

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 WEDNESDAY 2ND OCTOBER 2002 AT 17:00.

(RESERVE DATE: MONDAY 7TH OCTOBER 2002 AT 17:30)

AGENDA

- 1. Apologies
- 2. Minutes
- 3. Public Question Time
- 4. BISHOPS LYDEARD 06/2000/027
 RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 0.75
 ACRES TO THE NORTH WEST OF LYDEARD MEAD (LIME TREE FARM), BISHOPS LYDEARD

REPORT ITEM

5. TAUNTON - 38/2002/339
PARTIAL REFURBISHMENT/PARTIAL REDEVELOPMENT
AND EXTENSION OF EXISTING SHOPPING MALL TO FORM
THREE RETAIL UNITS INCORPORATING CLOSURE OF
THROUGH PEDESTRIAN ACCESS AT CROWN WALK,
TAUNTON

REPORT ITEM

- 6. CORFE 12/2002/003
 ERECTION OF DWELLING ON LAND ADJACENT TO
 AGRICULTURAL CONTRACTORS DEPOT, LAND OPPOSITE
 GIBBS FARM, ADCOMBE LANE, CORFE.
- 7. KINGSTON ST. MARY 20/2002/021 ERECTION OF EXTENSION AND ENTRANCE PORCH AT PARSONAGE FARM, PARSONAGE LANE, KINGSTON ST MARY (AMENDED SCHEME).
- 8. ORCHARD PORTMAN 28/2002/005
 ERECTION OF TWO STOREY EXTENSION, AND
 ALTERATIONS TO ACCESS AT ORCHARD PORTMAN
 NURSING HOME, ORCHARD PORTMAN, TAUNTON
 (REVISED SCHEME).
- 9. RUISHTON 31/2002/013
 ERECTION OF BUNGALOW AND GARAGE ON LAND TO REAR OF HIGHCROFT, HENLADE.
- 10. STAWLEY 35/2002/008 ERECTION OF SINGLE STOREY DWELLING, LAND AT

ROSE COTTAGE, APPLEY, WELLINGTON.

11. TAUNTON - 38/2001/284

REDEVELOPMENT OF 7 - 11A (INCLUSIVE) STAPLEGROVE ROAD, TO FORM RESIDENTIAL/COMMERCIAL UNITS AT GROUND FLOOR LEVEL FRONTING STAPLEGROVE ROAD, WITH FLATS ABOVE, AND THE RESIDENTIAL DEVELOPMENT OF THE REMAINDER OF THE SITE, LAND AT STAPLEGROVE ROAD, TAUNTON AS AMENDED AND AMPLIFIED BY AGENTS LETTER AND PLANS RECEIVED 19TH AUGUST, 2002

12. TAUNTON - 38/2002/253

ERECTION OF TWO STOREY BUILDING INCORPORATING ACCOMMODATION IN ROOFSPACE COMPRISING NINE FLATS ON LAND AT CORNER OF ST AUGUSTINE STREET AND PRIORY AVENUE, TAUNTON AS AMENDED BY DRAWINGS ATTACHED TO APPLICANTS LETTER DATED 27TH AUGUST. 2002

13. TAUNTON - 38/2002/313

ERECTION OF TWO STOREY EXTENSION TO THE REAR OF 8 BROADLANDS WAY, TAUNTON AS AMENDED BY LETTER AND PLANS 1062/3D, 1062/2D, 1062/1D RECEIVED 9TH SEPTEMBER, 2002

14. WEST BAGBOROUGH - 45/2002/006 ERECTION OF A DWELLING FOR A STUD MANAGER

ADJACENT TO TRISCOMBE RACING STABLES, WESTWOOD, BISHOPS LYDEARD AS AMPLIFIED BY ...

15. WIVELISCOMBE - 49/2002/054

ERECTION OF 5 NO. DWELLINGS ON SITE OF EXISTING BUILDING (TO BE DEMOLISHED) AT FORMER RGB PREMISES, TAUNTON ROAD, WIVELISCOMBE AS AMENDED BY ARCHITECTS LETTER DATED 4TH SEPTEMBER, 2002 WITH ACCOMPANYING DRAWING NO 0205.08B, AGENTS LETTERS DATED 3RD AND 23RD SEPTEMBER, 2002 AND ARCHITECTS LETTER DATED 23RD SEPTEMBER, 2002 WITH ACCOMPANYING DRAWING NO 0205.06C

16. NORTON FITZWARREN - 25/2001/036

CONSTRUCTION OF EARTH DAM TO IMPOUND FLOOD WATER FROM HALSE WATER AND FORMATION OF TEMPORARY POND/WETLAND UNDER FLOOD CONDITIONS ON LAND WEST OF MONTYS LANE NORTON FITZWARREN

MISCELLANEOUS ITEM

17. TRULL - 42/2001/026

ERECTION OF A TWO STOREY EXTENSION TO THE FRONT OF BRACONDALE, HONITON ROAD, STAPLEHAY, TRULL

MISCELLANEOUS ITEM

18. WELLINGTON (WITHOUT) - 44/2002/005

MISCELLANEOUS ITEM

ERECTION OF EXTENSION TO WHITEBALL GATE COTTAGE TO FORM AN ANNEXE AND ALTERATIONS TO VEHICULAR ACCESS

19. WEST BUCKLAND - 46/2002/010
ERECTION OF EXTENSION TO BLACKDOWN NURSERY
AND GARDEN CENTRE, PICCADILLY, WELLINGTON

MISCELLANEOUS ITEM

20. BISHOPS HULL - E64/05/2002 LITTLE SHAMBA, UPCOTT LANE, BISHOPS HULL, TAUNTON **ENFORCEMENT ITEM**

21. TOLLAND - E161/41/2002 and 41/2002/003AG THE RANCH, CHURCH LANE, TOLLAND

ENFORCEMENT ITEM

G P DYKE Member Services Manager

The Deane House Belvedere Road TAUNTON Somerset

TA1 1HE

27 September 2002

Tea will be available from 16.45 onwards in Committee Room No.2

PLANNING COMMITTEE – 11 September 2002

AGENDA ITEM NO. 2

Present: Councillor Mrs Hill (Chairman)

Councillor Bishop (Vice-Chairman)

Councillors Mrs Allgrove, Mrs Angus, Debenham, Denington, Eckhart, Escott, Guerrier,

House, Hunt, Mrs Lippiatt, 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.)

(Councillor Escott arrived at the meeting at 5.18pm).

191. Minutes

The Minutes of the meeting held on 21 August 2002 were taken as read and were signed.

192. Apologies

Councillors Edwards and Mrs Miller.

193. Applications for Planning Permission

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

(1) 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:-

07/2002/013

Continued use of light industrial unit for the carrying out of vehicle repairs at Unit 1, Ford Farm, Bradford on Tone.

Conditions

- (a) No more than four vehicles shall be parked on the land other than inside the building at any one time. No other materials, including vehicles for scrap, shall be stored outside the building;
- (b) Noise emissions from vehicle repairs on any part of the land or from any premises to which this permission relates shall not exceed background levels by more than three decibels expressed in terms of an A-Weighted two Minute Leq when measured at any point 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.

10/2002/016

Alterations to form granny annex including insertion of dormer windows and raising of roof at Newberry House, Churchinford.

Conditions

- (a) C001 time limit;
- (b) C101 materials;
- (c) C112 details of guttering, downpipes and disposal of rainwater;
- (d) C404 single family unit;
- (e) C404A single family unit link.

(Note to applicant:- Applicant was advised to contact Wessex Water to agree connection onto their system before any works commence on site).

14/2002/010

Erection of an extension to the rear of Iona, Bull Street, Creech St Michael.

Conditions

- (a) C001 time limit;
- (b) C102A materials;
- (c) C404 single family unit;
- (d) C404A single family unit link;
- (e) Before any part of the permitted development is commenced, full details of the construction method for the extension shall be submitted to, and approved in writing by, the Local Planning Authority. The construction method shall minimise the loss of flood storage capacity and limit any impediment to water flow.

(Notes to applicant:- (1) N040A - drainage/water; (2) Applicant was advised that the site lies within the flood plain of the River Tone and, as such, is within an area at risk of flooding; (3) Applicant was advised that there is a landfill site within 250m of the proposed development. It is not known what wastes were deposited there or whether landfill gas is being produced. The developer will need to take account of the proximity of the proposal to the landfill site; (4) Applicant was advised that there may be an electricity cable running under the site of the proposal which serves a number of dwellings in the vicinity. Care should be taken during construction to ensure that adequate protection is given to this cable; (5) Applicant was advised that the site is adjacent to an underground drain which runs between the gully in Bull Street and the rhyne to the rear of the property. Care should be taken to prevent disruption to this drain).

19/2002/009

Retention of vehicular access and hardstanding at 8 Crimthorne Cottages, Hatch Beauchamp.

Conditions

(a) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall

be fully provided within one month of the date of this consent and shall thereafter be maintained at all times.

(Note to applicant: N037 - drainage/water).

29/2001/013

Retention of garage/workshop to side of Woodcroft, Bishopswood.

Conditions

- (a) C901 personal permission;
- (b) Noise emissions arising from the machinery on any part of the land or from any premises to which this permission relates shall not exceed background levels between the times of 0800 and 1800 hours by more than five decibels expressed in terms of an A-Weighted, two Minute Leq when measured at any point at the façade of any residential or other noise sensitive boundary. At all other times, noise emissions shall not exceed background levels. 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 an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (c) No machinery shall be used or work carried out on the site on any weekend, Christmas Day or Bank Holiday or at any other time other than between the hours of 0900 and 1800 on weekdays.

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.

Conditions

- (a) C001 time limit;
- (b) C101 materials;
- (c) C110 materials for hard surfacing;
- (d) C112 details of guttering, downpipes and disposal of rainwater;
- (e) C201 landscaping;
- (f) C408 flats completion of development;
- (g) All windows in the south-west elevation shall be obscure glazed and fixed shut at all times and no further windows shall be inserted on this elevation without the prior written consent of the Local Planning Authority;
- (h) C911 aerials combined system;
- (i) Detailed drawings of all windows, doors and railings shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing:
- (j) C926 and C926A remediation investigation/certificate;
- (k) C331 provision of cycle parking.
 (Notes to applicant:- (1) N048A remediation strategy; (2) N031 design;
 (3) N051B health and safety).

(Councillor Mrs Allgrove declared a pecuniary interest and Councillor Eckhart a prejudicial interest in the following application. Both Councillors left the room during its discussion).

38/2002/286

Change of use to Class A3 (take-away) and retention of wall above flat roof at rear, 193 Galmington Road, Taunton.

Conditions

- (a) C001 time limit;
- (b) The take-away food outlet hereby approved shall not be open other than between 1100 and 2230 hours;
- (c) Before the use hereby permitted is commenced, filtered air extraction equipment to vent the premises shall be installed to the premises and approved in writing by the Local Planning Authority;
- (d) Odours arising from cooking shall not be detectable at the façade of any residential or other odour sensitive premises;
- (e) Noise from any air extraction system shall not exceed background noise levels by more than three decibels, expressed in terms of an A-Weighted, two Minute Leq, at any time when measured at the façade of residential or other noise sensitive premises;
- (f) There shall be no servicing of, or deliveries to, the property between 2230 and 0800 hours.
 - (Notes to applicant:- (1) With regard to condition (d), applicant was advised that this potential problem could be overcome by the fitting of a suitably filtered air extraction system. The filtration equipment should not cause any vibration which would affect the adjoining residential properties; (2) N049A environmental health; (3) N049B environmental health).
- (2) 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:-

10/2002/015

Change of use and conversion of agricultural building to dwelling at Paye Farm, Churchstanton.

Reason

(a) Major alterations to the building are required to convert it to a dwelling including the provision of a new roof and alterations to the front elevations. These works will give the building a significantly different form and appearance contrary to guidance in PPG7 and Policy H9 of the Taunton Deane Local Plan - Revised Deposit. Given this and the more domestic appearance of the converted building and its surroundings, the proposal would detract from the character and appearance of the this part of the area of Outstanding Natural Beauty contrary to Policy ED/EC/8 of the East Deane Local Plan and Policy EC10 of the Taunton Deane Local Plan - Revised Deposit.

38/2002/221

Change of use from A2 (financial services) to A3 (food and drink) at former Lloyds TSB Premises, 25 Fore Street, Taunton.

Reason

(a) The proposed use has the potential to generate crime and disorder and a fear of crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998.

Reason for refusing permission contrary to the recommendation:- It was felt that from evidence presented by the Police, the proposal would exacerbate the existing problems of crime and disorder in the town centre.

38/2002/272

Re-siting of 1.9m high boundary wall at 45 Farm View, Taunton.

Reason

(a) It is considered that the wall by virtue of its height and siting would constitute an intrusive feature within the street scene to the detriment of the visual amenities of the area, and would conflict with the principles of open plan development which have been adopted for this estate. Therefore, the proposal is considered to be contrary to Policies S1(D) and S2(A) of the Taunton Deane Local Plan - Revised Deposit.

38/2002/287

Erection of porch at 17 Whitehall, Taunton.

Reason

(a) It is considered that the proposed porch would be out of keeping with the existing dwelling and other nearby properties by reason of its size and siting and, if allowed, would be unduly prominent in the street scene and detrimental to the amenities of neighbouring properties. Therefore, the proposal is considered to be contrary to Policies S1, S2 and H19 of the Taunton Deane Local Plan - Revised Deposit.

Reason for refusing permission contrary to the recommendation of the Chief Planning Officer:- It was felt the proposal porch would have an adverse affect on the amenity of neighbouring properties.

