position of the windows as these comply with the TDBC Design Guide. He has amended bed 4 window to plot B to a narrower style, he will not amend the design to avoid potential overlooking as there is in excess of 24 m between the front of the proposed dwelling and the existing dwellings (8.4 m to the boundary but 2.4 m to the rear elevation of the nearby dwelling in Heathfield Close. PPG3 encourages greater densities and as a result buildings may be closer and not have the distances previously required. The floor areas being greater than on the outline permission so the application has been amended to full permission. There is no objection from the County Archaeologist and he has no records of a Roman Road. Most of the issues raised by residents were dealt with during the outline application stage. It is considered that the proposals are acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of drainage, materials, landscaping as submitted, wall to north, visibility splays, parking, garage, no further windows, obscure glass to bathrooms, PD removal. Notes re Wessex Water, public right of way, private

drainage channel, energy conservation, meter boxes, boundaries, contact SCC re right of way.

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

CONTACT OFFICER: 356467 MS K MARLOW (MON/TUES ONLY)

NOTES:

19/2002/011

AGENDA ITEM NO. 10

MR M BAKER

**ERECTION OF DWELLING ON LAND ADJACENT TO 8 CRIMTHORNE COTTAGES,
HATCH BEAUCHAMP AS AMENDED BY DRAWINGS RECEIVED 18TH JULY, 2002**

30390/20640

OUTLINE APPLICATION

PROPOSAL

This is an outline application for the erection of a detached dwelling on land adjacent to No 8 Crimthorne Cottages. The plans indicate using the existing access to the site, a drive way and a fir tree to be removed. The site is 11.8 m wide by approximately 42 m long. The site is currently the garden of No 8, with the front being used for building materials whilst the owners are renovating their property. No 8 was formally a Council property. Amended plans indicate a 1 m wide gap to the eastern side of the proposed building, and removal of 5 No. Leylandii trees to the western boundary.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection, site is just within the 30 mph speed limit area, suggest conditions, surfacing, inward gate, visibility, no surface water drainage to highway, 2 parking spaces, turning area, and advise to applicant. WESSEX WATER no objections subject to notes to applicant regarding connections. COUNTY ARCHAEOLOGIST no objections.

HOUSING OFFICER the house was sold under right to buy; there is a covenant in conveyance saying no buildings or structures without Housing Officer's permission. DRAINAGE OFFICER soakaways to be constructed in accordance with BRD 365. LANDSCAPE OFFICER an important route into the village and should be well landscaped, suggests as minimum an eastern boundary native hedgerow and tree planting in north east and south east corners of the plot.

PARISH COUNCIL objects on the grounds that the proposed development will adversely change the character of this row of cottages and on the submitted indicative plan there is no access to the rear of the plot.

ONE LETTER OF COMMENT most of the letter concerns an application for retention of vehicle access in front of No 8, but concern is expressed about further vehicles using another driveway into this busy road although there is no objection to the construction of an additional house.

POLICY CONTEXT

Polices STR1, STR3 and STR5 of the Structure Plan relate to sustainable development in rural centres and villages. Taunton Deane Local Plan Policy S7 identifies Hatch Beauchamp as a village with associated village settlement limits. The site is within the settlement limits. Policy H1 of the Taunton Deane Local Plan guides housing

developments, and S1 the general requirements for new development. The proposal is considered to be in accord with these policies.

ASSESSMENT

The site is of ample width and has existing vehicular access to enable the siting of a dwelling. The site is at the edge of the village thus the opportunity should be taken to replace trees/vegetation proposed to be removed by native planting which also gives the space to provide useful rear access. Amended plans showing this have been received and overcome the Landscape Officer's concern and one of the Parish Council's concerns. The character of the immediate area is of buildings constructed at the same period of similar styles, but generally there is a mix of building styles and periods within the village and it is not considered inappropriate to allow the construction of an additional dwelling. The granting of planning permission does not override the Housing Officer's covenant, which must be subject of separate negotiations.

RECOMMENDATION

That subject to receipt of no additional representations raising new issues by 6th August, 2002 the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions reserved matters, levels, drainage, materials, landscaping, highway details, no windows on western elevation, PD removal. Notes re windows, sewers, soakways, Wessex Water notes, Housing Officer's comment, native planting, access.

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

CONTACT OFFICER: 356467 MS K MARLOW

NOTES:

TAUNTON DEANE BOROUGH COUNCIL

ERECTION OF A SCOOTER STORE TO THE FRONT OF 29 OAKE CLOSE, OAKE.

15340/25430

FULL PERMISSION

PROPOSAL

The proposal is a Taunton Deane Borough Council application for the erection of a wooden scooter store with gently sloping felt roof measuring 1.55 m x 2.2 m x 1.95 m high (falling to 1.75 m) to the front of this bungalow in a cul-de-sac of similar properties on the edge of the village. Ancillary works to the shed include the construction of a concrete base, a concrete access path and installation of an electricity supply. The shed will be covered with a natural colour preservative.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL support the application on the basis that the store is removed once it is no longer required for its present use.

POLICY CONTEXT

The West Deane Local Plan (adopted May 1997) is the adopted local plan but there are no specific policies for ancillary buildings. The following general Taunton Deane Local Plan Revised Deposit (November 2000) policies are taken on board as there are no specific policies for ancillary buildings: - S1 (General requirements), S2 (Design). In light of these policies, I consider that the proposal will affect the appearance of the street scene but I suggest the imposition of a condition requiring the removal of the store when it is no longer required for the storage of an electric scooter and a personal permission. The proposal does not harm the residential amenity of neighbouring dwellings or significantly harm the amenities of the existing property.

ASSESSMENT

The shed will be visible from the access road serving the other bungalows in the Close as it is at the front of the bungalow. As the Close is off the main village street, it is slightly less visible to passers by. I consider that a condition requiring its removal within 3 months of the cessation of the use of the shed for the parking of an electric scooter and a personal permission would be appropriate in this instance.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials as plan, personal permission, the building and works shall be removed within 3 months of the shed no longer being required for the parking of an electric scooter.

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

CONTACT OFFICER: 356462 MRS J HIGGINBOTTOM

NOTES:

29/2002/008

AGENDA ITEM NO. 12

MRS I E CAMPBELL

CHANGE OF USE OF BARN TO ANCILLARY ACCOMMODATION, ADDITION OF ROOFLIGHT AND ALTERATIONS TO BARN OPPOSITE LITTLEFIELDS, BISHOPSWOOD.

25420/12680

FULL PERMISSION

PROPOSAL

The proposal is for the change of use of the traditional stone barn situated to the north of Littlefields, across the lane from the dwellinghouse. The application proposes to renovate and repair the existing barn and change its use to ancillary accommodation, forming an artists studio for the family. The alterations include the corrugated sheeting on the south elevation being replaced by timber boarding and flintwork, a new rooflight and enlargement of window to original size in the east elevation, and a new door and frame in the west elevation.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations. WESSEX WATER the proposal is not located within Wessex Water's drainage area; with regards to the water supply there is a water main in the vicinity, and it will be necessary for the developer to agree a point of connection onto the system, which can be done at the detail design stage. SOUTH WEST WATER views awaited.

PARISH COUNCIL views awaited.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy S1 includes general requirements for new developments. The proposal is considered to meet sub-section (D) of this policy in terms of its appearance, and the impact it would have on the surrounding buildings and street scene. Policy H9 of the same plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. It is considered that the proposal meets the relevant criteria of this policy. Policy H20 of the plan contains criteria that conversions of buildings for ancillary accommodation should meet, and also states that where ancillary accommodation is permitted, planning control over the subsequent use or sale as a separate dwelling will be imposed. The proposal meets the criteria of this policy, and a condition is recommended to impose control over the subsequent use and sale of the property.

ASSESSMENT

The site is situated to the south of the main village of Bishopswood, outside the settlement limits and within the Blackdown Hills Area of Outstanding Natural Beauty. A previous planning application for the conversion of the barn to a separate dwelling was refused planning permission in 1989. The barn was formerly used to house animals and as a store, and is traditional in its design and materials. It is considered that the conversion to ancillary accommodation for the main house is acceptable in terms of the impact on the area, meets the criteria of the relevant planning policies in the Taunton Deane Local Plan Revised Deposit, and will maintain a traditional barn within the countryside with an appropriate use.

RECOMMENDATION

Subject to the satisfactory views of South West Water the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and if permission be GRANTED be subject to the conditions of materials, annex to be used as single family unit, no additional windows, no extensions. Notes re surface water, contact Environment Agency, contact Wessex Water.

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

CONTACT OFFICER: 356465 MR C D WHITE

NOTES:

MRS D J SADDLER

ERECTION OF BUNGALOW AND GARAGE ON LAND TO THE REAR OF HIGHCROFT, HENLADE.

27130/24090

OUTLINE APPLICATION

PROPOSAL

The proposal is for the erection of a dwelling on the rear garden area of Highcroft . The plot measures 24 m x 23 m and would be accessed from the existing access and drive to the west of Highcroft. The site lies within the settlement boundary where infill development is considered acceptable in principal. A dwelling was recently permitted to the rear of the Falcon Hotel on a plot that is just to the west of this site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. COUNTY ARCHAEOLOGIST views awaited. WESSEX WATER there are nearby mains supply and foul water drains. The applicant will need to agree a point of connection. Surface water is to soakaway and the Local Planning Authority should be satisfied with the arrangements.

PARISH COUNCIL object to the proposal:- increased use of the access; the plans give no idea of the siting of the dwelling, backland site increasing the density of the area too much.

1 LETTER OF OBJECTION was received concerning access; the dwelling would overlook the existing and adjacent dwellings; such infill is inappropriate resulting in too high a density for the area.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan polices STR1, requiring proposals to be a sustainable development; Policies 11-13 seek to protect/investigate and record the archaeological potential of sites. Policy 39 requires development proposals to be compatible with the road network or, if not, to provide an acceptable improvement. Taunton Deane Local Plan Revised Deposit - the following policies apply:-S1, governing the general requirements of all development; S2 requires a good design appropriate for the area; S7 identifies Ruishton as a village where limited development can be appropriate; H1 governs development within settlement boundaries, criteria (G) requires development to respect the character of the area and criteria (I) requires existing dwellings to retain existing levels of privacy and sunlight.; M3a requires adequate parking for residential; EN24 controls development of sites with high archaeological potential requiring an evaluation of the site and, where development is then considered acceptable a watching brief for the development.

ASSESSMENT

The proposed site is in a backland situation within the settlement boundary of Ruishton where limited infill is considered acceptable. The site has residential properties to its west, south and east. The property to the west runs along the boundary of the access and site. I consider that development of this site will have a detrimental impact on the amenities of the adjoining occupiers due to the increased activity within the site and the proposal is therefore considered unacceptable.

RECOMMENDATION

Permission be REFUSED for the following reasons:- site in a backland position out of keeping with the character of the area and contrary to Taunton Deane Local Plan Policy H1(G), detrimental impact on the occupiers of the adjoining dwellings contrary to Taunton Deane Local Plan Policy H1(I).

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

MR E VENN

ERECTION OF A HAY BARN TO THE WEST OF THE EXISTING SILAGE CLAMP AT FARM AT LABURNHAM COTTAGE, WOODHILL, STOKE ST GREGORY.

35360/27190

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a hay barn and lean-to adjacent to an existing farm building at Laburnham farm. The hay barn would measure 5.9 m (to apex) 6.6 m wide x 23 m long with the attached lean-to measuring 3.9 m high x 4.5 m wide x 23 m long. The building would be constructed of galvanised iron sheets. To the East of the site there are four residential properties. The distance to the boundary of Windyridge is 19 m (to the house 35 m) and Orchard view is 22 m (and to the house 44 m). Between the proposed building and the residential curtilage lies a silage clamp and hedge.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL raise no objection but note the neighbours are objecting to the visual impact of the barn.

TWO LETTERS OF OBJECTION have been received:- the barn will block out the skyline from neighbours kitchen window, as a disabled person I like to see the sunset in the direction of the proposed barn and this won't be possible in the future; it should not be used for animals as will cause me problems with flies, noise and smells from the building; the hay barn is close to neighbours boundary and would pose a fire risk, the barn should be sited further away.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit the following policies apply:- S1 governing the general requirements of all development criteria; (D) requires that the appearance and character of the landscape would not be harmed as a result of the development; (F) requires health safety and amenity to be protected from pollution or nuisance from the development; S2 requires a good design appropriate for the area; S8 restricts development outside of settlement boundaries to that required for agricultural purposes.