(Councillors Bishop and Mrs Lippiatt declared prejudicial interests in the following application and left the room during its consideration).

38/2002/297

Change of use from Class A1 (retail) to Class A3 (public house) at 21-22 High Street, Taunton.

Reasons

- (a) The loss of an A1 retail use in this location will have a negative impact upon the shopping function of the High Street and the potential attractiveness of the proposed Crescent Car Park redevelopment. The proposal therefore conflicts with the provisions of Policy S7 of the adopted Taunton Local Plan and Policies T30 and T34 of the Taunton Deane Local Plan Revised Deposit;
- (b) The proposed use has the potential to generate crime and disorder and a fear of crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998.
- (3) That the following application be **deferred** for the reason stated:-

51/2002/006

Erection of an agricultural storage building at Samways Farm, Burrowbridge.

Reason

To clarify certain matters in relation to the application.

(Councillor Mrs Allgrove declared a personal interest in the application covered by Minute No 194 below).

194. Erection of industrial units, use Classes B1 (light industry), B2 (general industry) and B8 (warehousing and distribution), land adjoining Chelston Business Park, Chelston, Wellington (46/2002/022).

Reported this application.

RESOLVED that subject to:-

- (1) the views of the First Secretary of State under the Departure Procedures; and
- (2) the applicants entering into a Section 106 Agreement to provide for:-
 - (i) cycle path links from the site to the A38;
 - (ii) the dedication of the land between the proposed buildings and the road to Ham to either the West Buckland Parish Council or a management company for use as an informal recreational area; and
 - (iii) a long-term management plan for the landscaping scheme, and
- (3) the receipt of further observations from the Environment Agency removing its objection, 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) Prior to the commencement of development, 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. The scheme shall be implemented in accordance with the approved programme and details;
- (c) C101 materials;
- (d) C241 landscaping;
- (e) C207 existing trees to be retained;
- (f) C208A protection of trees to be retained;
- (g) 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;
- (h) C209 protection of hedges to be retained;
- (i) C210 no felling or lopping;
- (j) C301 highways in accordance with the County Highway Authority's booklet;
- (k) C303 highways, roads, turning spaces and parking areas to be surfaced:
- (l) The accesses shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences;
- (m) C324 parking;
- (n) C328 loading/unloading area;
- (o) C708 restricted use no storage except where stated;
- (p) There shall be no external loud speakers or tannoy systems operated;
- (q) C215 walls and fences;
- (r) C712 restricted use no burning on site;
- (s) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (t) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
- (u) Prior to the commencement of any development works, the applicant shall at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development works;

- (v) Activities carried out at this site may have caused contamination of soil, sub-soil and groundwater present beneath the site and may present a threat to nearby surface waters and/or water resources. Therefore, prior to the commencement of any development works, the applicant shall at his own expense, carry out a site investigation to determine the nature and extent of contamination that may result. In the event that significant contamination is confirmed, the applicant shall adopt measures to mitigate against pollution of the water environment;
- (w) No development approved by this permission shall be occupied or brought into use until a scheme for the future maintenance of pollution prevention devices has been submitted to, and approved in writing by, the Local Planning Authority;
- Details of any external lighting shall be submitted to, and approved in (x) writing by, the Local Planning Authority prior to its installation. (Notes to applicant:- (1) N075 - Section 106 Agreement; (2) N052 fire safety; (3) With regard to condition (b), applicant was advised that the principle of surface water balancing in the formpave system is acceptable. Full design details should demonstrate that the system is capable of containing and attenuating the 1:100 year run-off from the developed site (1:140 year storm) back to greenfield rates; (4) With regard to condition (s), applicant was advised that the volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund; (5) Applicant was advised that any waste oils must be connected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system; (6) Applicant was advised that during construction the following comments apply:- (i) pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks; (ii) discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (iii) Storage of fuels and machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage; (iv) the Environment Agency must be notified immediately of any incident likely to cause pollution; (v) under the terms of the Water Resources Act 1991, the prior agreement of the Environment Agency is required for discharging water from any excavation or development to a surface watercourse; (vi) liaison

directly with the Environment Protection Department of the Environment Agency should take place regarding pollution prevention during the construction and operation of the site; (7) Applicant was advised that if off-site waste disposal is utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (8) With regard to condition (b), applicant was advised that inspection holes should be provided and clearly identified to enable discharge from individual premises or buildings to be inspected or sampled; (9) With regard to condition (v), applicant was advised that in the first instance it is recommended that a desk study is undertaken to identify historical land use and potential for ground contamination, for example, from escape of fuel oils. If the potential for significant ground contamination is confirmed, then further assessment should be undertaken and should include:- (i) a targeted investigation to identify soil and groundwater contamination that may be present; (ii) a survey to identify water features (water interests survey) or other environmental "targets" that could potentially be impacted; (iii) assessment of actual or likely pollution migration pathways and threats to identified environmental targets; (iv) proposals, where shown to be necessary, for measures to mitigate against identified pollution threats; (10) Applicant was advised that any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations; (11) Applicant was advised that there should 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; (12) Applicant was advised that regard should be had to the requirements for the handling and storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992; (13) Applicant was advised that foul and contaminated drainage and trade effluent should be directed to the public foul sewer provided and should ensure that adequate capacity is available for additional flows; (14) With regard to condition (b), applicant was advised to consider the use of Best Management Practices as a method of sustainable surface water disposal; (15) Applicant was advised that under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters; (16) Applicant was advised that the development is located within a foul sewered area. It will be necessary for you to agree a point of connection onto the Wessex Water system for the satisfactory disposal of foul flows generated by the proposal; (17) Applicant was advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. The site layout shows that the proposed buildings fall within this easement width. Diversion or protection works may need to be agreed with Wessex Water. You should agree, prior to the

commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (18) Recommended to applicant that a long off-site sewer should be provided to discharge surface water flows to the local watercourse. This will be subject to approval by the Environment Agency; (19) Applicant was advised that there are water mains within the vicinity of the site).

(Councillors Mrs Allgrove declared a personal interest in the application covered by Minute No 195 below).

195. Conversion of agricultural barn to two dwellings, Manleys Farm, West Buckland (46/2002/024).

Reported this application.

RESOLVED that subject to the receipt of a satisfactory structural 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) C112 details of guttering, downpipes and disposal of rainwater;
- (c) C201A landscaping;
- (d) C205 hard landscaping;
- (e) C208A protection of trees to be retained;
- (f) 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;
- (g) C210 no felling or lopping;
- (h) C215 walls and fences:
- (i) C416 details of size, position and materials of meter boxes;
- (j) C601 schedule of works to ensure safety and stability of structure;
- (k) The new windows and doors indicated on the approved plans shall be made of timber only and of no other material, unless the written consent of the Local Planning Authority is obtained to any variation thereto;
- (1) C917 services underground;
- (m) C926 and C926A remediation investigation/certificate;
- (n) P001A no extensions;
- (o) P003 no ancillary buildings;
- (p) P010 no further windows;
- (q) C106 second hand materials;
- The windows on the east elevation indicated on the approved plan shall be glazed with obscure glass and such glazing shall thereafter be maintained.

 (Notes to applicant:- (1) N025 conversions; (2) N25A conversions; (3) N111 disabled access; (4) N114 design meter boxes; (5) N112 energy conservation; (6) N115 water conservation; (7) N095A owls and bats; (8) N033 drainage/water; (9) Applicant was advised that the soakaways should be constructed in accordance with the Building Research Digest 365 (September 1991); (10) N048A remediation strategy).

196. <u>Unauthorised siting of a temporary 15m high mobile telephone mast on land off Fosgrove Lane, Poundisford, Taunton.</u>

Reported that it had come to the Council's attention that a temporary 15m high mobile telephone mast with associated antenna attached to a trailer with integral housing, had been sited on land off Fosgrove Lane, Poundisford, Taunton without planning permission.

RESOLVED that:-

- (a) enforcement action be taken to seek the removal of the unauthorised 15m high mobile telephone mast which had been sited on land off Fosgrove Lane, Poundisford, Taunton; and
- (b) subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

197. Appeals

- (1) Reported that the following appeals had been lodged:-
 - (a) Conversion of barn to dwelling at Pool Farm, Taunton (38/2001/458);
 - (b) Erection of dwelling on land between 26 and 28 Spencer Avenue, Taunton (38/2001/462);
 - (c) Display of non-illuminated advertisements on side elevations at 23-29 Silver Street, Taunton (38/2002/201A); and
 - (d) Display of various signs at the former SWEB site, Priorswood Road, Taunton (38/2001/384A).
- (2) Reported that the following appeal decisions had been received:-
 - (a) <u>Formation of an access to Meadow View, Nunnington Park Farm, Wiveliscombe</u> (49/2001/052).

Decision

The Inspector felt that the track was clearly visible within the landscape and that the development comprised an unsightly scar within an area of attractive countryside. He concluded that although the development would not harm highway safety or the living conditions of neighbouring residents, this did not outway the harmful effects the proposal had on the character and appearance of the area. The appeal was dismissed.

(b) Change of use of agricultural building to Class B8 (storage and distribution), Staple Farm, Staple Fitzpaine (33/2001/006).

Decision

Although the Inspector noted that the roads leading to the site were narrow and winding in places, he was also mindful of the fact that small scale business proposals should not be rejected where only modest additional traffic would be created and the impact on minor roads would not be significant. He felt that with certain conditions imposed on the planning

permission, the movements of vehicles could be effectively restricted. The appeal was therefore allowed.

(c) <u>Erection of office and workshop building on land to the west of Cooks Coaches, Whiteball, Wellington (32/2001/003)</u>.

Decision

The Inspector considered that the existing buildings were prominently sited and that their open frontage and colour increased the effect. He felt that another building extending the complex away from the hamlet would increase the harmful impact on the countryside. The Inspector noted that the site was too small to accommodate the present activities and future needs of the two businesses present, and that their operations caused a severe impact on both the character and appearance of the surroundings and the living conditions of neighbouring residents. He concluded that the proposal would lead to an intensification of activity which would increase the visual intrusion in the countryside and exacerbate the existing impacts on the living conditions of nearby residents. The appeal was dismissed.

(d) Change of use and conversion of house to form children's day nursery at 1 Parkfield Drive, Taunton (38/2002/041).

Decision

The Inspector's main concern was with regard to the noise the children would create when playing outside at the rear of the property. He felt that although the number of children at any one time would be limited to eight, the noise would be significantly more than would normally be expected on a regular basis within the garden of a private dwelling. Although the Inspector concluded the proposal would not materially harm the character and appearance of the area nor would have any appreciable affect on highway conditions, the noise of children playing outside the building would seriously detract from the living conditions of neighbouring residents. In the circumstances, the appeal was dismissed.

(e) <u>Conversion of barn to holiday let/winter letting unit at Pitlands Barn, Pitlands Farm, Hillfarrance (27/2001/015)</u>.

Decision

The Inspector considered that despite the works that had already been carried out to the barn, he regarded the building to be worthy of retention. He noted that the size of the curtilage had been substantially reduced and that the existing gate was to be used for access. Taking these factors into account, the Inspector considered that the rural character and appearance of both the building and site would be maintained. However, he noted the proposal included winter lets which he felt would be tantamount to a permanent residential use. The domestic paraphernalia associated with a permanent residential property would, to a considerable extent, also be in evidence with a winter let. Winter lets would also produce a different travel pattern to a

short-term holiday let, which would mean a total reliance on private vehicles. The appeal was therefore dismissed.

(f) Retention of two mobile homes and two touring caravans for gypsy families at Long Acre, Rockhill, Wrantage (24/2001/022).

Decision

Due to the complexity of the Inspector's decision letter, a full copy was circulated to Members of the Committee. The appeal was allowed.

(3) Reported that the following informal hearing had been arranged:-

Site at Pool Farm, Taunton - The Principal Committee Room, The Deane House - 21 January 2003.

198. <u>Delegation arrangements in respect of Barn Conversions</u>

The Chief Planning Officer reported that, under the new delegation arrangements, any objections raised by a Statutory Consultee resulted in the application being referred to the Committee for determination.

However, in cases of applications for barn conversions, the County Highway Authority always raised objection on the basis that the proposed development was not sustainable.

In these particular circumstances, the Chief Planning Officer suggested that the receipt of such an objection should not mean automatic referral to the Committee but that the Officers be permitted to determine the application instead.

RESOLVED that the suggestion be agreed and the delegation arrangements be amended accordingly.

(Councillors Vail, Mrs Parrish, Hunt, Mrs Angus and Debenham left the meeting at 7.33pm, 7.40pm, 8.57pm, 9.21pm and 9.28pm respectively).

(The meeting ended at 10.17pm).

RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 0.75 ACRES TO THE NORTH WEST OF LYDEARD MEAD (LIME TREE FARM), BISHOPS LYDEARD

16780/29470 OUTLINE

1.0 RECOMMENDATION

I recommend that, subject to the views of the Secretary of State as a departure from the West Deane Local Plan (in advance of the Inspector's Report on the Taunton Deane Local Plan Revised Deposit) and the applicant entering into a Section 106 Agreement relating to (i) the provision and future maintenance of the proposed flood alleviation works and shelter belt planting; and (ii) contribution towards off-site leisure facilities in accordance with the current standards of the Council, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and if permission is GRANTED be subject to the following conditions: -

- O1 Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the siting, design and external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- O1 Reason: The application was submitted as a outline application in accordance with the provisions of Article 7 of the Town and Country Planning General Development Order 1988.
- O2 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- O2 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- Within a period of 3 years from the date of this permission, and therefore before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- O3 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in site levels.
- O4 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last reserved matters, whichever is the later.
- O4 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 05 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the

- building(s) 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.
- 05 Reason: To safeguard the visual amenities of the area.
- (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within nine months 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, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- O6 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.
- Defore any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 07 Reason: In the interests in the visual amenity of the area.
- The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with the details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
 - 08 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
 - 09 Sufficient space for one garage and one parking space, together with a vehicular access thereto shall be provided for the dwelling. The said garage, (or garage space), parking space and access shall be constructed or hard surfaced before the dwellings hereby permitted are occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access.
- 10 Details of size, position and materials of meter boxes. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

- 10 Reason: In the interests of satisfactory design and visual amenity.
- 11 All services shall be placed underground.
- 11 Reason: In the interests of the visual amenity of the area.
- Before the commencement of the development hereby approved, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority.
- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall, hedge or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf if first submitted to and approved by the Local Planning Authority.
- Reason: The Local Planning Authority with to exercise control over the matters referred to in the interests of visual amenity.
- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority or, in default, by the Secretary of State for the Environment.
- Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety.
- 15 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 17 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered
- 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.
- Before the commencement of any development on the site, an appropriate bridge/culvert crossing to a detailed design, including calculations, shall be constructed to the satisfaction of the Local Planning Authority.
- 19 Reason: To ensure that the matter can be dealt with in a satisfactory manner.

- 20 Before any work, other than investigative work, is carried out in connection with the use hereby permitted:- (a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses. (b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate: - 1. Water resources, including any private water supplies. 2. Surrounding land. 3. Wildlife, livestock and eco-systems. 4. Trees and plants. 5. Building materials 6. Future users of the site. 7. Any other persons. (c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development. (d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols. (e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority. (g). On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.
 - The design of the detailed proposals shall comply with the submitted development brief except as otherwise agreed in writing by the Local Planning Authority.
 - 21 Reason J101
 - 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.
 - 22 Reason To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
 - As the area is known to flood from time to time, the internal ground floor level(s) of the residential buildings shall be constructed no lower than 52.00 m above Ordnance Datum. General site levels elsewhere, including the access road and gardens shall be set no lower than 51.50 m above Ordnance Datum.
 - 23 Reason: In the interests of flood prevention.
 - No development of the new residential buildings shall commence on site until such time as the flood mitigation works illustrated on Brian Jones drawing AB595-03B have been fully constructed and inspected to the satisfaction of the Local Planning Authority. No modification to these works may be made without the prior, formal written approval of the Local Planning

- Authority.
- 24 Reason: In the interests of securing the necessary flood mitigation work at the appropriate phase in the development.
- The windows and doors for the properties and their associated buildings shall be made of timber and no other material unless agreed in writing by the Local Planning Authority.
- 25 Reason: The site is within the Conservation Area.
- Before the development hereby approved is commenced, details of any proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority.
- 26 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.
- 27 Before the commencement of any works hereby approved, a suitably qualified consultant shall be appointed to investigate the nature, degree and extent of any badger presence on the site. If a badger presence is identified from such investigation, a report shall be submitted to the Local Planning Authority identifying a detailed strategy to deal effectively with them. All recommendations of the report (if suitable) shall be carried out before works commence on site.
- 27 Reason: To ensure that the proposed works do not prejudice the presence of any badgers on site.
- 28 Before the commencement of any works hereby approved, specific details of the manner in which the electricity line crossing the site is to be dealt with shall be submitted to and approved in writing by the Local Planning Authority.
- 28 Reason: To conform to the requirement of the relevant policy.
- 29 Before the commencement of any works hereby approved, a full tree survey of both onsite and off-site trees shall be submitted to the Local Planning Authority.

Reason: To ensure sufficient distances between the trees and any development on the site.

Notes

- Your attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970 with regard to access for the disabled.
- To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.
- You are asked to consider the adoption of water conservation measures to

- reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- Your attention is drawn to the publication 'Lifetime Homes' by the Joseph Rowntree Foundation 1994 (01904 629241) which encourages the provision of homes for successive generations. You may wish to consider that a proportion of the housing meets the aims of this publication.
- 08 With reference to condition 21, the Local Planning Authority will expect a detailed layout to reflect a traditional village arrangement of housing. The design of the new dwellings should be of a high standard in view of the location of the site on the periphery of the village and Conservation Area. In particular, the layout and designs should have regard to the content of the Local Planning Authority's 'Design Guide' and 'Planning for Trees on Development Sites'.
- 09 With regard to condition 06, you are advised that a significant landscape buffer will be required to the north west boundary of the site in accordance with the submitted design brief. You are requested to discuss your proposals with the Borough Council's Landscape Officer before preparing the required planting scheme (telephone 01823 356491).
- 10 Provision must be made to prevent surface water being discharged onto the public highway.
- 11 Depending on the layout, some of the plots may have significant scope for the use of passive solar gain to heat properties in winter and to use photovoltaics to heat domestic water. You are requested to consider the use of these renewable energy sources.
- The applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. Sources of such guidance will include, though not exclusively, publications by the Department of the Environment, Transport and the Regions and by the Interdepartmental Committee on the remediation of Contaminated Land.
- During construction phase of the project you are advised that the risk of pollution from the site will be potentially high. Site operators must ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material. It may not be appropriate, given the contamination, to discharge the pumpings either into watercourses or onto the ground. Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- The foul drainage should be kept separate from the clean surface and roof water and connected to the public sewerage system after conferring with the sewerage undertaker.
- You are request to consider settling oil tanks on an impervious base and surrounded by impervious bund walls with a compound volume of at least 100% of the capacity of the tank. All filling points, vents, gauges and sight glasses must be located within the bund.

- With regard to condition 22, it is recommended that you investigate the use of Sustainable Drainage Systems for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include infiltration techniques, detention/attenuation, porous paving/surfaces and wetlands.
- The proposal includes various modification works tot existing channels and new culverting for access which will require the prior formal consent of the Environment Agency under the terms of S23 of the Land Drainage Act 1991. Advice should be sought from the Environment Agency's Flood Defence staff.
- Under the Water Resources Act 1991 and the Land Drainage Act 1991, both the Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks rest with riparian owners. Applicants or developer should be aware of their responsibility to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity and quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.
 - 19 There must be no interruption to the surface water system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

2.0 <u>APPLICANT</u>

A J Raucki and Son

3.0 PROPOSAL

The proposal is an outline application for the residential development of 0.3 hectare. An illustrative layout has been provided which shows a courtyard development of 7 dwellings and associated garaging. An area of land adjacent to Lydeard Mead was included in the Taunton Deane Local Plan Revised Deposit. The current planning application relates to this area which has a Lawful Development Certificate for a builders yard use.

4.0 THE SITE

The site is roughly rectangular in shape directly to the north west of the end of Lydeard Mead, which is part of a modem residential estate. The site currently forms the site of the builder's yard. On its eastern side, apart from the access point, the site has a three metre high leylandii hedge forming a screen from Lydeard Mead. On the north side of the site, there is a mixture of indigenous trees of varying sizes on the boundary, providing some screening. The existing properties to the north of the site

have 100 m long back gardens between them and the site and are set at a higher level than the site. To the west are open fields, and on the southern boundary there are six mature, indigenous trees, bordering a stream. The site is fairly flat, and is classed as a brown field site as it is currently being used as a builder's yard. There are no restrictions concerning the nature, height and extent of building materials and machinery that can be stored.

5.0 RELEVANT PLANNING HISTORY

In September 1996 an application for a certificate of lawful use was granted for the use of the site for the storage of builders materials and equipment and agricultural materials and equipment. A further application incorporating a slightly larger area was granted consent for the same use in the same year. Another application for a certificate of lawfulness was granted for the same use on an even larger area of land in October 2000.

6.0 RELEVANT PLANNING POLICY

Somerset and Exmoor National Park Joint Structure Plan Review

STR 1 (Sustainable Development)

STR 6 (Development outside towns, rural centres and villages)

STR 7 (Planning Obligations)

Policy 35 (Provision for housing)

Policy 49 (Access and parking)

Policy 50 (Transport requirements of new development)

West Deane Local Plan

WD/SP/2 (Development outside Settlement Limits)

WD/EC/23 (Conservation Areas)

Taunton Deane Local Revised Plan Deposit Draft

Policy S1 (General Requirements)

Policy S2 (Design)

Policy S3 (Energy Conservation)

Policy S6 (Rural Centres)

Policy S8 (Outside settlements)

Policy H1 (Housing within Classified Settlements)

Policy H2 (Energy Efficient Dwellings)

Policy C4 (Standards of recreational provision)

Policy EN4a (Protected species)

Policy EN12 (Special Landscape Features)

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Policy EN30 (Land liable to flood)

Policy EN31 (Flooding due to development)

Policy EN36 (Control of external lighting)

Policy BL2 "A site of 0.25 hectares at Lime Tree Farm, as shown on the Proposals Map, is allocated for no less than 8 dwellings, provided that:-

- (a) the proposed scheme design respects the setting of the residential properties in Lydeard Mead;
- (b) adequate protection is given to the Important Tree Group adjacent to the Back Stream;
- (c) a substantial belt of landscaping is provided along the site's western boundary, where it backs onto open farm land; and
- (d) the overhead electricity supply line which passes through the site is removed, and either placed underground or diverted via an alternative overhead route.

In association with the development, the following will be sought:

(e) appropriate works and measures to ensure adequate drainage and flood protection measures.

7.0 RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE

PPG1 (General Policy and Principles Revised February 1997)

Paragraphs 4 - 7 (Sustainable Development)

Paragraph 24

In preparing their development plans, local planning authorities should consider the land-use requirements of various types of social provision. For housing, the key objectives for the location of development and the allocation of land are:

-to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;

-to make effective use of land within urban areas, by allocating the maximum amount of housing to previously - developed sites within existing larger urban areas, which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns:

-outside urban or village areas, to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including

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leisure, shopping, education and health facilities; -to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing; and

-to ensure that housing is available where jobs are created.

Paragraph 32

Paragraph 40

Paragraph 47

Questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the development plan, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Paragraph 48

Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval). The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached. For example:

-where a plan is at the consultation stage, with no early prospect of reaching deposit, then refusal

on prematurity grounds would seldom be justified because of the lengthy delay which this would impose in determining the future use of the land in question;

-where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in the existing plan. The converse may apply if there have been objections to relevant policies. However, much will depend on the nature of those objections and also whether there are representations in support of particular policies;

-where an Inspector has recommended in favour of relevant policies to which objection has been raised, refusal on prematurity grounds is unlikely to be justified for an application which is consistent with these policies.

Paragraph 49

Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process.

REVISED PLANNING POLICY GUIDANCE NOTE 3 'HOUSING' PUBLISHED IN MARCH 2000

Paragraph 11 (Creating mixed communities)
Paragraphs 37 - 38 (Determining Planning Applications)

PLANNING POLICY GUIDANCE NOTE 25 'DEVELOPMENT AND FLOOD RISK' PUBLISHED IN JULY 2001

Paragraph 9

Paragraph 11

"Continued construction of hard-engineered flood defences to protect development in areas exposed to frequent or extensive flooding may not be sustainable in the long term. Soft engineering techniques such as creating, preserving and enhancing natural flood meadows and washlands or salt marshes and mud flats can be of great value in attenuating flooding as well as contributing to

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biodiversity. A sustainable approach to flood risk will involve avoiding additional development in some areas. Where this is not possible, development needs to be of a design and with an appropriate level of protection to ensure that the risk of damage from flooding is minimised, while not increasing the risk of flooding elsewhere.

Paragraph 13

Paragraphs 27-36

8.0 CONSULTATIONS

County Highways Authority

I have no objection in principle however it should be pointed out that the site is accessed across what appears to be a flood alleviation culvert and it would be necessary for the applicant to demonstrate a suitable crossing/bridge with design calculations to the satisfaction of the Local Planning Authority and the County's Bridge Engineer. Should planning permission be granted then conditions re proposed estate road, footpaths, cycleways etc shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority and an appropriate bridge/culvert crossing would need to be constructed to the satisfaction of Somerset County Council's Bridge Engineer.

Environment Agency

(Initial response) "The Agency objects to the proposal and recommend that the Council defer consideration of the application until sufficient details are provided by the applicant in accordance with Circular 30/92. It has not been established how the flood defence concerns of our earlier letter to the agents have been addressed or reflected within the site layout which we consider material at the outline stage. The site adjoins an ordinary watercourse under the control of Taunton Deane Borough Council as land drainage Authority. All new houses must be protected from flood risk up to a minimum of the 100 year flood with measures put in place to ensure that surface water disposal from the site does not exacerbate any existing downstream flood risks. It is likely that further hydrological and hydraulic investigation of the watercourse will be required to establish if the Agency will have any in principal objectionto a residential development of the site. In the event that flood risk issues can be overcome, the Agency would expect to see a sympathetic treatment of the river corridor by retaining an undeveloped buffer strip alongside the watercourse to provide an environmental corridor, access for channel maintenance and/or uprating works, and to provide recreational opportunities. There is no water quality objection in principle provided that the foul drainage is kept separate from clean surface and roof water and the foul drainage is connected to the public sewerage system. During construction pumps used

for pumping out water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Agency must be advised if a discharge to a watercourse is proposed. Storage of fuels for machines and pumps should be well away from any watercourse. The tanks should be bunded or surrounded by oil absorbent material. Suggest a condition concerning the storage of oils, fuels, chemicals etc. In light of the nearby stream and spring fed abstraction to the site, there is a groundwater requirement for more information on drainage arrangements and previous land use of the site. Where previous land uses indicate a likelihood of ground contamination we would advise that environmental pollution risks be evaluated. Adoption of mitigation works may be necessary. The Agency's records show no operational or closed landfill sites within 250m of it within the last 30 years." The following further response was submitted:- "In our earlier letters to your Council dated 05 July and 05 December 2000 regarding this outline application, you will recall that this Agency has objected to the proposal on flood risk grounds. In the intervening period, the applicant/agent has entered into lengthy discussions with this Agency over the scope of the mitigation works required to address the flooding issue. An hydrological and hydraulic analysis was supplied by Babtie Consulting, together with Brian Jones drawing AB595-03B, demonstrating that a technical solution to the flooding issue had been reached. Our revised position was recently clarified to your forward planning section in our letter dated 14 March, 2002. With respect to this current planning application, the Environment Agency now formally withdraw its earlier objection letters to your Council, subject to the following conditions:- 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. (To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.) It is recommended that the developer investigate the use of Sustainable Drainage Systems for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include infiltration techniques, detention/attenuation, porous paving/surfaces and wetlands. As the area is known to flood form time to time, the internal ground floor level(s) of the residential buildings shall be constructed no lower than 52.00 m above Ordnance Datum. General site levels elsewhere, including the access road and gardens shall be set no lower than 51.50 m above Ordnance Datum. No development of the new residential buildings shall commence on site until such time as the flood mitigation works illustrated on Brian Jones drawing AB595-03B have been fully constructed and inspected to the satisfaction of the Local Planning Authority. No modification to these works may be made without the prior, formal written approval of the Local Planning Authority. We recommend that the District Council technical services officer should be consulted to ensure that the proposal does not affect the Council's flood defence responsibilities. In the event of planning permission being granted we request that the decision notice contains the following information – the

proposal includes various modification works to existing channels and new culverting for access which will require the prior formal consent of the Environment Agency under the terms of S23 of the Land Drainage Act 1991. Advice should be sought from the Environment Agency's Flood Defence staff. Under the Water Resources Act 1991 and the Land Drainage Act 1991, both the Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks rest with riparian owners. Applicants or developer should be aware of their responsibility to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity and quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners for which he has a liability. There must be no interruption to the surface water system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected". The content of the letter to the forward plan section was as follows:- "As you are aware, the Environment Agency has been seeking further clarification on the flood risk assessment and proposed mitigation measures. Following negotiations with the Agency, a further revised report was received. Whilst there are some remaining points to be clarified, the report indicates that the allocation site can be defended to the appropriate standard (1:100 year event) without exacerbating flood risk downstream. The flood mitigation proposed will involve substantially raising the site and providing a widened channel along the site's northern boundary linking in to the existing channel. Other works will be required to encourage the appropriate divergence of flood flows at the newly formed bifurcation. The land island created in between the two channels needs to be raised in order to prevent flood flows bypassing the new channel. The Agency now accepts that a technical engineering solution for flood risks up to the 1:100 year event is possible for this site. We are therefore able to withdraw our objection to the site's allocation, subject to all of the report recommendations and works being implemented by any developers prior to construction of the residential units. Your Authority will now need to consider the impact associated with the proposed flood mitigation measures and satisfy yourselves that there are no other planning implications that would prevent construction of these essential works. We draw your attention to:- the size and depth of the new flood channel fronting the site – there will be dramatic variations in water depth and velocities between 'normal' and flood conditions. During dry weather periods, there will only be a nominal water depth in the bottom of the watercourse. Flood water velocities in the north channel - pushing more percentage of the flood flow down this branch will increase water speed all along this reach, not only affecting the allocation site. The potential impact on existing trees located between the two channels - this land has to be elevated if the scheme is to work correctly (control over

this land would be beneficial – removal of permitted development rights may be appropriate). The importance of channel maintenance and debris removal in future to retain the design assumptions in the report – it is unclear who will maintain the new sections of channel.

County Archaeologist

There are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds.

Somerset Wildlife Trust

Have received information that an active badger sett is present on this site. Recommend that the Badger Group be asked to carry out a survey to confirm the presence or absence of badgers. Depending on the results of this survey, would recommend that a professional badger consultant be engaged by the application to produce a report on the mitigation that would be necessary to safeguard the badger colony, should development on the site take place.

Western Power Distribution

There is existing apparatus in the vicinity of the proposed works. When work is to take place in the vicinity of our plant, it is a requirement under the Electricity at Work Regulations 1989 and under the Heath and Safety at Work Act 1974 and CDM Regulations 94 that those persons should define and practice safe working procedures. Works should be carried out in accordance with the Health and Safety Executives publication GS6 and HS(G)47. Where diversions to our overhead lines and/or underground cables are needed to allow change to occur on site, the cost of those alterations may be charged to the persons responsible for the works.

Wessex Water

The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection on to the system for the satisfactory disposal of foul flows generated by the proposal. The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangements for the satisfactory disposal of surface water. With respect to water supply, there are water mains within the vicinity and connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

English Nature

Possible presence of badgers on site. Applicants should be aware of the provisions afforded both badgers and their setts under the Protection of Badgers Act 1992. The site should be surveyed by a suitably qualified and experienced

person and any mitigation work necessary presented in a report to West Somerset Council and English Nature prior to the planning application being determined.

Avon and Somerset Constabulary

No adverse comments to make at this stage.

Local Plans

No concerns provided that the requirements of policy BL2 (as amended by Strategic Planning Committee) are complied with. However, the application site is slightly larger than the allocated site. In identifying the allocation, we had regard to the original certificate of Lawfulness and the allocated area was based on this. The crucial factor is the ability to effectively screen this development from views from the north and west, and to prevent further incremental encroachment into The Lawns. If these objectives can be achieved on the extended site, then the proposal may be acceptable. Is there a logical boundary within which to control this development? If not then I would suggest that you control the proposed development within the site limits as defined by the allocation. The requirements of policy BL2 are equally applicable to both cases.

Conservation Officer

Concerned about the impact on the setting of the Conservation Area, particularly views to the Conservation Area from the west of the site. If the principle of development is acceptable, it is important that conditions or notes attached requiring high quality design/materials and the submission of a design statement.

Drainage Officer

A 'Flood Alleviation Study' was carried out in 1998 for this site and I accept the proposal in principle subject to receiving a full and detailed report (as stated in the Flood Alleviation Study's conclusion). The following response was received following the submission of the flood alleviation study report:- we fully endorse the comments made by the Environment Agency as outlined in their letter dated 18th June, 2002 and would re-emphasis the following comment – "as these works are specifically detailed in the supporting hydraulic analysis, it must be pointed out that any changes to the layout of the channel works, however minor, would need to be remodelled in order to establish that the flood risk findings remain valid. Our current position is therefore exclusively based upon the above arrangements, and we would reserve the right to comment again should any further modifications be required to satisfy other planning constraints that may arise. We also assume in giving these comments that the developer will have the ability to secure any private legal agreements that may be required to implement these works eq in-filling the old channel. The fill plateau shown on Brian Jones drawing AB595-03B represents the maximum possible developable area within the site, although the Agency would advocate that a strip of land needs to be retained free of any formal development adjacent to the perimeter ditch bounding the fill plateau. This would allow access for future management of the feature, which performs a land drainage and floodplain volume compensation function. Arrangements are also required to ensure future maintenance of the new channel fronting the development is secured". The following should be made a condition of any approval – we need to be convinced that there will be a regime for adequate routine maintenance to all of the proposed alleviation works and that this should be agreed with the Drainage Officer, the Heritage and Landscape Officers and the Environment Agency. The developer needs to demonstrate that adequate compensation is to be provided for the volume loss on the existing floodplain caused by this development should approval be given.

Housing Officer

No information as to how the site will be accessed. Housing obviously owns the land on one side

so would be interested in discussing with the developers if access is needed and if therefore some social housing could be provided in payment.

Landscape Officer

Main concerns are that the site appears to be well screened during the summer months but may be more exposed during the winter months. A full tree survey is vital of both onsite and off site trees so that appropriate housing to tree distances and tree management works can be agreed. The site lies within the Conservation Area and should make a positive contribution to the area's amenity, eg a streamside enhancement scheme. The stream may be valuable as a wildlife corridor. Comment on the Design Brief layout indicated preforance for the extension to be set back to help maintain the visual character of the close.

Leisure and Recreation Officer

The site is too small to accommodate on-site community facilities but contribution towards off site provision for play, sport and community provision should be sought in accordance with the Council's policy.

Environmental Health Officer

Recommend the imposition of a contamination condition and respective note to the applicant.

Parish Council Oppose the application.

9.0 REPRESENTATIONS

8 LETTERS OF OBJECTION from 6 properties have been received raising the following issues -

- \$ How many houses and what type?
- Surprised to see the site's present use being described as a builder's yard. I thought it was agricultural land. I was unaware of any application for its change of use. Before the application is considered the applicant should submit his proposal for the relocation of the builders yard;
- \$ The land should be reverted to agricultural use which will be in keeping with the land adjacent to the site;
- \$ Is the proposed site within the village envelope and thought appropriate for infill development?
- Additional vehicles passing the existing dwellings on Lydeard Mead. The traffic to and from the builders yard is 2-3 vehicles between 8 am 9 am and 4 pm 5 pm;
- When Lydeard Mead was built, I was led to believe that the class of road created to serve the houses was such that it would not be suitable to serve a larger development and therefore protected from further development to the north west. The road cannot be widened. It already serves 3 more houses than in the original development. The current access road is not as wide as a regular road and therefore cars must park with 2 wheels on the footpath to ensure that vehicles can pass. Lydeard Mead is occasionally used as an overspill car park for the surgery often providing regular bottlenecks.
- \$ The sight line from Lydeard Mead to the main road through the village is technically inadequate as it stands.
- \$ The balance of water distribution at high flow levels between the main stream, the back ditch (now piped) and the new cross channel are intricate. The proposed development

site still floods and holds water which runs straight off the land into the watercourses. The development site was flooded during the heavy rains at the end of October 2000. The gardens of Lydeard Mead were flooded during this time and the site was under several feet of water. The drainage culvert which takes the water to the main stream could not cope with the volume and overflowed into Lydeard Mead gardens. There is no way that the capacity of the existing flood relief scheme can be increased;

- This site is an integral part of the character of Lydeard Mead and any future development should be of a similar style and quality. Any low cost style and quality would not only be out of step with surrounding properties but could have an effect on the actual value of existing properties.
- It is right that the Council protects the visual amenity of The Lawns but they should also consider the impact, both visual and environmental, on the existing occupants of Lydeard Mead
- Any further development between existing buildings and the A358 would detract from the setting of Bishops Lydeard;
- Given the on-going developments at Cotford St Luke and Sandhill Park, there is no need for houses on this land. There are ample affordable properties being built within a mile of Bishops Lydeard. There are also many houses within the Hithermead development that are 'affordable' which regularly come on the market.
- A balance needs to be struck between facilities, amenities and the number of dwellings. Where is the employment to support this influx of people?
- \$ The more development you have, the more targets you provide for criminals and the greater the chance of housing a criminal element within the parish.
- It would lead to the ruin of an environmentally beautiful area. The streams are full of frog spawn, Kingfishers are regularly seen, barn owls inhabit the trees and there have been recent sightings of Woodpeckers.
- \$ Understand that the field is in the conservation belt of the village and should not be built on
- Find it hard to believe that although the proposed flood alleviation scheme protects the development from flooding it will not make the risk of flooding to other properties worse as development will cause more water to enter the existing channel during adverse weather conditions.
- \$ The village primary school is already at full capacity.
- Raising the level of the land by approx 0.5 m will mean that for a period of time there will be a landfill site in the centre of an already congested village, with its associated heavy lorries.

1 LETTER OF REPRESENTATION has been received raising no objection to building houses on this site. The original local plan indicated 6 houses, whereas this application is for 8 houses. Consideration should be given to the additional traffic generated by these extra houses, as Lydeard Mead is a quiet road.

Local Plan Representations

Objections and representations to Policy BL2 in the Taunton Deane Local Plan Revised Deposit are summarised in the attached Appendix A.

10. PRINCIPAL ISSUES FOR CONSIDERATION

A. Is the site appropriate for residential development having regard to the development plan

policies? POLICY

- B. Will the proposed development have an unacceptable visual impact on the area? VISUAL IMPACT
- C. Is the access to the site acceptable? ACCESS
- D. Will the proposal result in increased flooding in the area? FLOODING
- E. Is the proposed development sustainable? SUSTAINABILITY

A. Policy

Bishops Lydeard is defined as a Rural Centre in the context of the Structure Plan and the emerging Local Plan where provision should be made for development that will sustain its role as a focal point for local employment, shopping, social and community activity. The proposal is considered to support this role.

The site is outside the limits of the settlement in the adopted West Deane Local Plan. However, the Revised Deposit Taunton Deane Local Plan proposes the majority of the site for residential development, this part being incorporated within the village limits as proposed in the Plan. Furthermore, the whole of the site is within the area which has the benefit of a Certificate of Lawful Development for use as a builder's yard. Objections were received to the allocation in the Local Plan from 10 local residents and interested parties(see attached Appendix). In general these raised similar points to those raised in connection with the current planning application. These objections to the Local Plan allocation were the subject of consideration in June of this year at the Local Plan Inquiry. The Local Plan proposal is a material consideration, reflecting the current approach of the Planning Authority and should be accorded considerable weight.

The question of prematurity has also to be considered and the relevant sections of PPG1 are set out in Section 7 of this Report. The illustrative plan submitted with the Design Brief indicates a development of 7 dwellings, and in view of this I do not consider prematurity to be an issue. The proposal will not have a significant impact on the implementation of the Local Plan and it would therefore be difficult to justify refusal of permission on prematurity grounds.