ASSESSMENT

The proposed hay barn lies within the confines of the existing farmyard amidst existing agricultural buildings and silage clamp where the impact on the existing character of the area and visual amenity is limited. The residential properties are not in close proximity of the site and the intervening hedge would be retained to afford some screening of the barn when viewed from those locations. The proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials colour to be agreed, retention of hedge, protection of hedge, the barn shall not be used for the housing of animals in the future.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

SOMERSET COLLEGE OF ARTS & TECHNOLOGY

REDEVELOPMENT OF BLOCKS A, C, D AND F, REMOVAL OF BLOCK B AND ERECTION OF NEW BLOCK (Y) AND REVISED PARKING ARRANGEMENT AND STRUCTURAL LANDSCAPING SCHEME INCORPORATING PEDESTRIAN ROUTES AT SOMERSET COLLEGE OF ARTS AND TECHNOLOGY, WELLINGTON ROAD, TAUNTON.

21500/24730

OUTLINE APPLICATION

PROPOSAL

A previous proposal to redevelop the Wellington Road site for SCAT was submitted in 1999. This was predominantly a new build scheme with only the sports hall and G block retained. Members resolved to grant permission subject to a S.106 agreement which was not concluded and the application was subsequently withdrawn. Full permission has subsequently been granted, and work commenced on a new technology block on the western side of the site adjacent to the cemetery. This outline application provides a mix of new build and conversion with only blocks C, D and F being totally replaced. The large four storey (block A) building is to be reclad. A new performance arts building (block 7) is also to be provided. Progress of this application has been delayed by protracted negotiations in respect of a potential S.106 agreement relating to transport improvements.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY are placing a greater priority in the signalised entry and exit due to the accident record, concerns of the Applicant with regard to highway safety, and in order to alleviate potential conflicting traffic hazards with the introduction of the imminent bus lane. Therefore negotiations have taken place with Somerset College of Art & Technology in which the Highway Authority have agreed to take a contribution of \$250,000 towards access infrastructure works, in addition that land would be made available for the construction of the cycle route identified in the Local Plan and forming part of the Sustrans Route 3 from Herons Drive through to the flood alleviation bund. Somerset College of Art & Technology also agreed to provide additional cycle parking and will ensure safe cycle routes until such times as the cycle route is constructed. It has also been a requirement that Somerset College of Art & Technology will produce a green travel plan to the satisfaction of the Highway Authority and the targets identified shall form part of the Section 106 agreement. Therefore should planning permission be granted, the following revised conditions should be imposed. No works shall commence on the site until a Section 106 agreement has been signed for the following works:- (1) A contribution of \$250,000 towards the design, funding and implementation of access works, incorporating pedestrian, pedestrian/cycle provision, signalised entry and exit, bus and coach stops, traffic regulation orders at the Wellington Road frontage and the dedication of lands as identified by the Highway Authority; (2) To make available land for the future construction for the Local Plan Cycle Route/Sustrans Route 3 on land identified by the Highway Authority and to

protect the said route from future development; (3) To provide and implement a green travel plan in accordance with Highway Authority approval, and to meet the targets set out in the said document; and (4) To provide additional cycle parking provision as identified by the Travel Plan. Should the above conditions be imposed I would wish to raise no further objection to the above development. WESSEX WATER no objection subject to notes.

LANDSCAPE OFFICER I am still concerned that there is only a promise of a comprehensive and substantial structural landscape element. To date I have only seen very sketchy proposals and therefore would not advise the felling of the significant trees as proposed.

ONE LETTER OF REPRESENTATION received raising concern that highway improvements should take into account other developments in the area.

POLICY CONTEXT

Taunton Deane Local Plan (Revised Deposit Draft). Policy S1 criterion (A) additional road traffic arising, taking into account of any road improvements involved, should not lead to an overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact; (B) the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy S2 encourages good quality design.

ASSESSMENT

The principle of redevelopment of the site has already been established through the resolution to grant permission in respect of the earlier scheme. The illustrative drawings submitted in support of this application show a striking and innovative design treatment, which due to the position of the buildings set back from Wellington Road behind established landscaping, will not appear incongruous when viewed against more traditional adjacent buildings. In order to cement these principles further it is essential that the buildings are designed to accord with a masterplan outlining a comprehensive strategy of both hard and soft landscaping. A Landscape Architect has recently been appointed to develop the masterplan in consultation with the Council's Landscape Officer. Whilst the College were initially reluctant to fund major transport improvements on the contention that their proposals would not lead to a significant increase in students, a contribution of \$250,000 has now been negotiated towards access infrastructure works, incorporating pedestrian and cycle provision, signalised entry and exit, bus and coach stops, traffic regulation orders at the Wellington Road frontage and dedication of land to the Highway Authority. The proposed Section 106 agreement also makes land available for the Sustrans cycle route, provides cycle parking and the implementation of a green travel plan. It is therefore now felt that the proposals meet the sustainability requirements of new development as set out in the policy section above.

RECOMMENDATION

Subject to completion of masterplan and Section106 agreement in respect of (a) contribution of \$250,000 towards transport improvements, (b) provision of land for cycle

route (c) implementation of green travel plan and (d) provision of additional cycle parking the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of outline, materials, landscaping, hard landscaping, levels, trees to be refined and protected, parking, services underground, materials compound. Notes re secure by design, building over sewer, asbestos removal, Section 106 agreement, landscaping, public art, CDM Regulations, health and safety and infrastructure charge.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

MR J FILER DOWLAS DEVELOPMENTS SOUTH WESTERN LTD

ERECTION OF FITNESS CENTRE WITH ASSOCIATED CAR PARKING AT WESTERN POWER DISTRIBUTION SITE, PRIORSWOOD ROAD, TAUNTON AS AMENDED BY LETTER AND PLANS DATED 15TH MAY, 2002 AND AS AMENDED BY PLANS NOS. 12320/02C, 03C, 04C, 05C, 06C RECEIVED 16TH JULY, 2002

23650/25700

FULL PERMISSION

PROPOSAL

The application is for the erection of a two storey fitness centre with associated car parking on the former SWEB Depot site at the junction of Obridge viaduct and Priorswood Road and adjoining the canal. The whole former depot site was subject to an outline application for mixed use redevelopment of site for uses including residential, restaurant (A3), hotel (C1); indoor sports facilities (D2) and non-residential institution which was approved by Committee in October 2001 subject to a legal agreement in respect of highways requirements, financial contribution to sports provision and social housing. The current scheme is for a building measuring approximately 26 m x 40 m, with eaves level 7.4 m and highest part of the curved roof being 8.6 m on an area alongside the viaduct. There is a frontage to the canal and vehicle access is from Priorswood Road using the existing point of access and a new road which will also serve the approved Travel Inn/Brewsters restaurant and the proposed housing developments. The materials proposed will be brick with grey coloured steel cladding sheets and grey coloured lightweight steel curved roof. The building would contain a 20 m long x 8 m wide swimming pool, sauna, steam room, bar/cafe, lounge with changing rooms on the ground floor; gymnasium, dance studio, treatment rooms and plant area on the upper floor. The plant room and refuse area would be sited facing Obridge Viaduct. Parking for 120 cars and a cycle stand are provided. A sewer crossing the site is shown as being redirected. Pedestrian access will be provided from the adjoining proposed residential area. A 2 m high boundary wall marks the boundary between the residential area and fitness centre and associated car park.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER suggests soakaways for disposal of surface water, 3 m easement required on both sides of sewer and apparatus; notes for applicants. BRITISH WATERWAYS no objections.

LANDSCAPE OFFICER on original plan - the redirection of the sewer will restrict planting, boundary treatment to the housing is poor, landscaping in the car parking area requires to be increased. Comments on the revised plan - the amendments provide greater scope for landscape integration of building into the canal-side location subject to details. DRAINAGE OFFICER requires plan of proposed drainage. PROMOTION/TOURISM the Economic Development Review Panel indicated a

significant shortage of employment sites in the Borough with demand unable to be met, existing employment sites need to be retained. This site needs to be retained for employment purposes; it is well connected to the existing road network with ease of access to the motorway junction; is close to residential area with a ready supply of labour; this site would provide an ideal opportunity to provide small businesses. Strongly oppose the proposal.

2 LETTERS OF OBJECTION agree that brownfield sites should be developed, concerned about extra traffic generation from the fitness centre; hotel and houses when complete; it is difficult to drive out of Draycott Avenue at present, that situation will worsen when this site is developed; accidents will occur; sequential test needed; town centre site would be at risk.

POLICY CONTEXT

T24 of the Taunton Deane Local Plan applies specifically to this site. The site is allocated for mixed uses including approximately 25% for business or leisure uses compatible with the adjoining and proposed residential areas and in the case of leisure limited to small scale facilities with a local catchment; the frontage to the canal is designed to respect the character and environment of the canal and incorporating a linear public open space with a minimum depth of 20 m. The remainder of the policy relates to the other mixed uses for the site.

ASSESSMENT

The site was subject of the outline planning application and discussion at that stage in respect of the actual uses on the whole site. The use for fitness centre is considered appropriate, and the size is the minimum the developer considers viable. The developer has been asked to provide evidence of need in terms of the sequential test, however this has not been forthcoming to date. The site has been assessed for traffic generation at the outline stage and the County Highways Authority has not raised objections. The comments of the Policy section are noted but in this case it is considered that the proposal meets the leisure section of policy T24, and is considered acceptable. A Ministerial Statement (DETR) issued in February 1999 indicates that the test of need should not be required if the proposal accords with an up-to-date plan strategy. In this case the issue is whether or not the proposal is small in scale and with a local catchment. Evidence on sequential assessment/need awaited.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials, landscaping, parking laid out, details of wall and no additional windows, details of proposed drainage, levels, odours from cooking, sewer, no drainage to canal, no development within 20 m of canal. Notes re remediation strategy, British Waterways access, contact Drainage Officer, Wessex Water contact, food hygiene and food business, S.106.

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

CONTACT OFFICER: 356467 MS K MARLOW (MON/TUES ONLY)

NOTES:

SUMMERFIELD DEVELOPMENTS (SW) LTD

ERECTION OF 14 DWELLINGS WITH ASSOCIATED ROADS AND GARAGES ON LAND OFF RICHMOND ROAD AND WOODSTOCK ROAD, TAUNTON AS AMENDED BY PLANS REF. 9946/10F, 12C, 13D, 14C, 15D, 16C; CASE DRAWINGS T/2908/O1P AND 02P RECEIVED ON 15TH JULY, 2002 AND PLAN NO. 90 RECEIVED ON 16TH JULY, 2002 AND ACCOMPANYING LETTER DATED 11TH JULY, 2002 RECEIVED 15TH JULY, 2002

21930/25200

RESERVED MATTERS

PROPOSAL

The application is a reserved matters proposal for the erection of 14 dwellings and associated works on land adjoining Richmond Road and Woodstock Road. It follows the granting of outline permission on the site in August 2001 with associated Section 106 Agreement which covered the formation of a wildlife corridor and adequate play areas and sports facilities to be provided off site (38/2000/235). The legal agreement contained the details of additional planting which included hawthorn, hazel, holly etc with field maples. This information is not repeated in the current submission, but is still pertinent. The reserved matters application is for 2 detached dwellings served from Woodstock Road and 12 from Richmond Road. These numbers were specified as part of the outline permission and were based on the traffic generation of the previous uses for Bowling and Tennis Clubs. There is a terrace of 4 x 3 storey houses of which have integrated garages and 2 x 3 storey houses fronting Richmond Road with the access road between the blocks. The access road provides access to 6 detached 2 storey dwellings with associated garages, together with access to 4 garages serving the new 3 storey dwellings and to 2 garages to existing dwellings in Richmond Road. The dwellings fronting Richmond Road would be brick, with brick detailing and artificial slate having a "Victorian" feel according to the agent. Small balconies 1 m deep x 2 m long are located on their first floors. The detached dwellings are predominantly brick, with some render elements and concrete roof tiles. The layout provides for the 4 m wide wildlife corridor as required by the Section 106, an area of private open space for use by the residents, and the safeguarding of the existing sewer which runs through the site. There is a strip of land retained by Taylors between the application site and the rear boundaries in Richmond Road which prevents rear accesses being provided other than for the properties indicated in the application. Amended plans show 2 areas for private open space within the scheme, over 400 sq m in total, fencing and indicative landscaping of the area. These plans also amend the small discrepancies between the plans. The accompanying letter explains that it is not possible to lower the slab bases significantly due to the Environment Agency requirements. The applicants have reconfirmed that the open space is private for the use of the residents of the scheme only and is not subject of any discussions with TDBC in respect of adoption.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY suggests conditions and raises comments on some of the details. COUNTY ARCHAEOLOGIST no objection. WESSEX WATER notes the application is for reserved matters, there is a combined foul and surface water sewer crossing the site - easement of 3 m required on either side for maintenance/repair.

LANDSCAPE OFFICER no details of landscaping or fencing. DRAINAGE OFFICER notes that drainage is to existing sewer system, Wessex Water should be asked to comment. ENVIRONMENTAL HEALTH suggests contamination conditions.

14 LETTERS OF CONCERN/OBJECTIONS raising the following:- the proposal and its visibility splay will displace vehicles, Richmond Road is already full of parked vehicles, residents should have access to the rear of their properties from the new access road; wildlife corridor to be 4 m along whole length with 1.8 m protective fence; the public open space should be 400 sq m and comply with S.106 area; houses should not encroach upon privacy; query about private rights of access; details of fence required; the public open space appears to be suitable for an additional dwelling - suggests a S.106 for this area and Council adoption; no details of planting in wildlife corridor - responsibilities need to be properly agreed; public open space area is too small; plot 12 appears close to boundary - what about extensions taking up this area?; keep existing chain link fence in place; residents of Richmond Road wish to have residents' parking permits extended; overlooking to Richmond Road property; why has "sleeping policemen" been removed from plans?; Committee should insist that access should be given to Richmond Road residents from new access road; concern over potential restricted access for emergency vehicles; security issues; is public open space for the residents?; discrepancy between public open space area and a fence running through the wildlife corridor; chestnut paling fence is required for protection to TPO trees and corridor prior to development commencing; what is the triangular shape on the plans beside plot 8?; access gate to public open space area should be accessible to the residents of Weirfield Green so they can access their rear boundaries; no objection to adjacent new dwelling provided foundations do not encroach; could loose disabled parking bay in Richmond Road - should use Woodstock Road instead of Richmond Road; pedestrian access between Woodstock Road and Richmond Road would be a problem in security terms.

1 LETTER FROM WEIRFIELD GREEN RESIDENTS ASSOCIATION satisfaction about good quality housing and greatly improved layout; however concerns expressed - wildlife corridor not continuous; fence to corridor should be 1.8 m high; access required for maintenance to boundaries; suitable planting required to wildlife corridor; S.106 needed for the corridor; public open space is less than 400 sq m; public open space should be S.106 area; plots 8, 12 and 14 close to boundaries especially if extensions/conservatories built; discrepancy between plot 11 on different plans; security; wildlife corridor to be protected now to prevent damage.

2 LETTERS OF COMMENT the layout is better than previous illustrative plan; fits in well with existing properties; an improvement over a vacant land site; the scheme now presented is in keeping with the immediate neighbourhood and preserves the wildlife corridor.

POLICY CONTEXT

Taunton Deane Local Plan Policy S1 and S2 General Requirements and Design policies apply, the proposals meet these criteria to be acceptable. Taunton Deane Local Plan H1, Housing Within Settlements is applicable, and the proposal meets the criteria. Outline permission was granted on the basis of the site being acceptable for housing development. The detailed design proposal accords with TDBC policies.

ASSESSMENT

The outline planning permission conditioned the number of dwellings acceptable having regard to the traffic generation from previous uses. The detailed layout is in compliance with the 2 units from Woodstock Road and 12 from Richmond Road. The style of the terraces/semi detached to Richmond Road is in line with the existing style of dwellings, albeit that 2 have integral garages. The detached dwellings are considered to be a reasonable design in the transition area between the older buildings in Richmond Road and those in Weirfield Green. The distances between buildings are considered to be acceptable given Government advice in PPG3. The residents concerns about the wildlife corridor are either covered in the legal agreement or its subsequent management. Whilst the open space is not one area, it is considered to be reasonable to have one smaller area and one larger area. These areas are for the residents of the new scheme and not public open space. The plans have been amended to overcome the discrepancies between the open space and corridor area, and now the fences and other means of enclosure have been submitted. Any additional comments on the amendments will be requested.

RECOMMENDATION

Subject to no further representations raising new issues by 2nd August, 2002 the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of removal of PD rights for Units 1-6, 8, 11, 12 and 14. Note re still outstanding conditions.

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

CONTACT OFFICER: 356467 MS K MARLOW (MON/TUES ONLY)

NOTES:

LLOYDS TSB

**CHANGE OF USE FROM A2 (FINANCIAL SERVICES) TO A3 (FOOD AND DRINK)
AT FORMER LLOYDS TSB PREMISES, 25 FORE STREET, TAUNTON.**

22690/24510

FULL PERMISSION

PROPOSAL

The proposal is for the change of use of the former TSB premises (Use Class A2) to Use Class A3 which includes restaurants, pubs, snack bars, cafes, wine bars, and shops for sale of hot food. There are no proposals included for any external or internal works to the premises.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY from a highway point of view there is no objection to this proposal. AVON & SOMERSET CONSTABULARY (Architectural Liaison Officer) no adverse comments to make at this stage regarding the development. AVON & SOMERSET CONSTABULARY (Town Centre Sergeant) police policy is that all applications within the town centre for A3 should be challenged at least to restrict the hours of opening to 11 p.m. at the least; increase in the late night premises are the cause of the increase in violence that has been experienced in the town centre; these applications must not go through without hearing police objections and we seek the committees support and help in preventing the increase in public violence in the Town Centre.

ENVIRONMENTAL HEALTH OFFICER (NOISE & POLLUTION) conditions should be imposed with regards to odours from cooking and noise from any air extraction equipment. CONSERVATION OFFICER my concerns relate to the potential changes to the building to implement the use if approved; concerns include: signs, means of escape, ventilation for public areas/kitchen etc; and use of upper floors. TOWN CENTRE MANAGER realised that on planning grounds it is not possible for the Planning Authority to reject this application as market forces have to prevail; understand that the building as it stands is a challenge to market as it has limited rear access for retail and other uses; would however register my concerns and those of Taunton Town Centre Partnership at the proposal to open another late night licensed premises in this part of town ; potential for policing all these establishments could prove problematic; evidence that sections of the public already feel excluded from the late night economy in Taunton and another late licensed premises will add to this; danger of reducing the diversity of building use on this key strategic site; building is an important element of Taunton's architecture and it would be regrettable in my view for its use to be limited to that of a licensed bar.

TAUNTON AND DISTRICT CIVIC SOCIETY is of the same opinion as the Town Centre manager and would like to register our objection to this proposal. TAUNTON DEANE LICENSED VICTUALLERS ASSOCIATION the area is already over provided with

licensed establishments; sooner rather than later some of them would be forced to close their doors as there is not an infinite number of customers in the Taunton area, and we would then have a town centre with closed and unsightly buildings; the local Police only have limited resources to deal with an already overcrowded workload on a weekend; using more Police within the town centre merely means that other areas are not being properly policed.

POLICY CONTEXT

Policy 21 of the Somerset and Exmoor National Park Joint Structure Plan Review states that Town and Rural Centres will be the primary focal points of new facilities including entertainment. It points out that consideration should be given to the impact that the development might have on the vitality and viability of the existing Centre.

Taunton Deane Local Plan Revised Deposit Policy S1- the proposal meets all the criteria of the policy. Policy EN18 of the same plan states that the change of use, alteration conversion or extension of a Listed Building will not be permitted unless it meets certain criteria. The proposed change of use is considered to meet these criteria. Policy T33 of the plan covers the diversity in Taunton Town Centre and states that "proposals which complement the existing range of shopping facilities and create diversity and interest in the town centre will be permitted. Such uses include restaurant, cafes, public houses, leisure and arts facilities".

A Ministerial Statement (DETR) issued in February 1999 regarding PPG6 states that "proposals for new retail and leisure development which accord with an up-to-date plan strategy or are proposed on sites within an existing centre, should not be required to demonstrate that they satisfy the test of need because this should have been taken into account in the development plan". Whilst not strictly a leisure use, the A3 use proposed is considered to fall within the general terms of this advice.

ASSESSMENT

The building is situated within a prominent location within the town centre on the corner of Corporation Street and Fore Street, and is a Grade 2 listed building. The former bank has been vacant for approximately 2 years and the applicant has indicated that due to the restricted window frontage and its listed building status, there has been little interest from potential occupants for retail use or financial services. This is accepted by the Planning Officer, as given the layout and frontage of the building, and its listed status, any major alterations internally or externally would be likely to be unacceptable. The change of use to an A3 use would usually involve less changes needed to the appearance of the building, and would be able to fit in with the existing building better without compromising the needs of the occupier. The proposed use of the building is considered acceptable in this town centre location, in policy terms. The main objections received are based on the perceived over supply of this type of use within the town centre, and the problems that are encountered with unsocial behaviour from some people using these establishments. Although the perceived public disorder problems need to be taken into consideration when determining the application, there is no clear indication that the granting of the A3 use for this premises will significantly increase the

problem to such an extent as to warrant refusal of the application. These perceived problems are not considered to be under the direct control of planning regulations, and would be addressed by other legislation such as licensing and policing.

It is felt that the use of the building would be acceptable as Class A3, and would not be incompatible with the town centre location, and therefore in planning terms the proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to the conditions of time limit, odours arising from cooking, noise from extractor system. Notes re food safety regulations, registration with Environmental Health, further applications needed for alterations to building.

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

CONTACT OFFICER: 356465 MR C D WHITE

NOTES:

ANTHONY BICKERSTAFF

**ERECTION OF A SINGLE STOREY EXTENSION TO ROADSIDE FRONTAGE AND
CONVERSION OF GARAGE TO LIVING ACCOMMODATION, 18 HARP CHASE,
TAUNTON.**

23900/23270

FULL PERMISSION

PROPOSAL

The proposal is for a single storey extension measuring 2.8 m x 6 m x 3.5 m (maximum height), and for the conversion of garage to living accommodation. Materials to be brick and tiled roof to match existing. A similar proposal has been refused at this site on 14th May, 2002 as the proposal included building a new detached garage to the side of the property. The proposed garage was within close proximity of a tree, protected by a tree preservation order. The garage has now been deleted and the single storey extension has been reduced in size.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY have no comments.

1 LETTER OF OBJECTION raising the following concerns:- the conversion of the garage has already been carried out , the rear wall has been partly knocked down and replaced with patio doors; the southern most corner of the garage is within 1.3m of my lounge; this garage is detached from the house and bang up to my house; the owner has teenage sons, someone or both play an electric amplified musical instrument, the noise factor would be intolerable in my opinion, as the garage was built as such i.e. single skin walls; family cars will be parked in the road when the sons get same, as a car, an mpv and a scooter are already parked on drive, as is permanently parked for the past two years without moving, a caravan; no comment to make on the ground floor extension.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H19 Household Extensions - the proposal is considered to meet the requirements of the policy. The extension is subservient in scale and design and should not harm the amenity of other dwellings.

ASSESSMENT

The single storey extension is set back from the footpath to the roadside by 2.2 m at the widest point and 1.5 m at the shortest point and has been reduced in size since previously refused. The existing garage is set to the rear and side of the property and has partly been converted. The boundary of the property is a high wall with trellis about 2 m in height. In front of the garage is a long wide hard standing where vehicles currently park. It is considered that the proposed extension will not have any impact on the amenity of the neighbouring properties and will not have any significant impact on the street scene. The garage conversion is considered acceptable due to the existing car parking to the side of the property, and it is considered that the conversion will have no significant impact on the neighbouring property.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials, no further windows in garage. Note re: building over public sewer.

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

CONTACT OFFICER: 356465 MR C D WHITE

NOTES:

38/2002/255

AGENDA ITEM NO. 20

MR & MRS P METHERAL

ERECTION OF FIRST FLOOR EXTENSION AT 9 WYNDHAM ROAD, TAUNTON.

22130/26340

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a first floor extension. The proposal measures 9.4 m x 3.6 m and will have a ridge height of 8.7 m (which is lower than that of the existing house). The walls are to be rendered and the roof tiled, both of which will match the existing dwelling. At its nearest point the proposal will be 1 m away from the boundary with the property to the north. There are to be no windows in the north elevation.

CONSULTATIONS AND REPRESENTATIONS

1 LETTER OF OBJECTION has been received on the following grounds: it is unfortunate to further obliterate the landscape which has been eroded at regular intervals and I feel saturation point has been reached without further buildings, and the application should be refused.

POLICY CONTEXT

Taunton Deane Local Plan H19 (Household extensions) - the proposal is considered to meet the requirements of the policy. The extension is subservient in scale and design, and should not harm the amenity of other dwellings.

ASSESSMENT

It is not considered that the first floor extension would have a significantly detrimental impact on the landscape appearance of the area, the street scene or neighbouring amenity. Therefore, the proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials and no further windows in the north elevation.