In policy terms, given that the majority of the site is proposed for development in the Taunton Deane Local Plan and all of it is covered by Certificates of Lawful Development for use as a builder's yard, I consider that the site is effectively a brownfield site where the principle of development is acceptable.

B. Visual Impact

The site is well screened from the A358 and this will be improved by further tree planting proposed as part of the development. The site is presently in use as a builder's yard and it is my view that the proposed development will be an enhancement of the area. I believe that the proposal will meet the test of preserving or enhancing the Conservation Area. The Design Brief indicates the provision of a 46 m x 6 m shelter belt/screen which will be planted to the west of the site adjoining the 5m wide access strip to the new drainage channel. This thick group of trees will provide an essential backdrop to the new development, softening the impact of the new dwellings. The drainage channel, access strip and shelter belt are outside the planning application site but on land within the same ownership.

The Design Brief indicates 7 new houses for the site in a layout which provides a sense of visual enclosure. The design of the houses will show an appreciation of the distinctive local building characteristics in the area. The Brief indicates that the proposed new houses will incorporate natural materials and local style and detailing and that the use of bricks, concrete tiles, plastic windows and alien detailing, together with repetitive house forms, will be totally avoided.

C. Access

The proposed development will be served by an extension to the existing public highway serving Lydeard Mead. The existing bridge into the site will be widened and strengthened to the County Highway Authority's requirements. The County Highway Authority consider that the additional traffic generated by the residential development would not be significantly greater than the builder's yard and would in any event consist mainly of light vehicles rather than heavy goods vehicles which could be associated with the builder's yard. They therefore raise no objection to the proposal subject to conditions.

D. Flooding

PPG25 advises local planning authorities to consider ways in which the planning system might be used positively to tackle the legacy of past development in unsustainable locations, such as flood plains. Because of the damage that can arise from flooding, the Government considers that the objectives of sustainable development require that action through the planning system to manage development and flood risk should be based on the precautionary principle. Paragraph 13 of PPG13 states that where there are threats of damage, a lack of scientific data should not be used as an excuse for not implementing cost effective measures to prevent environmental degradation. Accordingly, for proposals within areas liable to flooding, the implementation of the precautionary principle will require the applicant to demonstrate that a proposed scheme of flood protection of the required standard is both technically feasible and deliverable and that it will not adversely affect third parties by reason of increased risk of flooding. The PPG sets out an approach that directs authorities towards sites at lower risk of flooding from those at higher risk. Three categories of risk relating to flooding are identified, ranging from little or no risk, through low to medium risk, to high risk. The high risk category is split into three separate elements, namely developed areas (3a), undeveloped and sparsely developed areas (3b) and functional flood plain (3c).

The application site is considered to be within category 3a, given that the site has an existing use as a builder's yard. Paragraph 30 of PPG25 states that these areas may be suitable for residential, commercial and industrial development provided the appropriate minimum standard of flood defence can be maintained for the lifetime of the development, with preference being given to those areas already defended to that standard.

As part of the details submitted with the application, a report of a flood alleviation study has been submitted. The Environment Agency considers that, taking account of climate change, the site can be protected to a 1:100 year event plus 20%. Furthermore, the proposed engineering works will not result in any increased risk to third parties. They therefore do not object to the proposed development.

E. Sustainability

The site lies on the edge of an existing large village (defined as a Rural Centre in the Local Plan Revised Deposit) with a wide range of facilities. The settlement enjoys a regular bus service to Taunton, where there is a wider range of facilities and employment opportunities. There is existing infrastructure close to the site which can be utilised. The site is presently in use as a builder's yard and it is considered that development of the site as proposed will enhance the appearance of the site and result in the development of a brown field site.

11. CONCLUSION

The proposal has to be considered against the policies contained in both the adopted West Deane Local Plan and the emerging Taunton Deane Local Plan. The majority of the site is proposed for development in the Revised Deposit Taunton Deane Local Plan. The whole of the site has a Certificate of Lawful Development for use as a builder's yard and is therefore a brownfield site.

In the light of Central Government guidance in PPG1 and the advanced stage of preparation that the Taunton Deane Local Plan has reached, I consider that considerable weight should be given to the Revised Deposit in the determination of this application. Also, given the limited scale and impact of the proposal, both on the implementation of the Local Plan as a whole and on the character of the village, I do not consider that approval now would be prejudicial to the successful implementation of the overall strategy of the Local Plan, nor do I consider that a prematurity objection could reasonably be sustained. Whilst my recommendation includes referral to the Secretary of State as a departure from the adopted Local Plan, I consider that, in view of the small scale of the proposal, there is no reason why the application should not be determined prior to the formal adoption of the emerging Taunton Deane Local Plan.

My recommendation is therefore a favourable one.

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

CONTACT OFFICER: MRS J HIGGINBOTTOM Tel: 356462

Appendix A

List of Objections: -

Support: -

O/21/5041 Mr RP Dickson O/21/5042 Mr RP Dickson O/21/5043 Mr RP Dickson

O/46/5108 Mr D Smith O/95/6725 A&J Raucki & Son

O/269/5835 Bishops Lydeard & Cothelstone

Parish Council

O/466/6549 Environment Agency

O/546/7009 Heron Land Developments Ltd

& Prowting Projects Plc

RO/68/10052 Cllr J Lewin-Harris

RO/95/10961 A&J Raucki & Son

RO/269/10047 Bishops Lydeard &

Cothelstone Parish Council RO/890/10004 Mr I Bush

RO/1018/10997 A&PK Spackman

RO/1018/11409 A & PK Spackman

RO/1031/11174 WP May

S/21/5040 Mr RP Dickson

S/95/6724 A&J Raucki & Son

RS/466/11064 Environment Agency

Summary of Supporting Comments

S/21/5040 Mr RP Dickson

This is a brownfield site that is within two minutes walk of a range of facilities. The redevelopment of the site will remove an eyesore.

S/95/6724 A&J Raucki & Son

Support the allocation.

RS/466/11064 Environment Agency

Paragraph 10.4. Welcome the reference to protecting the stream corridor. The inclusion of the discussion on the potential flood mitigation measures is supported.

Recent flooding of the site (30/10/00) reinforces the need for any developer to undertake a robust and detailed hydrological and hydraulic analysis to establish flood risk and quantify mitigation measures for the site. It is possible that the mitigation measures may in themselves conflict with other Bishops Lydeard policy aspirations and land take considerations for the site e.g. number of dwellings; retention of tree group etc.

Objector's Case

O/21/5041 Mr RP Dickson

This proposal will result in a total of 15 houses (plus agricultural access) using the very bad junction of Lydeard Mead/Mount Street. Lydeard Mead will require traffic calming, or a 20mph zone throughout its whole length.

O/21/5042 Mr RP Dickson

In view of the sensitivity of The Lawns, the street lighting in the site should be of a sensitive design, non intrusive, and less urban than the existing lighting in Lydeard Mead.

O/21/5043 Mr RP Dickson

A 415v overhead supply line crosses The Lawns and one of the poles is situated within the proposal site (this line, being overhead, produces short power interruption). The proposal site should not have an overhead supply pole within the development.

O/46/5108 Mr D Smith

An inappropriate allocation as the scenic value of The Lawns has been stressed many times - including TDBC in West Deane Local Plan. Why such a significant change of opinion? The site would be an unsightly intrusion into The Lawns and enable future housing extensions alongside difficult to refuse.

O/95/6725 A&J Raucki & Son

- 1. The boundary of the site should accord with the precise area of the Established Use Certificate (EUC) and encompass the triangle of land to the north west of the site.
- 2. The site area should be expanded to the north east to incorporate land suitable for an additional six dwellings (with the subsequent removal of the ARU notation). The contribution of the area shown to remain undeveloped to the much larger area is negligible, particularly in view of the Builder's Yard development. The highway authority has no objection to this, and flood/drainage issues can be resolved. Site considered for similar development at the West Deane Local Plan Inquiry and was only rejected by the Inspector on the actual contribution that he felt the curtilages of the property of which the site is a part, contribute to the character of this part of the village. He also felt that if the representation had been successful it could have led to a precedent for the release of more land for housing on other rear garden curtilages to the north. The former consideration is now set aside through the granting of the EUC).
- 3. The allocation of six dwellings for the village (above that identified in the West Deane Local Plan) is too small for a settlement the size and status of Bishops Lydeard.

O/269/5835 Bishops Lydeard & Cothelstone Parish Council

There should be no more housing in Bishops Lydeard until Cotford St Luke is complete. The proposal will:

1. not enhance or maintain the local social and economic role and environmental quality of the village;

- 2. aggravate general traffic problems throughout the village in addition to those generated by residents of Cotford St Luke; and
- 3. represent a serious physical/visual incursion into The Lawns (protected under policy BL4).

When permission was granted for development at Lydeard Mead, it was understood that no further development to the west would be allowed. There is a danger of the repetition of the circumstances applying to this site by the likely relocation of the builders yard.

O/466/6549 Environment Agency

The penultimate sentence of paragraph 10.4 should be changed to recognise the importance of the watercourse corridor in this area and the role it has to play in supporting surrounding ecology i.e.need to be designed "to protect the stream corridor and avoid"....

O/546/7009 Heron Land Developments Ltd & Prowting Projects Plc

In view of the timing of the Local Plan in relation to the Structure Plan, we believe that the housing strategy, and therefore potential housing allocations, require review. We object to the appropriateness of the sites in principle, and their ability to bring forward housing to meet the Structure Plan requirement.

RO/68/10052 Cllr J Lewin-Harris

Paragraph 10.4 should be amended to read (proposed new wording underlined) "A drainage investigation will be required to assess the extent of flood attenuation measures necessary. Such measures <u>must have regard to the lessons learned from the October / November floods and are likely to include......"</u>

It is questionable whether any on-site scheme will protect the new houses on the site. Any scheme that increases flood risk to third parties will be unacceptable.

It was evident in October 2000 that the flood attenuation measures designed to protect the existing Lydeard Mead properties were themselves barely adequate, and this gives little reassurance that the so-called experts always get it right.

Apart from the general expectation that flooding is likely to get worse in future due to global warming, there are a couple of other factors which indicate that the problems in Lydeard Mead are likely to get worse. Work on Back Stream to clear the watercourse is ongoing upstream of Lime Tree Farm. This will, I believe, result in a faster flow of water through Lime Tree Farm and Lydeard Mead. There have been problems with the flow of water down the Mill Stream, which is becoming heavily silted. This reduces the capacity of the Mill Stream and thus diverts more water into Back Stream.

The question of insurance is increasingly being raised in connection with building on the floodplain. Firstly, will it be possible for the new properties to get flood insurance and if so at what cost? Secondly, what will be the impact of the new development on the insurance premiums of those living down stream? Will householders have any comeback against the Local Authority if further development is judged to have increased their risk of flooding and their insurance costs.

RO/95/10961 A&J Raucki & Son

In order to necessitate the increased number of dwellings it would be important that the area of the site be amended to reflect the Certificate of Established Use for a Builder's yard on a slightly larger area as has been agreed in accordance with previous representations.

RO/269/10047 Bishops Lydeard & Cothelstone Parish Council

The magnitude of the housing proposal at Lydeard Mead is ill defined. It could be concluded that the sites may be developed with high density parametres substantially greater than the 8 stated units.

RO/890/10004 Mr I Bush

The site is flood plain which protects existing properties from flooding. The site flooded four times in 2000. Proposal is contrary to PPG25 as development would be exposed to unnecessary flooding and will contribute to increased risk of flooding elsewhere. The guidance states that building in functional flood plains should be wholly exceptional, except where essential infrastructure is to be provided. More emphasis should be placed on preventing development in flood risk areas. These eight dwellings can easily be accommodated elsewhere at Cotford St Luke.

The egress from Lydeard Mead into Mount Street is currently dangerous due to the proximity of other traffic generating facilities / dwellings. Traffic from new development would exacerbate situation as it will generate more traffic than the builders yard.

Existing infrastructure would be stretched even further by this development ie school is at capacity and village road is gridlocked at peak times.

RO/1018/10997 A&PK Spackman

The proposed development is on flood plain, although this is not shown on the plan. On morning of 30.10.00, the existing flood attenuation measures were stretched to their limits. Both gardens and property were flooded. Any development will further stretch existing measures. Plans must be amended to show that this is flood plain (as shown on EA web site). Circular 30/92 - Development and Flood Risk (para 4) emphasises the importance of flood defence considerations and requires local authorities to use their planning powers to guide development away from areas that may be affected by flooding.

The EA document entitled "Policy and Practise for the Protection of Flood plains" contains a number of policies (FD - P1 to FD - P10). These policies emphasise the following: flood plains should fulfil their principle function

EA to guide development away from flood plains

EA to use its planning powers to restrict development that would increase risk of flooding to others

EA to guide development away from areas that would prejudice existing flood defences to restore the effective flood flow conveyance to flood water storage capacities in flood plains.

Given the above, the proposal is not necessary and can be avoided. Any further Planning Committee, 02 OCT 2002, Item No. 4, Pg 26

development for the parish can be directed to Cotford St Luke. Development of the site will increase risk of flooding to other properties, and prejudice existing flood defences. Proposal is relatively small and will contribute to cumulative detrimental effect. There is no scope for compensation of flood plain flow and storage capacity. TDBC will not be able to secure from developers the long term commitment required for maintenance and renewal of measures designed to compensate for the loss of flood plain. Proposal will have adverse effect on Back Stream river corridor and The Lawns and their associated wildlife. Whilst flood protection is proposed, development should not take place as it is a flood plain location with no overriding case for development. Flood attenuation measures would involve a complete redesign and rebuild of the bridge and watercourse. TDBC has failed to consider EA policies. Proposal is contrary to Policy EN30 - Land Liable to Flood.