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

42/2002/017

AGENDA ITEM NO. 21

MR D SEALEY

RETENTION OF CONSERVATORY TO REAR OF WHITEGATES, STAPLEHAY.

21330/21740

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is for the retention of a conservatory to the rear of the property. The conservatory measures 5.45 m x 4.325 m x 4.1 m to its maximum height. Materials used are a rendered plinth and white upvc frame. The base for the conservatory has already been constructed.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL objects strongly to this proposal on grounds of: the conservatory is placed in front of the bedroom windows, thereby allowing only borrowed light and no access to fresh air as required by the current building regulations; proposal would result in an unacceptable situation, especially as there would be an alternative solution if the conservatory was repositioned.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit - Policy H19 Extensions to Dwellings - the proposal is considered to meet the requirements of the policy. The extension is subservient in scale and design and should not harm the amenity of the other neighbouring dwellings.

ASSESSMENT

The size of the conservatory is considered acceptable, and the proposal meets the requirements of Policy H19 of the local Plan, with no impact on the neighbouring properties. The objection from the Parish Council is regarding a subject that is not a material planning consideration. It is recommended that a note be added to the certificate advising the applicant to contact the Building Control Unit to discuss any building control regulations.

RECOMMENDATION

Permission be GRANTED subject to the conditions of materials. Note re advised to contact Building Control Unit.

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

CONTACT OFFICER: 356465 MR C D WHITE

NOTES:

43/2002/072

AGENDA ITEM NO. 22

MR D I HOUNSELL

ALTERATIONS TO WALL TO PROVIDE VEHICULAR ACCESS TO THE WEST OF SCHOOL COTTAGE, CROSSLANDS, TONEDALE, WELLINGTON.

12880/21600

FULL PERMISSION

PROPOSAL

This application requires the reduction in height of the existing boundary wall adjacent to the Milverton Road and the formation of a new vehicular access to this former school building that has been granted planning permission to be converted to residential properties. Alteration works are required to the fenestration details of this part of the building.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY no objection to the proposal subject to adequate visibility being achieved. This could be done by removing sections of the wall which currently form the boundary of the property. There shall be no obstruction to visibility greater than 900 mm above adjoining road level forward of lines drawn 2 m from the back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before works commence and shall thereafter be maintained at all times. The formation of the access will involve construction works within existing highway limits. These works must be agreed and the relevant licences granted.

TOWN COUNCIL the Town Council is very concerned about the road safety aspects of this application and would be guided by the views of the Highways Authority.

POLICY CONTEXT

The West Deane Local Plan, adopted in May 1997, contains the adopted policies for the site. This plan contains no specific policies that are relevant to this particular application. The emerging Taunton Deane Local Plan contains general policies such as policy S1 (General Requirements) where the appearance and character of any building or street scene should not be harmed as a result of development.

ASSESSMENT

The building is not listed nor is the site within a Conservation Area. Whilst the building is on a prominent corner on one of the main access roads into Wellington, I do not consider that the visibility requirements of the County Highways Authority would make a significant detrimental impact to the boundary wall of this property in this urban setting,

bearing in mind the height of the existing wall. Therefore I consider that this proposal is acceptable on amenity grounds.

RECOMMENDATION

Subject to the receipt of satisfactory plans showing the visibility requirements of the County Highway Authority, the Chief Planning Officer in consultation with Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of visibility as the submitted amended plan.

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

CONTACT OFFICER: 356462 MRS J HIGGINBOTTOM

NOTES:

PHILIP ST C MASON

ERECTION OF 2 NO. DWELLINGS AND FORMATION OF ACCESS, FARTHING DOWN, HOLYWELL LAKE, WELLINGTON AS AMENDED BY LETTER DATED 22ND JULY, 2002 WITH ACCOMPANYING PLANS

10640/20480

FULL PERMISSION

PROPOSAL

The Committee granted a previous planning permission in March 2001 for the erection of two dwellings on the site. That scheme provided for a pair of semi-detached dwellings with garages on the outer ends. The current proposal provides for the erection of a pair of detached houses with integral garages. The site was previously used for the parking of two cattle haulage lorries. The site is surrounded on all sides by residential properties, including the other side of Farthing Down. Four-bedroom accommodation is proposed for both dwellings. Materials are to be rendered walls with slate roofs. The site level is to be reduced by 1 m in height.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is located within the village of Holywell Lake, on a section of unclassified highway some distance from the nearest settlement of Wellington. The site is remote from adequate services, facilities, education or employment opportunities, etc and the village is only served one day a week by bus. As a result the occupants of the proposed dwellings would be solely dependent on private vehicles for their daily needs. Accordingly consider the development to be contrary to policies STR1 and STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review, and to advice contained within PPG13 and RPG10. Therefore recommend refusal of the application for these reasons. WESSEX WATER the development is located within a foul sewered area, points of connection for disposal of foul flows and water supply need to be agreed.

ENVIRONMENTAL HEALTH OFFICER requests contaminated land remediation certificate due to the possibility of contaminated land. DRAINAGE OFFICER no objection.

PARISH COUNCIL the proposal may not be appropriate as other properties are bungalows; the new siting would look better than before; other residents do not wish to be overlooked if there are houses built.

FOUR LETTERS OF OBJECTION the height of the buildings is excessive for the surrounding countryside; bungalows would be more in keeping with the situation particularly as the other buildings at this altitude are all bungalows; now facing so that they will overlook neighbouring properties; plans are flawed in their represented dimensions; corner of site 14 m above adjacent garage is unstable; partially complete road widening scheme should not be abandoned at this point, so avoiding leaving a

large lump sticking out into the road; question whether water run-off from the site will add to winter flooding problems nearby; the building on plot 1 will be very close to the proposed retaining wall and therefore query safety of the latter; building or landscaping could impose extra force on adjacent garage; compared to the previous permission, the current proposal puts the garage away from the road and so brings the closer to the edge of the plot, making it more intrusive in terms of overlooking and loss of privacy; developer should be asked to replace hedge on the roadside boundary.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including one that development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. Policy STR6 of the same plan states 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 growth in the need to travel. Holywell Lake is no longer a classified settlement. Policy WD/SP/2 of the West Deane Local Plan states that outside defined settlement limits, development will not be permitted unless it is for the purposes of agriculture or forestry or accords with a specific development plan policy or proposal. Policy S1 of the emerging Taunton Deane Local Plan covers general requirements, including one requiring that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S8 of the same plan states that outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area meets certain criteria.

ASSESSMENT

Holywell Lake is no longer a classified settlement. However, the site has a previous commercial use for the parking of two cattle haulage lorries and is surrounded by existing residential properties. A previous planning application for two dwellings was also granted last year. I therefore consider that the principle of residential development is appropriate. I consider that the design of the proposed dwellings is in keeping with the area. With the angle of the proposed dwellings in relation to other nearby dwellings and the distances involved, I do not consider that there will be an unacceptable overlooking situation. With the reduction in ground level, the height of the proposed dwellings in relation to Farthing Down and the other surrounding dwellings will be less than that proposed on the previously approved dwellings. The amended plans sought simplify the designs of the proposed dwellings.

RECOMMENDATION

Subject to the receipt of no further representations raising new issues on the amended plans by the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of materials, landscaping, details of trees to be retained, retention/protection of trees, no

service trenches beneath trees, no felling/lopping, walls/fences, access to be provided before any other work commences, hard surfacing of access, access gradient no greater than 1 in 10, visibility splay, parking, turning, ground level meter boxes, removal of GPDO rights for means of enclosure in front of dwellings, reduction in ground levels and contaminated land remediation condition. Notes re disabled access, energy/water conservation, soakaways in accordance with Building Research Digest 365, contact Wessex Water and contaminated land.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

45/2002/005

AGENDA ITEM NO. 24

MS E ELLIS (LYMBURN LTD)

**ERECTION OF A SINGLE STOREY EXTENSION AND TWO STOREY EXTENSION
AT THE RISING SUN PUBLIC HOUSE, WEST BAGBOROUGH.**

17050/33430

FULL PERMISSION

PROPOSAL

Following a fire, this property is to be rebuilt and this application seeks planning permission for the erection of a first floor extension and a single storey extension both to the rear of the property. The single storey extension facilitates the enlargement of the relocated kitchen and the first floor extension above the stables allows for habitable accommodation as part of the cottage fronting Stout Lane. The building is not listed but is within a Conservation Area in an Area of Outstanding Natural Beauty.

CONSULTATIONS AND REPRESENTATIONS

RIGHTS OF WAY OFFICER the new works should not restrict the use of the public right away on the western elevation.

PARISH COUNCIL the Rising Sun is an important part of the village and the parish council welcomes the rebuilding and subsequent reopening. Incorporated into the plans is a first floor gallery which it is understood that the owner has stated is to be used for the display of pictures, works of art etc. Residents living opposite trust that this will be so, and that it is not used as an extension of eating or drinking facilities, as with the road being quite narrow, the privacy of owners close by could well be compromised. Car parking in West Bagborough been a problem for more years than anyone can remember. There is a small facility at the rear of the property but which is not large enough to be regarded as a commercial car park. It is also understood that the number of places to be made available in the restaurant will not be more than previously provided in the bar, but it is felt that business will increase following rebuilding and the provision of extra space. The concern of the parish council is the car parking problem in the village which will remain until funds are made available for a suitable remedy to be found.

TWO LETTERS OF CONCERN raising the following issues:- the new proposals for the Rising Sun are very imaginative; we hope the pub will soon be open again but traffic flow and parking will be a major problem; concern about parking was raised in the Village Design Statement (VDS), adopted by Taunton Deane Borough Council in January 2000; it is vital that parking is not further worsened by the present proposals; Taunton Deane Borough Council planning decisions relating to the eastern end of the village have made matters worse; there is now more parking congestion than when the VDS was written; will Taunton Deane Borough Council find a way of tackling parking at the eastern end of this village as the VDS requested?; the Rising Sun is at least two different buildings - the pub and a cottage fronting Stout Lane; the pub was divided into two - the public bar, toilets, kitchen and storerooms on the ground floor, with a first floor

self-contained flat on the second floor which was separately leased; a cottage on Stout Lane was converted to 4 ensuite bed and breakfast rooms where the planning permission required provision of car parking spaces which were built behind the pub and we understand that this restriction still stands; about two years ago, the present owner changed the 4 bed and breakfast rooms back into living accommodation for herself and her family; when they left to live elsewhere, the cottage was leased including the room now being shown as a restaurant; the new proposals show the restored cottage with four bedrooms with kitchen and living room; the last tenants never used the car park and used the public highway; can parking on the highway be controlled?; the proposals show an increase in the area of the pub by the addition of the restaurant -- perhaps a 25% increase; use of this will bring additional traffic into the village; the first floor area over the pub shows 2 ensuite bedrooms, presumably for bed and breakfast, and a gallery; we are particularly concerned that any commercial use of the gallery would constitute an invasion of privacy as the access is via the lounge bar and we feel that it will be used as an overflow for the pub; the present owner says she will not be increasing the total seating capacity from what it was before the fire; can this 'no increase' be a planning condition for the future should the pub change owners so as to prevent increased parking on the road?

POLICY CONTEXT

The West Deane Local Plan (adopted May 1997) is the adopted local plan for this site. The following policies are generally relevant to the consideration of this application - WD/EC/23 (Conservation Areas) where the Local Planning Authority will pay particular attention to the reinstatement of derelict or vacant land, will investigate ways of reducing the volume of vehicular traffic and on-street parking in parts of the Conservation Areas and advise that planning permission will not normally be granted for any development unless it is to a standard of design which preserves and enhances the particular character of the Conservation Area. Policy WD/EC/30 (Area of High Archaeological Potential) seeks appropriate evaluation to determine the archaeological value of the site before any planning applications are determined. In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are taken on board:- S1 (General requirements), S2 (Design), EC10 (Associated settlements/rural centres/villages), where the range of shopping and service facilities serving the associated settlements, rural centres and villages will be maintained and enhanced where proposals to provide new rural services, including shops, public houses and surgeries will be permitted; applications which seek to improve the viability of existing services through refurbishment, conversion or extension will be permitted; proposals which result in the loss of shops or other community services will not be permitted where this would damage the viability of a settlement or increase car travel by local residents as a result of a significant or total loss of such services to the community. Policy EN10 (Area of Outstanding Natural Beauty) gives priority to preserving and enhancing the natural beauty of AONBs. Development, which would adversely affect the landscape, character and appearance of AONBs, will not be permitted. Policy EN24 (Areas of High Archaeological Potential) states that if a proposal affects a site of archaeological interest of Area of High Archaeological Potential, or if it is suspected the development could affect archaeological remains, developers must provide satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before

planning applications are determined. In light of these policies, I consider that the proposal does not adversely affect the appearance or character of the building or the street scene. The extensions are considered to be good design, reinforcing the local character and distinctiveness of the area. The proposal does not harm the residential amenity of neighbouring dwellings or the amenities of the existing property. The form and character of the property are not compromised, as the extensions are subservient to it in scale and design. It can be argued that the proposal preserves and enhances the character and appearance of the Conservation Area. There are no works that might adversely affect any archaeological interest.

ASSESSMENT

There is no doubt that the pub is seen as a vital village facility and its reinstatement is to be welcomed. The policy EC10 in the Taunton Deane Local Plan Revised Deposit November 2000 outlines the Authority's commitment to the provision and enhancement of village facilities. However, other policies are relevant which seek to control the adverse affects that such a development may have on the Conservation Area, Area of Outstanding Natural Beauty and amenity of neighbouring properties. Concerns have been expressed locally about the current car parking situation at this end of the village and the representations received fear that any intensification of the use of the building will only add to the existing unsatisfactory situation. The West Bagborough Village Design Statement does highlight this problem and it recommends that traffic movement through the village, together with parking provision, should be considered as a central issue in protecting the amenity for both residents and visitors. Whilst a small car parking area is provided to the rear of the pub, it cannot be guaranteed that patrons or staff will park in such a facility. The pub use of the building could expand into additional rooms without the requirement for a planning application and the use of the pub before the fire could have been more intense without requiring a planning application or the necessity to provide additional off-street parking facilities. This application cannot be conditioned to prevent the use of additional rooms or the increase in tables etc. It is suggested that a note be put on the application to encourage the maximum use of the car park to the rear of the pub as the development requiring planning permission, i.e. the extensions, are not sufficiently large enough to require that additional parking be provided on the site. Therefore, the proposal is considered to be acceptable.

RECOMMENDATION

Subject to the receipt of no further representations raising new issues by ... the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of materials as plans. Note re use of the car park.

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

CONTACT OFFICER: 356462 MRS J HIGGINBOTTOM

NOTES:

48/2002/041

AGENDA ITEM NO. 25

TAUNTON RUGBY FOOTBALL CLUB

CONSTRUCTION OF A 212 SEAT GRANDSTAND AT TAUNTON RUGBY FOOTBALL CLUB, HYDE LANE, BATHPOOL.

25750/25660

FULL PERMISSION

PROPOSAL

The Rugby Club permission allowed for the erection of a 255 seat stand for spectators along the southern boundary of the new pitches. The current proposal is for the erection of a 212 seat stand for spectators in the same position, along the southern side of the rugby pitches. The stand would be 2.7 m (approximately) high, 2.8 m wide and 26.5 m long and would be constructed of box profile steel cladding the colour of which would be agreed in the future by the Local Planning Authority. The site is adjacent to the railway but the landscaping scheme, required in connection with the rugby club development, will help to shield and assimilate the stand when viewed from the railway.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER additional landscaping along the Railtrack boundary should be explored.

WEST MONKTON PARISH COUNCIL views awaited.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan polices Policy 38 allows for the provision of sports and recreation facilities in the open countryside provided it is compatible with amenity, landscape and environment of the area. Taunton Deane Local Plan (revised deposit) the following policies apply: -S1, governing the general requirements of all development; EN14 requires that development within green wedges does not harm the open character of the area.

ASSESSMENT

Planning permission has already been granted for a larger stand in the same position as proposed as part of the initial rugby club development of the site. The current scheme comprises a minimal structure the will provide seated areas for spectators of the matches. Located next to the railway the stand will have some visual impact at the

current time but the proposed landscaping should reduce the impact to an acceptable level, when established. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials, landscaping. Note re the profile sheeting should be a dark blue, grey or green in colour.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

MR A PULSFORD

TRANSFER OF AGRICULTURAL TYING CONDITION (CONDITION 04 OF PERMISSION 50/1977/010) FROM THE BUNGALOW, MAUNDOWN, WIVELISCOMBE TO CORDINGS FARMHOUSE, WHITEFIELD, WIVELISCOMBE AS AMPLIFIED BY LETTER DATED 4TH JULY, 2002

07200/30420

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Planning permission was granted on Appeal in 1978 for the erection of an agricultural dwelling. The Inspector concurred with the then MAFF's view that a person responsible for the day to day running of the farm should live on the holding. A condition was imposed on the permission that occupation of the bungalow be restricted to persons solely or mainly employed or last employed locally in agriculture. The applicant is actively engaged in agriculture and lives in the bungalow granted on appeal. At the time of the Appeal he did not own land but rented from adjoining owners. He now owns 35 acres of land adjacent to The Bungalow at Maundown, rents a further 70 acres and has recently become the owner of an additional 100 acres of land, together with the farmhouse, which is centred on Cordings Farmhouse. The land is predominantly used for the raising of beef cattle with approximately 15 acres as arable. Livestock numbers are presently 40 beef cattle at The Bungalow, with 30 offspring on the applicant's land holding, together with an additional 60 cattle using the land at Whitefield. The applicant does not have any employees. Presently there is a general purpose shed on the land holding at The Bungalow. There are no agricultural buildings on the land at Cordings, however the applicant intends submitting planning applications in due course for additional farm buildings. It is the applicant's intention to continue his farming activities with single sucklers and calves. It is the applicant's intention, not wishing to own two houses, to sell The Bungalow. The purpose of the application is to transfer the tying condition imposed on The Bungalow to Cordings Farmhouse. The applicant considers that his farming activities will be more efficient with living accommodation in the present farmhouse at Cordings. Planning permission has recently been granted under delegated powers for the erection of a two-storey extension at Cordings.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL do not object to the application, but point out that the site is in a sensitive area of high amenity value and that the property may be listed.

POLICY CONTEXT

Policy WD/HO/1 of the West Deane Local Plan indicates that where agricultural dwellings are permitted, appropriate conditions will be used to retain the dwelling for agricultural occupation and that such conditions will only be removed where certain criteria are met. H15 of the emerging Taunton Deane Local Plan contains a similarly

worded policy. As there is no net change to the stock of agriculturally tied dwellings, it is considered that there is no breach of this policy.

ASSESSMENT

The agricultural tying condition was properly imposed originally on the basis of a lesser amount of freehold land than is currently owned by the applicant. Although the two areas of land currently owned are not contiguous with one another they are reasonably close together and are currently both farmed by the applicant. On the basis that there will be no net change to the stock of agriculturally tied dwellings in the area I consider the proposal to be acceptable.

RECOMMENDATION

Permission be GRANTED.

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

CONTACT OFFICER: 356493 MR J DAVIES

NOTES:

LEIGHTON-BOYCE PROPERTIES LTD

ERECTION OF 7 NO. DWELLINGS WITH ASSOCIATED CAR PARKING AND PROVISION OF CAR PARKING FOR APPROVED LIGHT INDUSTRY/OFFICE BUILDINGS, ALTERATIONS TO VEHICULAR ACCESS AND FORMATION OF PEDESTRAIN ACCESS, FORMER RGB PREMISES, TAUNTON ROAD, WIVELISCOMBE AS AMENDED BY DRAWING NO. 0205.02B RECEIVED ON 20TH MAY, 2002, LETTER DATED 24TH JUNE, 2002 WITH ACCOMPANYING DESIGN STATEMENT AND DRAWING NOS. 0205.04 AND 0205.05 AND LETTER DATED 11TH JULY, 2002 AND ACCOMPANYING DRAWING NOS. 0205.01C AND 0205.05A

08500/27760

FULL PERMISSION

PROPOSAL

The site comprises some of the buildings and yard, which were formerly operated as a builder's merchant's yard by RGB. The latter's operations have now been concentrated on a nearby site on the other side of Ford Road. There has been a previously been an outline permission for residential development of the whole site and on 30th January, 2002, the Planning Committee granted permission for the use of the buildings at the former RGB premises for light industry (B1) and warehousing (B8). The current proposal provides for residential development on part of the site, together with parking provision for one of the buildings to be used for employment use. 12 parking spaces are proposed for the employment use. The residential element of the proposal comprises a staggered terrace of 7 three-bedroom units. One garage and one parking space is provided for each of the dwellings. The materials will be fine textured self-coloured rendered walls with the use of reconstructed stone for the entrance areas and chimneys with slate roofs. The existing conifers to the Taunton Road frontage of the site will be removed. The ivy type climbers covering the existing block work wall behind will be sufficient to reduce its visual impact, particularly given the additional growth likely once exposed. This boundary will be further relieved by new tree planting within the residential garden areas which in time will overhang the wall.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY (originally submitted plans) various detailed comments in relation to extent of highway limit; width of carriageway and footway; no obstruction of footways; size of parking bays; collection of surface water from parking bays; manoeuvring space in front of parking bays; visibility adjacent to parking bays; position of parking bays; extension of footway on Ford Road into site; connection to highway drainage system; turning head; visibility splay; and request standard estate road condition and surfaced footpath/carriageway. COUNTY ARCHAEOLOGIST limited or no archaeological implications to this proposal therefore no objections on archaeological grounds. WESSEX WATER the development is located within a sewered area, with both foul and surface water sewers available; points of connection onto Wessex Water systems will need to be agreed; there are water mains in the vicinity and again points of connection can be agreed for the satisfactory supply of water.

CONSERVATION OFFICER (originally submitted plans) principle acceptable, potential improvement; the existing building to the north of the site, to be demolished, is unsightly but it does benefit from being set back from Taunton Road on significantly higher ground; the same can be said for the retained office building to its south west; the site is not in but does affect the setting of the Conservation Area, therefore materials should not be left to be agreed; site levels of importance to potential impact, existing and proposed sections deemed necessary in order to assess properly; dormers not a strong feature of the historic area, suggest deletion of same, at least to the south; question the materials proposed; Design Statement should be submitted; character of development on the approach to the Conservation Area via Taunton Road is important, suggest existing and proposed streetscenes required in order to assess. ENVIRONMENTAL HEALTH OFFICER wish to recommend contaminated land remediation condition due to possible contamination arising from the previous use of the site; noise report requested; and hours limit for noise emissions during the demolition and construction phase. LANDSCAPE OFFICER (originally submitted plans) the approach to the site off Ford Road could be enhanced with tree and shrub planting in the area next to the car parking areas to the north; the proposed rear gardens adjacent to the Taunton Road need a tree in each garden to soften their impact and enhance this main route into Wiveliscombe; should be scope for landscaping/tree planting along the northern boundary of the site to soften the development's impact from existing residential properties.

PARISH COUNCIL do not object to the principle of the application but raise points regarding roof height of the proposed dwellings in relation to the roof lines of existing properties near the site; no provision for social housing, despite the nature and design of the proposed houses being of this nature; and the proposed houses will be next to and share access with premises which have established industrial use, the industrial use should be withdrawn or controlled to ensure that there is no conflict with the proposed residential use at a later date.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR5 of the same plan states that development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity. Policy WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met. Policy WD/HO/7 of the same plan sets out guidelines for the design and layout of new housing developments. Policy S1 of the emerging Taunton Deane Local Plan covers general requirements, including one stating that the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing

development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. A small part of the site is within the Conservation Area and therefore policies for Conservation Areas have some relevance.

ASSESSMENT

This site already has outline planning permission for residential development of the entire area and a more recent planning permission for the use of some of the buildings for light industrial/warehousing use. The current application is providing a mixed-use development on a brownfield site, which is favoured by Central Government Planning Guidance and the Council's own planning policies. Being housing in association with a light industrial use, these uses are compatible. With the demolition of some of the more unsightly buildings on the site, and the new buildings being positioned further away from the surrounding houses and their gardens, the outlook from the occupiers of these properties is thereby considerably improved.

RECOMMENDATION

Subject to no further representations raising new issues being raised by 7th August, 2002, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of materials, landscaping, estate roads, surfaced footpath/carriageway, visibility splays, parking, ground level meter boxes, demolition of buildings, contaminated land remediation certificate and removal of GPDO rights for walls/fences. Notes re disabled access, energy/water conservation, CDM Regulations and contaminated land advice.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

49/2002/037

AGENDA ITEM NO. 28

MR E W HARE

**ERECTION OF SINGLE GARAGE AT WHITE ROCK BARN, WHITEFIELD,
WIVELISCOMBE AS AMENDED BY**

07660/29940

FULL PERMISSION

PROPOSAL

This application is for the erection of a single detached garage within the curtilage of a converted barn (in a complex of similar converted barns where permitted development rights had been removed for ancillary buildings within the curtilage). The building measures 3.3 m wide and 9.5 m long (maximum). The materials are to be block and render with a slate roof to match the existing property.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL concern was expressed that this application might create a precedent for a garage near the barns and the Parish Council request that the design of the garage is in keeping with the barns.