RO/1018/11409 A & PK Spackman

Object to the increased number of dwellings proposed for the site. Proposal would significantly alter the form and character of this part of the village. Contrast between curtilages of the High Street dwellings and open fields beyond. The Lawns should not be developed and are protected by existing policy.

The village school is at capacity, and the village street is grid locked at peak times. Current traffic levels to and from the site are low. Any residential development will further increase pressure at dangerous Mount Street / Lydeard Mead junction.

RO/1031/11174 WP May

If proposal is built then existing and proposed properties will flood. Gardens to existing properties flooded on 30/10/00. Another 6 inches of water and our properties would have flooded. The drainage culvert which takes water to the main stream could not cope with the volume, and overflowed into our gardens. Dwellings on the site will result in increased run off. Capacity of existing flood relief scheme (which cannot cope with existing situation) can not be increased. The existing channel could not be widened, bound as it is by Lydeard Mead on one side and an historic wall on the other. To scoop out the channel to greater depth would be costly and dangerous to children.

One possibility is to increase the capacity of the stream which flows behind the properties on the south side of Lydeard Mead. Arrangements would need to be made to ensure that it took an appropriate proportion of the total flow.

Flooding in the area is historic, not new. Climate change will increase frequency of flooding. The proposal should be deleted if flood alleviation proves unfeasible. A feasibility study should be carried out. The 1:100 year flow (paragraph 10.4) should be modified to 1:1000, as the existing scheme (designed to 1:100) has been exceeded in a very short time (nine years since construction).

AGENDA ITEM NO. 5

PARTIAL REFURBISHMENT/PARTIAL REDEVELOPMENT AND EXTENSION OF EXISTING SHOPPING MALL TO FORM THREE RETAIL UNITS INCORPORATING CLOSURE OF THROUGH PEDESTRIAN ACCESS AT CROWN WALK, TAUNTON

22650/24380 OUTLINE

1.0 **RECOMMENDATION**

I recommend that permission be REFUSED for the following reasons:-

- 01 The proposal involves the loss of a heavily used pedestrian link to the town centre, resulting in reduced accessibility for pedestrians, in conflict with Policy 42 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy T34 (Criterion A) of the Taunton Deane Local Plan Revised Deposit, and in conflict with advice on such matters in PPG13, RPG10 and PPG6.
- 02 The proposal would be prejudicial to the attractiveness and viability of the proposed Crescent Car Park redevelopment scheme, in that it would deny an important pedestrian link to the High Street and frustrate the comprehensive and co-ordinated development of the wider site, in conflict with Policy T34 of the Taunton Deane Local Plan Revised Deposit.

2.0 **APPLICANT**

Insureprofit Ltd.

3.0 **PROPOSAL**

The proposal seeks the redevelopment of the Crown Walk Shopping Mall retaining the retail unit at southern end, but redeveloping the central mall area and the northern part of the site to accommodate three retail units in total. The buildings would be serviced from the rear. The proposal involves the loss of pedestrian access from the Crescent car park, although the applicant has indicated that they may be willing to provide a rear pedestrian entrance to one of the retail units.

4.0 **THE SITE**

The site comprises the Crown Walk Shopping Mall, which also includes retail units on either side.

5.0 **RELEVANT PLANNING HISTORY**

None.

6.0 **RELEVANT PLANNING POLICIES**

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)

POLICY STR1 SUSTAINABLE DEVELOPMENT

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;
- 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;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- give priority to the continued use of previously developed land and buildings;
- enable access for people with disabilities.

POLICY STR2 TOWNS

Bridgwater, Burnham-on-Sea and Highbridge, Chard, Crewkerne, Frome, Glastonbury, Ilminster, Minehead, Shepton Mallet, Street, Taunton, Wellington, Wells, Wincanton and Yeovil are identified as Towns. They will function as locations for employment and shopping, cultural, community and education services and residential use. Taunton and Yeovil will provide a subregional role for certain services including, shopping and financial & administrative services.

POLICY 17 Mixed Use Developments

POLICY 21 Town Centre Uses

POLICY 40 TOWN STRATEGIES

In Towns a range of measures should be implemented to facilitate more sustainable modes of transport and reduce reliance on the private car in order to improve the living and working environment. Such transport measures should complement development proposals.

POLICY 42 WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

POLICY 43 Access for People with Disabilities

Taunton Local Plan

POLICY T4 Pedestrian Facilities

POLICY T7 Delivery and Servicing

POLICY T8 Service Bays

Taunton Deane Local Plan Revised Deposit (November 2000)

POLICY S1

Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:

- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to 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 would be consistent with its likely trip generation and minimising the need to use the car;
- (C) the proposal will not lead to harm to protected wildlife species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;
- (G) the safety of any occupants or users will not be at risk from ground instability; and
- (H) the site will be served by utility services necessary for the development proposed.

POLICY EC7 Accessibility of New Development

POLICY EC8

Retail proposals will be required to meet the following criteria:

Major proposals for retail development and other key town centre uses will be permitted within the settlement limits of Taunton and Wellington, provided that

- .
- (A) the development of sites allocated for retail purposes would not be prejudiced the proposal, where located beyond a town centre location, would not prejudice the development plan strategy;
- (B) where proposed beyond a town centre location, there is a demonstrable need for the development;
- (B)(C) where proposed beyond a town centre location, the development, in conjunction with other proposed facilities, would not adversely affect the vitality and viability of Taunton and Wellington town centres or of any existing or proposed local centre. Similarly, the proposal must not adversely affect the viability of essential shopping availability of local service facilities within the associated settlements, rural centres and villages;
- (C)(D) the site will be served by existing or proposed public transport routes with services of a frequency that will permit easy access throughout shopping hours the proposal is in a location which can deliver safe and convenient access for the majority of the likely catchment population by public transport, walking or cycling, and will not result in an over reliance on private vehicular travel; and
- (D)(E) adequate servicing arrangements are provided, usually at the rear of the proposed development, so as to minimise environmental impact and pedestrian conflict.

The local centres referred to in Criterion B are as follows:

- 1 Comeytrowe centre
- 2 Galmington Road
- 3 Lisieux Way
- 4 Livingstone Way
- 5 Mountfields Road
- 6 Priorswood Place
- 7 Roman Road
- 8 Rowbarton

POLICY EC9A

Proposals to create more modern retail floorspace by the amalgamation of existing units, refurbishment or redevelopment will be supported.

POLICY T34

A site of 1.4 1.7 hectares at The Crescent as shown on the Proposals Map is allocated for a major retail development scheme, to include food and drink, leisure and entertainment facilities. Development will be permitted provided that:

- existing footpath linkages to High Street and Bath Place are retained and enhanced, or replacement linkages of equivalent convenience are provided;
- (B) the proposal facilitates the continued rear servicing of properties on High Street, Bath Place, The Crescent and Upper High Street;
- (C) the proposal ensures the replacement of all current short stay shoppers car parking spaces within the redevelopment site;
- (D) an archaeological survey is undertaken, together with (if required) excavation and / or evaluation of deposits identified; and
- (E) the proposal preserves or enhances the character of the conservation areas and settings of adjoining listed buildings.

In association with the development, the following will be sought:

- (EF) contributions towards both necessary and related off site transport measures, and works required to improve highway safety within the vicinity of the site, as well as contributions towards related elements of the Transport Strategy, the implementation of which will improve the overall accessibility of the site. This will include measures to: improve cycle accessibility within the town centre, and assist with the delivery of bus priority measures including park and ride facilities;
- (FG) contributions towards environmental enhancement works on the section of High Street which adjoins the site.
- 8.209 Under used land at The Crescent provides an ideal opportunity to identify a town centre site suitable for redevelopment for shopping purposes to provide a major retail and leisure scheme. The site currently comprises mainly short stay shoppers car parking, most of which is within TDBC ownership. The site is located to the west of High Street (Primary Shopping Area) and includes several properties here for redevelopment/refurbishment. The site is bounded to the north by retail premises on Bath Place (Primary Shopping Area), to the west by commercial premises at The Crescent, and to the south by Guildford Place. As well as some retail premises on High Street, the site also Crown Walk shopping includes the arcade refurbishment/redevelopment. The recently approved Taunton Deane Retail Capacity Study (1999) highlights that, having taken account of outstanding commitments, there is an available capacity by 2006 to provide 13,500 sq m of town centre durable goods floorspace. The Borough Council envisages that the majority of this floorspace requirement will be accommodated at The Crescent. However, due to a lack of available capacity and concerns over trip generation, the site is considered unsuitable for large scale food retail development, although small food units could be incorporated as part of any redevelopment proposals. In addition, the site provides a major opportunity to enhance leisure and entertainment provision within the town centre. For example, the Borough Council is aware of demand for additional cinema screens in the town. The Crescent site provides an ideal

opportunity to accommodate a new multiplex cinema. Other typical town centre uses will also be acceptable within any final scheme, including restaurants and residential accommodation. The building known as Telephone House at the rear of the site would be suitable for residential conversion. Any residential development within the site should contribute to affordable housing need, as set out in the housing chapter. However, it is recognised that there may be significant on site costs, given the brownfield nature of the development. Accordingly, a target of only 30% affordable housing is proposed for the site. The Local Plan housing policies set out the priority attached to the incorporation of social housing as part of this provision, to meet the assessed housing needs of the area. Negotiations on the precise details of the provision will reflect this priority. The Borough Council has recently undertaken a marketing exercise for this proposal, and by the end of 2000 will appoint a development partner to assist with the delivery of the scheme. A "Developers' Brief" is available for this site, which provides further detail as to site constraints, legal issues and the envisaged form of the final scheme. Given its' constraints, The Borough Council consider that a scheme is unlikely to be delivered before 2003. If necessary, the Borough Council will utilise its Compulsory Purchase powers to ensure the delivery of this proposal.

- 8.210 The site is bounded on three sides by listed buildings, Furthermore, with the western and northern boundaries to the site adjoin the defining The Crescent and Bath Place conservation areas. In addition, the eastern part of the site adjoins a proposed Conservation Area for the High Street. Consequently, a redevelopment scheme of appropriate scale, massing, and design quality will be expected quality materials and design, which preserves or enhances the settings of listed buildings and existing and proposed conservation areas, will be required (criterion E). The site occupies former burgage plots to adjoining properties and any design should reflect this historical association throughout the development. The Borough Council envisages predominantly three, domestic scale, storeys above ground level, with reduced scale in the vicinity of Bath Place - a speciality shopping and residential street of low, two storey domestic scale. The success of any scheme will be dependent on its ability to satisfactorily demonstrate (throughout) that it is a worthy contribution to the townscape of this particular area of Taunton, preserves or enhances the setting of listed buildings and existing and proposed conservation areas and is an integral, rather than isolated, development in all respects. A Design Statement, which addresses these issues, will be required to accompany any submitted planning application. A quality, modern - interpretation of historic forms and detailing, which satisfactorily addresses the above issues, is encouraged.
- 8.211 Being located adjacent to the Primary Shopping Area, the site provides an ideal opportunity to establish a quality town centre shopping development. However, in order to ensure the integration of the site with existing facilities, it is essential to ensure that good pedestrian

- linkages are maintained with the rest of the town centre. Consequently, convenient footpath access will be required leading to both Bath Place and High Street.
- 8.212 In order to avoid pedestrian and vehicular conflict, it will be a requirement of the scheme to facilitate the continued rear servicing of properties on High Street, Bath Place, The Crescent and Upper High Street. Criterion (d) (E) of policy EC8 also applies.
- 8.213 Maintaining a good supply of convenient and accessible short stay shopper/visitor car parking facilities is a key element which contributes towards sustaining and enhancing the vitality and viability of town centres. The Crescent car park is one of the most popular shopper's car park in Taunton. It is essential to ensure that such facilities will be replaced in full, and that new provision is equally accessible and convenient to the town centre. Consequently, the proposal must either provide a multi deck car park as an integrated part of the scheme, or contribute towards alternative provision in an equally accessible and convenient location.
- 8.214 The site is within a designated Area of High Archaeological Potential (AHAP). In fact, the site is crossed by the Medieval Town Ditch, and is likely to be of considerable archaeological interest. Research and excavation of the site will be required before any development takes place planning permission is granted. Applicants are advised to seek the advice of the County Archaeologist.
- 8.215 The proposal will generate increased visitor numbers to this part of the town centre. For reasons of highway safety, it will be essential to ensure that surrounding road junctions are safe for vehicles, pedestrians and cyclists. A transport impact study will be required to assess this issue in more detail. However, contributions will be sought toward those junctions which require improvements as a result of the development.
- 8.216 In addition to facilitating shopper's car parking (Criterion C), promoting and ensuring accessibility for modes of travel other than the car is also equally important to town centre vitality and viability. The Transport Strategy seeks to realise such an objective, and is complemented by recent TPP / Local Transport Plan submissions which are heavily weighted towards both high measures of vehicular restraint and the promotion of alternative modes of travel. The Borough Council acknowledges that the site, being within the town centre, is in a highly accessible location. However, access to the site (and the town centre generally) is in need of improvement. Policies T38 to T45 seek to ensure that direct access to the town centre is made as convenient as possible for pedestrians, cyclists and those reliant upon public transport, through the implementation of bus priority schemes and convenient cycle routes. Without such measures, car trips within the vicinity of proposed town centre development sites could increase

unacceptably. Accordingly, Criterion F will require any scheme to contribute towards proposals for greater cycle accessibility within the town centre, and the provision of an east / west bus priority route through the town (including park and ride facilities). Details of these proposals can be found at Policies T39, T40 and T41, and are identified on the Proposals Map. Ultimately, the scale of contribution will be dependent upon the impact of the scheme in terms of trip generation, over and above that generated by the existing use of the site. The development will be required to provide secure cycle parking facilities within the site. The Borough Council will only permit a level of staff car parking which is in line with the requirements of Policies M1 -M3. Consequently, given that the scheme will generate increased numbers of shoppers and visitors, it will be a requirement that any proposal must contribute towards appropriate elements of the Transport Strategy, such as bus lanes, park and ride facilities and cycle lanes, in order to facilitate accessibility for all. The transport impact study will form the basis for an assessment of the level of contributions to be sought from the scheme.