1 LETTER OF OBJECTION raising the following concerns:- the proposed garage is not drawn to scale on the submitted drawing; drawn correctly the garage projects almost up to where my parking space begins, I am submitting a planning application for a single garage, and the parking needs for the 3 properties should be considered in unison to ensure the most harmonious outcome for this sensitive rural location; the proposed rainwater pipes drain from the front of the garage to a proposed soakaway and this must not adversely affect the drainage of my front garden; and any proposed side garage door must not open so as to impede or block the 3 foot wide strip of land that I own.

POLICY CONTEXT

The West Deane Local Plan (adopted May 1997) is the adopted local plan but there are no specific policies for ancillary buildings. The following general Taunton Deane Local Plan Revised Deposit (November 2000) policies are taken on board as there are no specific policies for ancillary buildings:- S1 (General requirements), S2 (Design).

ASSESSMENT

In light of these policies, I consider that the proposal does not affect the appearance or character of the building or the rural scene. It is considered to be of a reasonable design, reinforcing the local character and distinctiveness of the area. The proposal does not harm the residential amenity of neighbouring dwellings or the amenities of the existing property. The form and character of the dwelling are not compromised, as the garage is sufficiently distant from it so as to not affect its setting. The drainage, property ownership rights and ad hoc approach of the parking facilities for each of the properties cannot be addressed as part of this planning application. Amended plans have been requested to accurately show the position of the garage within the site. As such, I recommend that planning permission be granted subject to the relevant conditions and notes.

RECOMMENDATION

Subject to the receipt of satisfactory amended plan, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of materials as the plans, garage available for the parking of vehicles. Notes re encroachment.

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

CONTACT OFFICER: 356462 MRS J HIGGINBOTTOM

NOTES:

49/2002/040

AGENDA ITEM NO. 29

SUSAN CLOWES

ERECTION OF FIRST FLOOR EXTENSION, 22 RUSSELS, WIVELISCOMBE AS AMENDED BY

08170/27540

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of a first floor extension to provide a bedroom and shower room, together with increasing the pitch of an adjacent part of the dwelling to form a store and bathroom. The size of the proposed extension is 7.7 m (average) x 3.3 m. The proposed height to eaves of the extension will be 4 m and to the ridge 5.8 m. The existing dwelling is of natural stone with a slate roof. The proposed materials would be rendered walls with a slate roof. A previous application for a different form of two storey extension was withdrawn prior to consideration by the Committee at its meeting on 1st August, 2001.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER views awaited.

PARISH COUNCIL approve.

ONE LETTER OF OBJECTION as the main first floor extension will take all south-west light concern that the ground floor bathroom roof is also being raised, which will make objector's kitchen very dark; very large roof window looking straight into garden, request this be repositioned on the other side of the roof.

POLICY CONTEXT

Policy WD/HO/10 of the West Deane Local Plan states that extensions to dwellings will normally only be permitted where they (i) do not harm the appearance of the street scene, the landscape setting of the area or the character of the existing property and surroundings by their size, form or materials or their relationship with existing buildings and associated spaces; (ii) they respect the amenities of adjacent dwellings in terms of privacy and enjoyment of house and garden; and (iii) they do not unacceptably prejudice the future amenities, parking, turning space and other services of the dwelling to be extended. I consider that the proposal meets with these criteria. Policy WD/EC/23 of the same Plan indicates that within Conservation Areas a number of general principles will apply. One of these is that planning permission will not normally be granted for any development unless it is to a standard of design which preserves and enhances the particular character of each area. I consider that the proposal will meet with this criterion. Policy H19 of the Taunton Deane Local Plan states that extensions to dwellings will be permitted provided they do not harm (a) the residential amenity of other

dwelling; (b) the future amenities, parking, turning space and other services of the dwelling to be extended; and (c) the form and character of the dwelling and are subservient to it in scale and design. I consider that the proposal meets with these criteria. Policy EN15 of the same plan states that development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area. I consider that the proposal will meet with this criteria.

ASSESSMENT

The current proposal is an improvement on the earlier scheme, which was withdrawn prior to determination. The proposal is more in keeping with the character of the existing cottage and the Conservation Area and less overbearing on the adjacent dwelling. The applicant has been requested to amend the plans in the light of the objection.

RECOMMENDATION

Subject to no further representations raising new issues being received by 5th August, 2002 and the receipt of satisfactory amended plans, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions regarding materials.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

PLANNING COMMITTEE 31ST JULY, 2002

REPORT OF THE CHIEF PLANNING OFFICER

49/2000/058 ERECTION OF 20 M LATTICE TOWER TO SUPPORT 3 NO. DIGITAL ANTENNAS AND 2 NO. 300 MM MICROWAVE DISHES AND PROVISION OF RADIO EQUIPMENT IN CABIN (2.7 M X 2.7 M X 3.2 M) IN A SECURE COMPOUND, NORTH RODDEN FARM, MAUNDOWN HILL, MAUNDOWN, WIVELISCOMBE

The above development was granted planning permission on 15th January, 2002, having been approved by the Planning Committee on 9th January, 2002.

In the report to the Planning Committee, the Landscape Officer considered that the proposed antenna was too close to an existing beech tree in the adjacent hedgerow. He considered that the footings should be no closer than half the height of the tree away from the hedgebank. Although the applicants were requested to amend the position of the antenna to take account of the Landscape Officer's views, no plans were received by the date of the Committee. Given that I considered the position of the mast to be acceptable, the application was approved as originally submitted.

In April, the applicants submitted a landscaping plan, seeking to discharge one of the conditions on the approval certificate. It was noted that the position of the proposed antenna on this plan was approximately 18 metres further away from the hedgebank than on the approved plan. The applicants were requested to submit these plans formally for consideration under the minor amendment procedure.

The Parish Council has been consulted and I have notified the occupiers of those addresses notified originally together with those persons who made representations on the application. Three letters of representation have been received making the following points:-

1. Totally opposed to the tower being erected;
2. Concern about health problems being caused by micro-wave dishes and the interference or breakdown to household receivers - those responsible for the erection and use of the tower should be liable for any expenses in this regard;
3. Query why the tower requires a new position when the requisite tests were carried out before the planning application was made;
4. Proposed mast will be an eyesore and taking it away from the trees further will make it even worse;
5. There is a general effort being made to hide these masts around the country.

Although the proposed tower will be more visible when viewed from the field access gate and the entrance to the adjacent reservoir compound, I consider that from a distance the effect of the change in position will be minimal and there will be no greater adverse impact on the environment. I therefore conclude that the amendment to the position to be acceptable.

RECOMMENDATION

The amended positioning of the proposed tower be approved under the minor amendment procedure.

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

PLANNING COMMITTEE - 31ST JULY, 2002

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Cheddon Fitzpaine
157/08/2002 63 Cashford Gate, Taunton.

1. **File/Complaint Number** 157/08/2002
2. **Location of Site** 63 Cashford Gate, Taunton, Somerset.
3. **Names of Owners** Mr J Baker, 63 Cashford Gate, Taunton.
4. **Names of Occupiers** As above.
5. **Nature of Contravention**

Replacement of boundary fence.
6. **Planning History**

A complaint was received that a fence erected on the dividing boundary of Nos. 63 and 64 Cashford Gate had been replaced. The fence had been increased in height from 1.8 m to 2.0 m and it is understood that additional land was used due to the thickness of the fence posts. The taking of additional land is not a planning matter, however, a condition attached to the original planning permission states that planning permission is required for any gate, wall or fence erected between the dwelling house and any road or footpath. In this particular plot a public footpath is located at the end of the garden. In view of this an application should be submitted. The owner was informed that an application is needed but has declined to submit one.

7. **Reasons for taking Action**

It is considered that if an application were to be submitted it is likely to be acceptable therefore it is not expedient to take enforcement action.

8. **Recommendation**

No further action be taken over the replacement fence.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE - 31ST JULY, 2002

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Stoke St Gregory

36/1994/007 Holly Barn, Holly Farm, Meare Green, Stoke St Gregory.

1. **File/Complaint Number** 36/1994/007

2. **Location of Site** Holly Barn, Holly Farm, Meare Green, Stoke St
Gregory

3. **Names of Owners** Mr W R Hembrow, Holly Cottage, Meare
Green, Stoke St Gregory.

4. **Names of Occupiers** -

5. **Nature of Contravention**

Provision of 1.8 m high panel fencing between holiday units.

6. **Planning History**

An application for the retention of the fencing was refused on 4th July, 1994. A miscellaneous item was reported to the Planning Control Sub-Committee on 10th August, 1994 recommending that any enforcement action be delayed to allow a site meeting to take place and agree a more suitable type of fence. Although the meeting took place and a different type of fence was agreed no further application was received, however alterations were made to the original fences. As it is now eight years since the fences were erected and no further complaints have been received it is considered that the existing fences are no longer visually intrusive.

7. **Reasons for taking Action**

The fences are no longer considered to adversely affect the appearance, setting and surrounding of the former agricultural building. Due to the length of time that has elapsed since the application was refused it is considered that it is not now expedient to take further action.

8. **Recommendation**

It is recommended that no further action be taken.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE - 31 JULY 2002

1. The following appeals have been lodged:

Appellant	Date Application Considered	Proposal
Mr and Mrs Earp	-	Appeal against Listed Building Enforcement - Unauthorised banner and signs at 2 Church Square.
Mr P Whiston (13/2001/005 and 13/2002/001)	12.12.2001	Conversion of barn to form holiday let and formation of residential curtilage at Higher Way, Cushuish.
Mr and Mrs Cleft (46/2001/012)	12.12.2001	Continued use of land to site mobile Home, Mazzelsha Farm, West Buckland Hill, Wellington. Also appeal against enforcement notice.
Mr P Diment (38/2002/031)	DD	Erection of single storey dining room and conservatory to the rear of 3 Cedar Close, Poplar Road, Taunton.
Mr R G Danes (29/2002/002)	DD	Erection of agricultural building and formation of access, land adjoining Otterford Caravan Site, Culmhead.

2. The following appeal decisions have been received:-

(a) **Erection of a dwelling adjoining Cobblestones, Bradford on Tone (07/2001/011)**

The Inspector considered the main issues were (1) the effect of the development on the surrounding area, having regard to local and national planning policies for rural areas, and (2) whether the development complied with up to date development plan policies and government guidance relating to sustainability, and accessibility by means of travel other than the private car.

The Inspector felt that the construction of a new dwelling on the site, which lay to the north of the existing built environment, and not within a group of residential properties, would serve to make the area appear a little less rural. In his opinion, the appeal proposal would neither maintain nor enhance the environmental quality and landscape character of the area.

The Inspector noted that the facilities available within the village were very limited and although there were a number of employment opportunities within a radius of about a mile, they tended to be mainly located along the busy A38. In view of the lack of specific facilities for cyclists and pedestrians, together with the limited public transport service available, he considered that these places of employment were not readily accessible other than by private car.

The Inspector concluded that the proposed development would not comply with up to date development plan policies and government guidance relating to sustainability and accessibility by means of travel other than the private car.

The appeal was, therefore, dismissed. An application by the Council for an award of costs against the appellant was also dismissed.

(b) Erection of a bungalow on land between Sunnydale and 1-4 Tithill Lane, Bishops Lydeard (06/2001/078)

The Inspector considered the main issue was whether the proposal would result in unjustified and harmful development in the countryside, contrary to the Development Plan and Government guidance.

The Inspector was in no doubt that to allow the proposal would have several unacceptable consequences. The erection of a dwelling on the site would consolidate the small scatter of dwellings in the location, further eroding the open appearance and character of the area. Also the proposal would not foster the sort of sustainable development pattern that local and national policies sought to achieve. There was no public transport to serve the site and Tithill Lane was mostly a single-track access road ill designed to cater for additional traffic. In addition, the Inspector felt that encouraging more people to live in isolated locations in the countryside only served to add to the difficulty of providing them with social and community services.

The appeal was, therefore, dismissed.

(c) Erection of a double garage to replace shed at Warrens Barn, Churchinford (29/001/010)

The Inspector considered the main issue was whether the proposal would harm the landscape character of the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

He considered that the proposed garage, which would mirror the existing barn conversion, would have only limited visibility from the surrounding countryside and would not reduce the openness of the AONB or break any skyline views.

The Inspector was therefore satisfied the proposal would not harm the landscape character of the AONB but rather enhance it by quality development of a reasonable scale and intended use.

The appeal was, therefore, allowed.

(d) **Change of use, conversion and extension and alteration to a building to form a two bedroom dwelling at 90 Trull Road, Taunton (52/2001/029)**

The Inspector considered the main issue was whether the proposal would preserve or enhance the character and appearance of the Trull Road Conservation Area.

The Inspector noted that the proposal would involve the change of use of an existing building and the development of only a limited part of the curtilage to No. 90. He noted although the dwelling would be a separate unit, its scale and design would ensure that it remained subservient in form to the dominant presence of the buildings to the east.

He felt that whilst it was proposed to enlarge the building the extension would largely be glazed and would take place along the 'footprint' of a greenhouse that was previously attached to the rear of the building. He felt that the proposal would sit comfortably within its context without harming the character of the area.

The Inspector concluded that the development would preserve the character and enhance the appearance of the Trull Road Conservation Area.

The appeal was, therefore, allowed.

(e) **Erection of extension to the rear of Twoses Barn, Payton, Wellington (43/2001/119)**

The Inspector considered the main issue was whether or not the proposed development would have an adverse impact upon the architectural integrity and traditional character of the existing dwelling, to the detriment of the visual amenities of the locality.

It was acknowledged that the simple shape of the building had already been compromised and that its character and setting had been dramatically altered by the two extensions already allowed to the dwelling and the two rather large and conspicuous buildings that had been erected close by.

The Inspector felt that the proposed extension was of sympathetic design and would be constructed of matching materials and would not be seen from the public highway. It would be sited to the rear of the main dwelling and would be set into the natural slope of the land.

The Inspector was satisfied that the appearance of the original barn would be retained and the proposed development would not, in his opinion, adversely impact upon the architectural integrity and traditional character of the existing building or be detrimental to the visual amenities of the locality.

The appeal was, therefore, allowed.

(f) **Erection of a private dwelling and access thereto on land to the south of Orchard Barton, Sherford (38/2000/443)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members.

The appeal was dismissed.

(g) **Application for Certificate of Lawfulness for the display of motor vehicles on land adjacent to A361 at Durston Elms Garage (16/2000/004LE)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members.

The appeal was allowed.



Appeal Decision

Hearing held on 23 May 2002

by **David Wildsmith** BSc(Hons) MSc CEng MICE FIHT

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning-
inspectorate.gsi.gov.uk

Date
10 JUN 2002

Appeal Ref: APP/D3315/A/01/1078897

Land to the south of Orchard Barton, Sherford, Taunton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr K Tinning against the decision of Taunton Deane Borough Council.
- The application (Ref 38/2000/443), dated 9 November 2000, was refused by notice dated 21 June 2001.
- The development proposed is the erection of a private dwelling and access thereto

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that the main issues in this case are whether the proposed dwelling would be exposed to the risk of flooding itself, and whether it would give rise to an increased risk of flooding for existing nearby properties.

Planning Policy

2. No adopted development plan policies were referred to as being relevant to this appeal but the Council indicated, in its reason for refusal, that the proposal is considered to be contrary to policy EN30 of the Taunton Dene Local Plan (Revised Deposit Draft). It was pointed out at the hearing that this emerging policy is the subject of proposed amendments as the Local Plan passes through its various stages. At the time of the Council's decision the policy set out a number of criteria which proposals for development on land liable to flood should meet. Since this version was drafted, Planning Policy Guidance Note 25 *Development and Flood Risk* has been issued, and the policy has now been revised to take account of this national guidance.
 3. As a result, the version of the policy which is currently being considered at the Local Plan inquiry explains that land with little or no risk of flooding will be the priority location for development. It further explains that where material planning considerations dictate that development cannot be located on land with little or no risk of flooding, land with a low to medium risk of flooding should be chosen before land with a high risk of flooding. Finally the policy notes that where, exceptionally, development is permitted on land subject to flooding, the Council will require that development to be protected to a standard of 1 in 200 years in Taunton and its associated settlements, and 1 in 100 years elsewhere. As this emerging policy reflects the provisions of PPG25, and as I understand there are no outstanding objections to it, I regard it as a consideration of some importance.
-

Reasons

Would the proposed dwelling be exposed to the risk of flooding?

- 4 There was no dispute between the parties that the appeal site, which comprises a field of rough pasture lying to the south-west of the appellant's dwelling, Orchard Barton, is land liable to flood. It is shown as lying within the indicative floodplain on the Environment Agency's (EA) 2001 maps, and much of the discussion at the hearing centred around flooding events which occurred in October and December 2000, during which it was estimated that the area of the appeal site where the new dwelling is proposed would have been under about 150mm of water. During the worst of these 2 flooding events, which I understand was in early December, water levels reached about 25mm below door thresholds of the neighbouring property Sherford Bridge House, which abuts the appeal site to the north-east. At the same time the conservatory of this property was flooded to a depth of about 250mm, and the integral garage to a depth of some 450mm. As a result I understand that 2 cars, one parked within the garage and one on the driveway, were written off as beyond repair.
- 5 This flooding, which the EA has advised would have a return frequency of between 1 in 10 and 1 in 20 years, resulted from the nearby Sherford Stream bursting its banks, with the out-of-bank flows passing across the appeal site in a north-easterly direction, flowing between Orchard Barton and Sherford Bridge House. This stream is not a "main" river and, therefore, is not the responsibility of the EA. The EA has, however, advised that in order to avoid flooding problems, any new building should be situated as far away from, and as high above, the stream as possible. It has further recommended that there should be no building within 10m of the top of the stream bank, as the banks are not very stable.
- 6 At my inspection I saw that there is a wooden stable building in the general location of the proposed dwelling, with a length of wooden fencing together with some trees and shrubs next to it. The appellant, who I understand was not in the country at the time of the December 2000 floods, maintained that during these floods, water did not enter stables, nor did it flow round the northern side of the stables (the side furthest from the stream). As there is a concrete threshold to the stables of some 150mm in height, I consider that the interior of the stables could well have remained dry. However, in view of the ground levels shown on one of the application plans, I consider that there is a very strong likelihood that water did completely surround the stables. I have noted that this view is also held by the Independent Civil Engineer engaged by the appellant.
7. Against this background, the appellant's engineer has made what he considered to be a conservative estimate of the 1 in 100 year flood peak level for the Sherford Stream at this location, of 24.3m AOD. He has therefore recommended that the floor level of the proposed house, including the garage, is not less than 24.9m AOD. He has further recommended that compensatory flood storage be provided, equal to the flood storage lost to the development up to the 100 year return period flood level of 24.3m AOD, increased by 20% as an added precaution. These figures were not disputed by the Council.
- 8 In view of all the above points, I conclude that the proposed house and garage could be raised sufficiently to be protected during a 1 in 100 year flood. However I consider that this is not, in itself, sufficient to justify the grant of planning permission as the surrounding land would still be at a clear risk of flooding, and this could present a risk to people and property within the dwelling's curtilage. Moreover, emerging Local Plan policy EN30 makes it quite

clear that development should only be permitted on land subject to flooding in exceptional circumstances. None have been claimed here. In addition, the proposed dwelling would only be some 5m away from the top of the stream bank, significantly closer than the EA's recommended distance of 10m.

Would the proposed dwelling increase the risk of flooding for existing nearby properties?

- 9 This second issue is the main concern of the Council and of the neighbour at Sherford Bridge House, both of whom consider that the proposed dwelling would cause an impedance to the out-of-bank floodwaters which flow across the appeal site, thereby altering their path and diverting them towards Sherford Bridge House. The appellant's engineer maintained that the proposed dwelling would have a negligible impact on the flood conveyance across the appeal site, as the stables and adjacent wooden fence and vegetation already occupy much of the site of the new dwelling, and as there is a large area for out-of-bank flood conveyance on the south-east side of the Sherford Stream. Moreover, the engineer contended that he could open up a flow path to the north of the proposed dwelling by clearing vegetation out of the way, and by replacing part of the existing boundary hedge to Orchard Barton by an open, post and rail fence. In this way he considered that the floodwaters would simply flow around the new dwelling, and then re-join their existing flow path more or less along the track which passes between Orchard Barton and Sherford Bridge House.
- 10 I acknowledge that within a wider area, the appeal proposal may well have a negligible impact on flood flows. However, I have had regard to the fact that the proposed dwelling would be located only some 40m from Sherford Bridge House, and that the floodwaters are generally described as fast-flowing. I have also noted that the proposed dwelling would be appreciably larger than the stable building and, despite the presence of the adjacent fence and vegetation, I consider that it would have a different impact upon the floodwaters. In view of these points, I am not persuaded that the effect of the proposed dwelling on the direction of the out-of-bank flows would be negligible, in the immediate vicinity of Sherford Bridge House. In my opinion there is a strong likelihood that such flows would be diverted towards this latter property, thereby increasing its risk of flooding.
- 11 Paragraph 13 of PPG25 refers to the precautionary principle, and advises that local planning authorities should follow the sequential approach set out in paragraph 30 and Table 1. This latter paragraph advises that when deciding applications for development at any particular location, those responsible for the decision would be expected to demonstrate that there are no reasonable options available in a lower-risk category, consistent with other sustainable development objectives. Although still within the indicative floodplain, the Council has sought to achieve the re-location of the proposed dwelling to reduce the flooding risks, as outlined in paragraph 14 below. In addition, Table 1 indicates that the appeal site should be considered as a category 3a site (high risk), where residential development may be appropriate provided that a minimum standard of flood defence can be maintained for the lifetime of the development. For the reasons already given above, and as flood risk is expected to increase over time as a result of climate change, I consider that adequate protection of the neighbouring property from diverted flood flows could not be provided in this case. In coming to this view I have noted that a wall is being erected along part of the western boundary of Sherford Bridge House, but understand that this is not intended to act as a flood defence.

- 12 I have also noted that paragraph 31 of PPG25 states that local planning authorities should consult and take the advice of the EA on flood risk matters. However, whilst the EA has indicated that it has no objection in principle to the proposed development, it is clear that the intended positioning of the new dwelling would not accord with the EA's recommendation. Moreover, the EA points out that the best source of information regarding the Sherford Stream is the Council's own Technical Services Department, which opposes this proposal.
- 13 Taking all of the above points into account it is my conclusion that the appeal proposal would increase the risk of flooding to Sherford Bridge House, and would conflict with the objectives of emerging Local Plan policy EN30, which reflects up to date national guidance in PPG25.

Other Matters

14. I have had regard to the fact that subsequent to the refusal of planning permission for the proposal which now forms the subject of this appeal, the Council granted planning permission for what I understand to be a broadly similar dwelling, re-positioned some 20m or so to the north-west. The appellant pointed out that this re-positioned dwelling would still lie within the indicative floodplain shown on the EA maps, and indeed this is the case. This second dwelling would, however, accord with the advice on positioning given by the EA, and would be further away from the generally agreed route of the out-of-bank flood flows. Because of these clear differences between this second dwelling and the proposal before me, I consider that this grant of planning permission does not lend weight to the appellant's case. The fact that a covenant prevents the construction of this re-positioned dwelling is not a planning matter, and has not therefore influenced my decision in this appeal.
15. I have had regard to all other matters raised, including the possible conditions discussed at the hearing, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

Conclusion

- 16 For the reasons given above I conclude that the appeal should be dismissed.

Formal Decision

- 17 In exercise of the powers transferred to me, I dismiss the appeal.

Information

- 18 A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

David Wildsmith

INSPECTOR



Appeal Decision

Inquiry held on 30 April 2002

by **D A Hill BSc CEng MICE**

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4091 The Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PL
☎ 0117 372 0372
e-mail enquiries@planning-
inspectorate.gsi.gov.uk

Date

177 JUN 2002

Appeal Ref: APP/D3315/X/01/1075272

Durston Elms Garage, Durston, Taunton, Somerset.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a lawful development certificate (LDC)
- The appeal is made by Mr R Appleboom against the decision of Taunton Deane Borough Council.
- The application (Ref.16/2000/004LE), dated 20 September 2000, was refused by the Council by notice dated 29 May 2001
- The application was made under section 191(1)(a) of the 1990 Act as amended.
- The use for which a Certificate of Lawfulness is sought is for the display of motor vehicles on land adjacent to the A361 at Durston Elms Garage as shown on the application plan

Summary of Decision: The appeal is allowed and a Certificate of Lawfulness is issued, in the terms set out in the Formal Decision below.