- 8.217 It will be important to integrate the scheme with the rest of the town centre through the creation of attractive footpath linkages. This, in part, will be achieved through the implementation of Criterion A. However, it is also essential to ensure that the immediate environment of High Street is pleasant and inviting as a pedestrian thoroughfare. Consequently, the Borough Council must ensure that any development helps to enhance this part of the town centre. This may necessitate certain off site enhancement works along the part of High Street which adjoins the development (Criterion G). Such provision will help to protect and enhance the vitality and viability of the town centre. In order for the proposal to be a success, it is essential that an attractive environment is created between the site and the existing shopping centre. In this respect, High Street will function as a key link. However, High Street is now showing signs of its age, and the Borough Council is committed to enhancing its environment (policy T44). The proposal will be expected to contribute towards its redesign and improvement.
- 8.217a The Borough Council will be mindful of the impact of any development on the amenities of adjoining and nearby residential properties. Accordingly, the provisions of Policy S1 apply.

POLICY T43

Within the Restricted Access Cordon, traffic management and traffic calming measures are proposed with the aim of removing unnecessary traffic and improving the pedestrian and cyclists' comfort and safety, while maintaining access to the shoppers' car parks.

7.0 RELEVANT CENTRAL GOVERNMENT GUIDANCE

PPG1 General Polices and Principles

Paragraphs. 4 - 6 Sustainable Development Paragraph 26 The Importance of Town Centres

PPG6 Town Centres and Retail Developments

Paragraphs 2.2 The vitality and viability of town and district centres depend on:-

- retaining and developing a wide range of attractions and amenities;
- creating and maintaining an attractive environment;
- ensuring good accessibility to and within the centre; and
- attracting continuing investment in development or refurbishment of existing buildings.
- Paragraph 2.3 The planning system should provide a positive framework to encourage appropriate investment in town centres. The Government, therefore, wishes to:-
 - encourage the development of town centre strategies;
 - enable town centre development through development plans and by facilitating site assembly;
 - attract investment into upgrading existing buildings and high-quality new development;
 - encourage investment in retail, employment, leisure and other key town centre uses;
 - encourage mixed-use development in town centres;
 - encourage an increase in housing in town centres;
 - promote town centre management, including maintenance of public areas;
 - improve access and traffic management;

- make more effective use of town centre car parking; and
- encourage high-quality design of both urban spaces and buildings.

Paragraph 2.13

Local planning authorities should use their development plans to set out policies for mixed-use development in town centres by identifying suitable areas and sites, and issuing planning briefs. A mixture of small businesses, houses or offices in or near town centres and the occupation of flats above shops, can increase activity and therefore personal safety, while ensuring that buildings are kept in good repair. Residents and workers stimulate shopping, restaurants and cafes, and other businesses to serve them, and so in turn add to vitality. Local authorities should particularly focus on the opportunities for urban design strategies for large sites in or on the edge of town centres, as well as on opportunities for small sites and in individual buildings.

Paragraphs 2.26 - 2.28

Annex E Traffic Management Strategies for Town Centres

Paragraphs 1, 2 3 and 5.

Going to Town - Improving Town Centre Access

A companion guide to PPG6.

PPG13 Transport

Paragraphs 35 - 36

Paragraph 75

Paragraph 76

In preparing their development plans and in determining planning applications, local authorities should:

 in conjunction with work on preparing the local walking strategy, review existing provision tor pedestrians, in order to identify the network of routes and locations (including the links between key uses such as schools, town centres and transport interchanges) where the needs and safety of pedestrians will be given priority, and the measures that will he taken to support this objective;

- pay particular attention to the design, location and access arrangements of new development to help promote walking as a prime means of access;
- promote high density, mixed use development in and around town centres and near to major transport interchanges;
- promote and protect local day to day shops and services which are within easy walking distance of housing;
- create more direct, safe and secure walking routes, particularly in and around town centres and local neighbourhoods, and to schools and stations, to reduce the actual walking distance between land uses, and to public transport; and
- ensure that the personal security concerns of pedestrians are addressed.

Paragraph 77

Local authorities, as part of their local walking strategy, should also promote walking through measures such as:

- provision of wider pavements, including the reallocation of road space to pedestrians, and environmental improvements, including improved lighting;
- pedestrian-friendly road crossings which give pedestrians greater priority at traffic signals and avoid long detours and waiting times, indirect footbridges or underpasses;
- traffic calming measures to reduce speeds, particularly near to schools, in urban residential areas (perhaps as part of a home zone) and in villages;
- encouraging health and education providers and employers to promote walking to and from schools and places of work, ideally in the context of site-specific travel plans;
- pedestrianisation schemes where vehicle access is restricted or prohibited to boost the attractiveness of town and local centres for shopping, employment and leisure uses. Schemes may include clear zones, where access is

restricted to walking, cycling and low or non-polluting vehicles;

- encouraging more use of public rights of way for local journeys and help promote missing links in rights of way networks;
- partnerships with local health authorities and input to Local Health Improvement Plans; and
- encouraging pedestrian routes, for instance, along river banks, canal towpaths or disused railways to be highly visible and integrated with other activities, in order to maximise pedestrian safety and security.

RPG10 Regional Planning Guidance for the South West

Paragraph 1.31 Transport

Policy SS 5: Principal Urban Areas

Structure planning authorities should plan for the long term growth of the PUAs, on a basis to be agreed with the RPB. This will be necessary in order that the regional monitoring, both for this RPG and the Annual Monitoring Statement required by PPG3, to ensure a consistent and comparable basis; and as the best way to inform the required work for urban housing capacity exercises. Planning should involve all the districts for the area of each PUA, with early outputs for a new round of co-ordinated structure plans following publication of this RPG, using:

- urban housing capacity studies for the whole PDA, using existing and additional research;
- constraints mapping for PUA extensions, using existing and additional research;

and for the Bristol, Bournemouth/Poole, Exeter, Plymouth, Swindon, Cheltenham and Gloucester and Taunton PUAs:

 urban extension studies which, where relevant, will need to take account of and be taken into account in reviews of any Green Belt, including transportation and infrastructure needs (including costs) studies.

Structure plans should define the general geographic extent of each PUA, in the same way that the general extent of Green Belt is set out. They should support forward planning and investment in infrastructure and a more sustainable distribution of development by:

- providing for a balance of housing and employment in towns with good facilities and services, thus reducing the need to travel to the PUAs;
- providing an indicative target in structure plans for the number of dwellings and the amount of other developments to be located at each PUA;
- producing compact urban developments likely to be well served by public transport;
- identifying major transport proposals for inclusion in LTPs and where appropriate in the Regional Transport Strategy.

Paragraphs 3.42 – 3.44

Policy SS14: Taunton

Local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve the following for Taunton:

- an enhanced role as a focal point for increasingly diversified economic activity and as a commercial, cultural and service centre for the central part of the region;
- balanced housing and economic development, facilities and services consistent with the town's enhanced role;
- investment in transport and other infrastructure and facilities to support this strategy, including measures to address capacity problems at M5 junction 25.

Policy EC6

Policy EC 6: Town Centres and Retailing

Local authorities in their development plans and other agencies in their plans, policies and programmes should:

 seek to locate developments which attract large numbers of people, including retailing, leisure, commercial activity and public facilities, in the centres of the PUAs and in the other designated centres for growth specified in the spatial strategy;

- encourage town centre developments of an appropriate scale in the market towns and larger settlements elsewhere in the region in keeping with their size and function; ensure that such development is located where it will contribute to the regeneration and environmental improvement of town centres, can help to reduce the need to travel and encourage journeys by modes other than the private car;
- ensure that the vitality and viability of existing centres, including suburban centres, is protected and enhanced, notably by assessing the need for new development and by applying the sequential approach in PPG6 (Town Centres and Retail Development) to site selection for new retail and leisure developments (for convenience shopping, a distribution of provision should be maintained that minimises the lengths and frequency of trips, so that any settlement of reasonable size has access to all normal day-to-day necessities. Such provision should be in keeping with the scale of the centre and the catchment that it conveniently serves so as not to encourage longer trips or to undermine the viability of other nearby centres); and
- make no further provision for proposals to build or extend major regional or sub-regional out-of-town shopping centres. Any proposal to extend or redevelop the existing regional shopping centre at Cribbs Causeway should be brought forward and fully justified in a future review of Regional Planning Guidance;
- ensure that such development is located where it can help to reduce the need to travel, encourage journeys by modes other than the private car and contribute to the regeneration and environmental improvement of town centres;
- ensure that the vitality and viability of existing centres, including suburban centres, is protected and enhanced, notably by assessing the need for new development and by applying the sequential approach in PPG6 (Town Centres and Retail Development) to site selection for new retail and leisure development.

8.0 **CONSULTATIONS**

County Highway Authority

"The proposed development site currently provides a well used pedestrian link between offices on The Crescent, The Crescent Car Park and the retail units within the Town Centre, with pedestrian movements through Crown Walk in the high hundred trips per day. The recently published companion guide to PPG6 "Going to Town - Improving Town Centre Access" emphasises the need to improve the accessibility of town centres through quality pedestrian routes in both public and private ownership. One of the key objectives of PPG13 is to promote accessibility to jobs shopping and leisure facilities by walking, by giving priority to people over ease of traffic movement and providing more road space for pedestrians.

The proposed development will close off this pedestrian route, significantly reducing the permeability of the western side of the town centre. In addition, Policy T34 of the Taunton Deane Local Plan Revised Deposit allocates the area of land to the west of the proposed development site for major retail development, subject to retention of pedestrian linkages to the high street. It is likely that, through removal of the Crown Walk pedestrian link, this proposal will prejudice the major retail development allocated in the Local Plan and I would therefor recommend refusal of this application on transportation grounds for the following reasons:-

- The proposed development is contrary to the advice contained in PPG13, RPG10 an Policy 42 of the Somerset and Exmoor National Park Joint Structure Plan Review, since it will remove a heavily used pedestrian link, frustrating pedestrian access to the Town Centre.
- 2. The proposed development will prejudice Policy T34 of the Taunton Deane Local Plan Revised Deposit, since closure of Crown Walk limits the scope for major redevelopment of the Crescent to maintain or enhance existing pedestrian links."

County Archaeologist

"The site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It is a plot which extends from the original medieval high street back towards the town ditch (i.e. the medieval town defenses). An excavation which took place across the road (no I High Street) revealed Iron Age/Roman settlement as well as medieval occupation associated with the market. It is likely therefore that important remains exist on the proposal site. However, some of these remains will have been impacted by the present buildings. From the information present it is impossible to come to a reasoned decision concerning this applications affect on any remains.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it."

Wessex Water

"The development is located within a sewered area, with both foul and surface water sewers available.

The developer has proposed to dispose of surface water to an 'existing system'. As there are no existing separate surface water sewers in the vicinity of the site, it is advised that the developer investigates alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any arrangement for the disposal of surface water.

It will be necessary for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

According to our records, there is a public water main crossing the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. Again, connection points can be agreed at the design stage to accommodate an arrangement for the satisfactory supply of water.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems."

Avon & Somerset Constabulary

"I would raise the following concern regarding public safety issues."

If the Crown Walk is to be closed as a pedestrian thoroughfare, the resulting access points to and from the car park to the High Street would be via the alleyway to Bath Place and the small alleyway that exits next to 'Snackers'.

These access points are not so acceptable with regard to personal safety issues. This is particularly relevant to the small alleyways in late afternoon periods during the winter months. The alleyway exiting next to Snackers is very narrow, poorly illuminated and although it is possible to see along its entire length, it raises serious concerns if it was to become a major access point."

Town Centre Partnership

"The members of the Partnership discussed this application at a recent meeting and expressed particular concern at the closure of the pedestrian access from the Crescent car park to the High Street.

It was generally agreed that refurbishment of this shopping mall is long overdue in this key trading area of the town, but that this should not be done at the expense of public access to one of the principal town centre car parks. It was felt that closure of this access will severely inhibit retail activity in the High Street and the Old Market Centre.

The application is also prejudicial to the plans for development of the Crescent mixed use retail scheme currently under discussion. This development has been in the Taunton plan for many years. With the current developments at both Exeter and Broadmead it is essential that this scheme for Taunton should go ahead in order to retain our market share in the South West. Without this key access point from the new development to the High Street the viability of the development on the Crescent car park is questionable.

Taunton's role as Principal Urban Area indicates that the town is destined to grow; an increased population will be looking for greater choice and opportunities for leisure and retail, any inhibition of the development of a key site such as the Crescent scheme can not therefore be supported."

Rights of Way Officer

"There is no definitive right of way involved.

The pedestrian access appears to be private as it is fitted with barriers. However, I am not aware, and this needs to be checked, of any defined public access as part of the original planning permission for Crown Walk. In other parts of Taunton defined public access and definitive rights of way have subsequently been locked off - illegally.

If the passage was originally meant for public access to the High Street for the car park, then it should remain as such."

Conservation Officer

"Objection to principle - would compromise viability of Crescent Car Park redevelopment."