Procedural Matters

1. At the opening of the Inquiry, I informed the parties that whilst the LDC application referred to a use of the land for 'the display of motor vehicles' both the Appellant's statement of case and that of the Council referred to the use as being for "the display and sale of motor vehicles'. It was accepted by the parties that the sale of motor vehicles is part of the use under consideration. The parties agreed that an acceptable form of wording would be for 'the display for sale of motor vehicles'. I stated therefore that I would consider this appeal on that basis.
2. I indicated to the parties that a recent unreported Court of Appeal Judgement may be relevant to the consideration of this appeal, namely *Thurrock BC v. SSETR and Holding CoA* 27 February 2002. No transcript of the case was available at the Inquiry but the parties agreed to make any submissions considered necessary in writing by 21 May 2002 having made reference to the judgement. Legal submissions were subsequently made by the parties and I have taken them into consideration in my determination of this appeal
3. At the Inquiry all the evidence was taken on oath.

Site and Surroundings

4. The appeal site is a small island area of grass surrounded by tarmac immediately to the south of Durston Elms Garage and fronting the A361. The garage premises comprise a petrol filling station, a cottage and shop, a building used for the display of motor cycles with workshops and service bays at the rear. The yard area extends to the north with a vehicle wash facility in the small north corner of the site and an area of vehicle parking

Entrance to the premises is via accesses to the east and west of the appeal island. To the west of the petrol filling station is a lane and to the east is Drake's Farm.

The Case for the Appellant

- 5 **Mr Sully** and his wife owned the property from 1984 until it was sold to Mr Appleboom on 16 November 1998. The island site was used continuously without a break for that whole period. He had attempted to buy the island site from Somerset County Council but negotiations broke down. The Highway Authority agreed nevertheless that the island could be used for display purposes provided that it was mown and kept tidy. During the period he was in residence, the appeal island was also used by three of his tenants namely, Councillor Hobday, Mr Pride, and Mr Pope. Cars were moved off the land from time to time to enable the grass to be mown and in winter cars were not on the lower part of the island land near to the filling station.
- 6 Mr Sully held a SEAT franchise from 1985 –1989 and one for Mahindra Jeeps in 1989/90. He changed his fuel suppliers from Anglo to Murco in 1990. Contrary to the information in a letter written by Mr Harris objecting to the LDC application, he stated that there were vehicles parked on the island site in November 1997. He also denied ever having said to Mr Harris that he never had any vehicles for sale on the grass or the surrounding highway. He recalled Mr Harris buying Drake's Farm and confirmed that there were cars parked on the grass island in June / July 1997. Mr Pope was not the first person to use the grass island for the display of vehicles for sale. Mr Sully denied ever indicating to Mr Harris that cars for sale were kept in or just outside the showroom. The aerial photograph at Doc 7 could have been taken in April 1992 as alleged because it was after the alterations to the MOT buildings to the rear which were carried out in the late 1980s.
- 7 When the SEAT franchise ceased after 1990, used cars were sold from the grass island and his tenants sold cars from there (Mr Pride, Mr Hobday and latterly Mr Pope). The sale particulars for Durston Elms in 1997 made no reference to cars displayed for sale on the grass island, because Mr Sully did not own the land. It had been agreed with Mr Slavin of the Highway Authority in 1985 that the land could be used for the display of vehicles for sale. There was an informal agreement. Mr Pope's vehicles were displayed on the site in 1997 when Mr Harris alleged that there were no cars on the appeal site.
- 8 **Mr Bult** moved into Drake's Farm adjacent to the Appeal site in 1977. He sold to Mr Harris in 1997 and moved out in 1998. Since at least 1977 he has passed the garage every day (twice a day). He was aged 6 when the house was built. The motorway was opened in 1976 when the roadworks on the front of the garage were carried out. He remembered when Mr Sully moved in and he stated that there have always been cars on the island site even before Mr Sully moved in and that there has never been a gap as alleged in 1997/98. He recalled Mr Pope as a tenant on the site and he also remembered the grass being cut and the cars being moved and put back either later in the evening or the following morning.
- 9 **Mr Pope** said that in 1997 the premises from which he had been trading for car sales were likely to cease to be available to him. Mr Sully invited him to trade from Durston Elms and he opened a business there in April 1997. He remained there until 30 June 1999 after Mr and Mrs Appleboom had bought the premises. He had visited Mr Sully at Durston Elms on a fairly regular basis and he remembered cars being parked on the island between the garage and the highway.

- 10 He spoke specifically in respect of the period between 1997 and 1999 and stated that Mr Harris's statement that the island was not used by vehicles until Mr Appleboom took over was incorrect. The island was in continuous and constant use over the two year period during which he traded there as JP Motors (Doc 4). He confirmed that vehicles were moved on and off the island on account of the weather and to enable the grass to be mown. In addition vehicles were moved from the top part near the main road to the lower part near the garage over night for security reasons. He had erected a post and rope fence 3m back from the main road as requested by the Highways Authority to maintain through visibility on the main road.
- 11 The premises were shared when he moved in and he used the office, the island site, the garage and the forecourt. He had sole use of the island at that time. During the period April 1997 to October 1997, he was setting up the business but he had cars on the island from around May of that year. He recalled talking to Mr Harris during his first year there about parking problems. When Mr Sully was selling cars from the site during the late 1980s, Mr Sully had more vehicles in the showroom. There were more vehicles on the grass when the second hand business was progressing after the close of the franchise. Between 7 and 15 vehicles were on display.
- 12 **Mr Appleboom** bought Durston Elms from Mr Sully on 17 November 1998. He knew Mr Sully because he used to stop at the garage when he worked as a motor cycle instructor. This was how he found out that the premises were for sale. All the time that Mr Appleboom has owned the premises the grass island has been in use for the sale and display of motor vehicles. Vehicles are moved off to enable the grass to be cut and during periods of bad weather. Initially the sales were through Mr Jess Pope of JP Sales and then, from the summer of 1999 by Mr Appleboom himself.
- 13 Mr Appleboom was aware that Mr Sully was trying to sell the property as early as January 1998 just prior to his holiday. Since January 1998 he confirmed that the island was always in use for the sale and display of motor vehicles. He did not pay much attention before that time but he could not remember a time when the island was free of cars. Contrary to the evidence of Mr Harris, during the period from about January 1998 until November 1998, there were vehicles for sale and display on the island. Mr Appleboom has fewer vehicles for sale and display than Mr Pope, with a minimum of three or four and a maximum of twelve. The closure of the vehicle access into Drake's Farm by the garage was carried out before he moved onto the premises. He believed it was carried out in mid summer 1998.

The Case for the Council

- 14 **Mr Harris** and his partner **Ms Sansom** live in Drake's Farm which they purchased in 1997. They moved in during November 1997. When they viewed the property in June/July 1997 there were no cars parked on the grass island. They visited the site on several occasions between July and 27 November 1997 when the purchase was completed and they did not see vehicles on the island. Mr Harris was informed by the Highway Authority that the grass island was highway land and that it would be retained as such. A few months after they had moved in, the grass island began to be used for the display of vehicles for sale. It is understood that Mr Pope was trading at that time.
- 15 Mr Harris recalled that Mr Appleboom purchased the garage in December 1998. Mr Appleboom initially tried to sub-let the car sales activity but then decided to sell a few cars himself. When he began selling he used the grass island for the display of vehicles. There

has been a marked reduction in the number of vehicles on display during the last few months. A photograph was produced by Mr Harris dated August 1997 showing no vehicles on the island and a further one dated Autumn 2000 from a similar viewpoint showing parked vehicles on the island. A photograph taken from the garden of Drake's Farm in March 1999 showed no vehicles on the island, whilst a further one again taken from the garden showed parked vehicles on the island.

- 16 Mr Harris has attempted to find out what took place on the island prior to 1997 and he referred to a phone call with Mr Sully about 18 months ago. Mr Sully told him then that he sold cars on several occasions, but that they were kept in or just outside the showroom as well as sometimes to the rear of the garage. An aerial photograph, authenticated as having been taken in April 1992, indicated that there were no parked cars on the island at that time. When the garage was placed on the market in 1996/97, the sales information set out the details of the accommodation and the business, but without any reference to the use of the grass island for car sales. There is merely a reference as follows: "The business also sells second hand cars and there is potential to expand this side of the business"
- 17 Mr Harris said that cars were never moved to the rear of the garage, they are only moved around or just in front of the garage. There is no space available at the rear of the garage at the present time. Mr Sully used the grass island occasionally in 1998 and Mr Appleboom increased the use dramatically. Mr Harris stated that the maximum number of cars seen on the site was about 12 and from 1998 onwards there was an average of 8-12. Ms Sansom considered that the maximum number of vehicles on the grass island at any one time would have been about 15.

The Case for an Interested Party.

- 18 **Mr Wrench** came to the village in 1992. He is chairman of the Parish Meeting but was giving evidence as a local resident. His recollection was that there have been cars on the island since 1992, but that the level of use increased when JP cars was trading, during the period of Mr Sully's ownership and subsequently that of Mr Appleboom. The level of use of the grass island has varied.

Reasoning

- 19 For this appeal to succeed it has to be found that on the balance of probability the alleged use of the grass island for the display for sale of motor vehicles began more than ten years before the application for the certificate was made; that is to say before 20 September 1990. This appeal is characterised by contrary evidence given under oath particularly for a period in 1997 and 1998.
20. Mr Sully's evidence was categorical. He owned and traded from the site from 1984 until November 1998. He said that the island was used continuously without a break for that whole period. Photographs submitted with the application show vehicles on the grass island in 1985, 1987 and the late 1980's. An aerial photograph dating from April 1992 indicates part of the island which is clear of vehicles (part of the island is not shown on the photograph). I do not regard this photograph as being crucial. The absence of vehicles on one particular day or for a short period of time need not necessarily be considered as being fatal to a claim for the continuity of a use on the site.

- 21 Both the judgement in the case of *Thurrock BC v. SSETR and Holding QBD 22.2.01 JPL 1388* and the subsequent judgement, *Thurrock v. SSETR and Holding in the Court of Appeal 27 February 2002* (currently unreported), support the interpretation that short periods of inactivity could be regarded as part of a continuing use but that longer periods could not. Schiemann LJ in the Court of Appeal judgement on an enforcement matter noted that “there will be borderline cases where it is not clear whether the land is being used for the objectionable activity”. This current appeal falls to be considered against the background of those judgements
- 22 The sworn evidence of Mr Sully and Mr Bult and the written statements of others have gone unchallenged at this Inquiry in respect of the period from 1984 (or earlier in the case of some written submissions) until June or July 1997. Only at that time was there an alleged hiatus, based upon assertions by the owners of Drake’s Farm that from June or July 1997 until a few months after November 1997, there were no vehicles on the grass island. There is no issue that for the remaining period say from March 1998 until the 20 September 2000, vehicles have been displayed on the land. I say this, bearing in mind that there may well have been short periods of time when the grass island was not in use which I shall regard as being *de minimis*
- 23 I concentrate now therefore on the period between June/July 1997 and March 1998. Put at its most simple, the evidence of Mr Harris and Ms Sansom is that there were no vehicles on the grass island during that time. The evidence of Mr Sully is that during that period Mr Pope was a tenant on the land and that Mr Pope was selling cars displayed on the grass island. The evidence of Mr Pope is that he was in business on the site from April 1997 until 30 June 1999 trading as JP Motors, during which time the grass island was in continuous and constant use. The evidence of Mr Appleboom is that from his initial interest in the site in January 1998, the grass island has always been used for the display and sale of cars. Even before that date he could not recall ever seeing the grass island free of cars on display for sale
- 24 No discontinuity of use is noted by others for this period. Neither Mr Wrench nor Mr Bult made reference to it. In written statements Mr Jewell, the Rev. D Manning, Dr P T Penny, Mr Plamping and Mr Chris White have all indicated a longstanding use of the grass island for the sale and display of cars over periods of time which span the period of contention from June/July 1997 until March 1998
- 25 Towards the end of the Inquiry, I sought the views of the parties as to an appropriate level of use of the land were I minded to allow the appeal, having already noted the comments of witnesses on the matter. I find that an appropriate level of use here would be for 12 vehicles

Conclusions

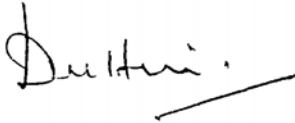
- 26 For the reasons given above and having regard to all other matters raised, I am satisfied, on the evidence now available, that the Council’s refusal to grant an LDC in respect of land at Durston Elms Garage, Durston, Taunton, Somerset was not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me in section 195(2) of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991

Formal Decision

27. In exercise of the powers transferred to me, I allow the appeal and I attach to this decision a Certificate of Lawfulness describing the extent of the existing use which I consider to be lawful

Right of Appeal to the High Court

28. Particulars of the right of appeal to the High Court against this decision are enclosed for those concerned

A handwritten signature in cursive script, appearing to read "D A Hill", with a horizontal line drawn underneath it.

D A Hill

Inspector