9.0 **REPRESENTATIONS**

Letter received objecting on behalf of Heritage Property Holdings Ltd:-

"The principal concern is that, if implemented, the pedestrian route through Crown Walk from the High Street site towards the Crescent Car Park site would be blocked, precluding linkage between the proposed development site and the town centre.

Such permeability was an integral part of the Development Brief for the Crescent Car Park site which was published by the Borough Council. Loss of the link would be seriously detrimental to the scheme in terms of layout and linkage and hence of concern to potential retailers, thence impacting on viability.

We have not had the opportunity to view the plans, but understand the application to be in outline and hence trust that any details of plan or elevation would be illustrative only.

It is the principle of infilling the pedestrian route with built form which is of concern - something which we understand is also of concern to officers. The proposal would prejudice the implementation of comprehensive development of the Crescent Car Park site, contrary to the policies of the Development Plan and guidance of the published development brief.

10.0 PRINCIPLE ISSUES FOR CONSIDERATION

- 1. How does the proposal relate to retail policies for Taunton Town Centre? POLICY
- Impact of this proposal on the proposal to redevelop the Crescent Car Park? CRESCENT SCHEME
- 3. Sustainability? SUSTAINABILITY

POLICY

Whilst in normal circumstances investment in retail development in the town centre would be welcomed in accordance with Policy EC9A of the Taunton Deane Local Plan in this case the proposal by virtue of closing off the pedestrian walkway linking High Street and the Crescent Car Park will impact significantly upon the attractiveness of the High Street and the Old Market Centre for retail purposes. This conflicts with guidance in PPG 6, PPG 13 and RPG10. An offer from the applicant to provide a rear pedestrian access to the

new retail unit, (similar to the situation at Boots), will have little impact on mitigating these strong concerns.

CRESCENT SCHEME

Proposal T34 of the Taunton Deane Local Plan Revised Deposit identifies the Crescent car park site as suitable for a mixed use redevelopment. The attractiveness of such a scheme is dependent upon achieving good pedestrian links with the town centre, and in particular from the High Street. To allow this proposal would prejudice the provision of suitable access and comprise the attractiveness and viability of the scheme as a whole. It is therefore most important in terms of this Council's strategy for the town centre that this proposal is resisted.

SUSTAINABILITY

Permeability and the ability to access town centre facilities on foot is an important requirement of sustainable development. As stated above, this proposal conflicts with this aim.

11.0 **CONCLUSION**

Objections to this proposal relate to the loss of a heavily used pedestrian link to the town centre, which will reduce permeability and levels of pedestrian movement in the town centre thus reducing it's attractiveness as a shopping environment. Moreover, the loss of a direct access from the High Street to the Crescent car park will cause demonstrable harm to the attractiveness and viability of the Crescent Redevelopment Scheme, which is a key proposal in the emerging Local Plan and important to the function of Taunton as a Principle Urban Area, (as defined in RPG10).

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

CONTACT OFFICER: Mr T Burton Tel: 356464

12/2002/003

AGENDA ITEM NO. 6

BRIAN LENTHALL FARM CONTRACT SERVICES

ERECTION OF DWELLING ON LAND ADJACENT TO AGRICULTURAL CONTRACTORS DEPOT, LAND OPPOSITE GIBBS FARM, ADCOMBE LANE, CORFE.

23280/18730

OUTLINE APPLICATION

PROPOSAL

Planning permission was granted for the use of this site for this agricultural contracting business in 1992. The applicant currently lives at Biscombe, approximately 6 km away. The planning statement submitted in support of the application suggests that security is a major concern. Residential accommodation in Corfe is in short supply and not affordable/and alarm systems are ineffective. Details of previous break-ins have been submitted.

CONSULTATIONS AND REPRESENTATIONS

POLICE COMMUNITY SAFETY TEAM at the time of my visit to Adcombe Farm there were two factors that would have prevented a fully monitored intruder alarm being installed at the farm (this type of intruder alarm system does not require additional verification from an outside source prior to Police attendance). These factors were the lack of mains electricity supply, and the main storage buildings being open fronted and totally insecure. If these two issues were addressed, it should be possible to install a fully monitored intruder alarm system that would ensure a Police response. COUNTY HIGHWAY AUTHORITY the site lies outside the confines of any recognised development boundary limits, where it is remote from local services and facilities, and it is poorly served by public transport. As a result the occupants of the proposed dwelling will be solely dependant on private vehicles for their daily needs. Accordingly, I consider that the development would be contrary to advice contained within PPG13, RPGIO and Policies STRI and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. I would, therefore, recommend the refusal of this application for the following reason: the site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor car and comprises unsustainable development which is contrary to advice contained within PPG13, RPGIO and the provisions of Policy STRI and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

PARISH COUNCIL held a special meeting on Monday 19th August to review this application. All Parish Councillors attended, and several members of the public who live close to the Contractors depot were also present. There was full support for this application by Mr Lenthall, as he and his business are perceived as a significant asset to the village. In a review of the conditions applied to his previous planning approval it was agreed that the majority of the conditions now seem unnecessary. However whilst the meeting expressed no concerns about how Mr Lenthall conducts his business,

concerns were expressed as to what might happen if Mr Lenthall should sell this land. It was therefore proposed that an approval for planning permission should include a tie to agricultural uses. The following proposal was therefore made and agreed by Corfe Parish Council: "It was proposed that Outline Planning Permission for a dwelling on this land was supported by the Parish Council, subject to there being a "tie" of the house and the business to Agricultural purposes".

1 LETTER OF OBJECTION received from a nearby resident who whilst not objecting to the principle of development are concerned in respect of possible increase in noise levels, working hours and loss of privacy if unsuitably located.

POLICY CONTEXT

POLICY CONTEXT Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 - Development outside identified settlements would 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. Taunton Deane Local Plan Revised Deposit Policy S8 restricts new development in the countryside and sets out criteria whereby new housing is acceptable including (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

ASSESSMENT

ASSESSMENT The only potential reason to allow a dwelling on this location is the countryside can be in relation to the need for security to the applicants premises. However, a dwelling should not be allowed unless it can be proven that all other means, including alternative sites, have been exhausted. As is outlined in the comments received from the Police, adaptation of the buildings and provision of mains electricity supply would allow the installation of a monitored intruder alarm and a guaranteed Police response to any incident. It is therefore concluded that the essential need for a dwelling has not be proven in this case and the application should be refused in accordance with normal countryside policies.

RECOMMENDATION

Permission be REFUSED for reason of inadequate need to override policy of strict control over new development in the countryside, and other means of providing site security possible.

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:

20/2002/021

AGENDA ITEM NO. 7

MR HILL

ERECTION OF EXTENSION AND ENTRANCE PORCH AT PARSONAGE FARM, PARSONAGE LANE, KINGSTON ST MARY (AMENDED SCHEME).

21960/29210 FULL PERMISSION

PROPOSAL

A previous application for the erection of a two-storey extension and an entrance porch was withdrawn without determination in July of this year. This application is the resubmission of an amended scheme. The proposal involves the erection of a porch on the eastern elevation, the erection of a first floor extension over an existing lean-to roof and a further tow-storey extension on the rear of the property (western elevation). Materials to be stone and render and roofing to match the existing house. The proposal also involves the relocation of the existing entrance gates so that they are within 6 m of the edge of the road.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL is concerned at the effect of this further increase in size of what started life as a modest Victorian farmhouse, in a prominent position in the village. We are also concerned at the inadequacy of the plans and description submitted.

POLICY CONTEXT

The West Deane Local Plan (adopted May 1997) is the adopted local plan for this site. Policy WD/EC/16 (Special landscape areas) is relevant. In such areas, the Borough Council will exercise strict control of development and encourage positive measures of enhancement. Policy WD/HO/10 deals with the erection of extensions to dwellings. The policy seeks to ensure that extensions do not harm the appearance of the streetscene, 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. They should respect the amenities of adjacent dwellings in terms of privacy and enjoyment of the house and garden. They should not unacceptably prejudice the future amenities, parking, turning space and other services of the dwelling to be extended. In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are relevant: S1 (General requirements), S2 (Design), H19 (Extensions to dwellings). The latter requires that the extension is subservient to the dwelling in scale and design.

ASSESSMENT

I consider that the proposed extension will have some affect on the character and appearance of the dwelling because of its size. However, I feel that the design is reasonably sympathetic so that the principle elevation of the property (the eastern) has been maintained in character. The extension when viewed from this direction is set well

back from the front elevation and therefore appears subservient. The proposed porch on this elevation does not have a detrimental impact. The rear of the property is reasonably visible from the road and therefore the extension from this aspect has most impact on the street scene and the property itself. The two-storey and first floor element of the proposal is considered to be a good design, reflecting a distinctive character in the area. The proposal does not harm the residential amenity of neighbouring dwellings or the amenities of the existing property. The developers are being guided to incorporate measures to minimise the use of energy and water in the use of the building. The alteration to the access will have minimal impact on the streetscene. I consider that the design of the extension will reflect the distinctive character of the dwelling and that this will adequately compensate for its size.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials as application forms. Note re septic tank, energy and water conservation.

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:

28/2002/005

AGENDA ITEM NO. 8

THE ASHGROVE CARE CO LTD

ERECTION OF TWO STOREY EXTENSION, AND ALTERATIONS TO ACCESS AT ORCHARD PORTMAN NURSING HOME, ORCHARD PORTMAN, TAUNTON (REVISED SCHEME).

2460/21820 FULL PERMISSION

PROPOSAL

The proposal is for a substantial two storey extension to the north side of the existing nursing home to provide an additional 18 bedrooms and associated accommodation. The extension is two storeys in height and will link into the existing building. Materials are to be rendered walls with artificial slate to match existing. This application is an amended scheme to a permission granted by the committee on 1 August 2001 for a larger 26 bedroom extension.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raise the issues of:- the site is located outside the development boundaries of Taunton, in an area accessed by unlit, narrow rural lanes, with no public transport provision; it is unlikely that any journeys will be made to the site other than by private motor car; existing access suffers from severely restricted visibility and the approach roads leading to the site are substandard in terms of width and alignment; junction between the road and the Staple Fitzpaine Road also suffers from poor visibility, with a history of accidents on the approach road to the site. Therefore refusal is recommended due to the reasons of: the site is situated outside the confines of any major settlement in an area that has limited transport mode choices. The development would foster a growth in the need to travel, contrary to advice in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review; the increase in use made of the sub-standard junction of the approach road with the Staple Fitzpaine Road would be prejudicial to road safety; the approach roads by reason of their restricted width and poor alignment are considered unsuitable to serve as a means of access to the proposed development. In the event of permission being granted it is recommended that conditions be applied with regards to 40 m visibility on either side of the access, proper consolidation and surfacing of the widened access, and provision of the disposal of surface water. COUNTY ARCHAEOLGY as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds. WESSEX WATER the developer should agree with Wessex Water, prior to commencement of any works on site, a connection onto Wessex Water infrastructure.

LANDSCAPE OFFICER extension is quite large but should sit in the proposed location quite well. Partly screened from the south and west by existing building and to the east by the existing belt of evergreens. Extension will be viewed from the road to the north and the properties on this road. New landscaping is required along this boundary,

especially as the building of the extension will result in the felling of several ash saplings, an elder, hazel and an established Berberis hedge.

POLICY CONTEXT

The policies that were considered when assessing this application included: Somerset & Exmoor National Park Joint Structure Plan Review policies STR1 and STR6. Taunton Deane Local Plan Revised Deposit Policies S1 (General Requirements), S8 (Design) and H18 (Residential Care Homes). Policy STR1 of the Structure Plan states that "development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximise the potential for the use of public transport, cycling and walking." Policy STR6 states that "development outside towns, rural centres and villages [should not] foster growth in the need to travel." H18 of the TDLP Revised Deposit indicates that residential care homes will be permitted within walking distance of a range of community facilities provided that they are within the limits of a settlement and they involve the conversion of a building which meets the criteria in policy H9. It goes on to state in the explanatory text that nursing homes, where the level of care is significantly greater, and the residents independence consequently less, do not have the same locational requirements.

ASSESSMENT

A planning permission was granted in August 2001 for a larger extension to this nursing home, with the same access as proposed in this application. The design and appearance of the extension is considered to be acceptable in relation to the existing building and its surrounding landscape. Although the nursing home is set in the open countryside and there are no local community facilities within the area, due to the care element the extension is considered not to conflict with policy H18. The extension will be visible from the road and dwellings to the north so it is recommended that landscaping and hedgerow planting be carried along the northern boundary of the site to screen the extension. The agent has indicated that there will be 5 additional staff needed per shift to care for the increased number of residents. This is estimated to increase the traffic flow to the site during the normal day to 10 vehicles. The extension and the addition of 18 bedrooms will lead to an increase in traffic generation to the site. Given the existing use of the site and the previous permission it is not considered that the increase in traffic is significant enough as to warrant a refusal of the application on highways grounds alone. The need to improve the access to the site by creating visibility splays needs to be weighted against the impact they will have on the visual appearance of this country lane, and the loss of hedgerow along the road. It is considered that the loss of the hedgerow along the road for the whole width of the site would have a detrimental affect on the visual appearance of the area. Although the visibility splays shown on the plan do not meet with County Highways recommended standards they are considered an acceptable balance between improving the existing access and the protection of the visual appearance of this rural country lane.

RECOMMENDATION

Permission be GRANTED subject to the conditions of time limit, materials, landscaping of the northern boundary, visibility splays. Notes re health and safety, Wessex Water, fire safety measures, landscape officer, native hedgerow and surface 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:

31/2002/013

AGENDA ITEM NO. 9

MRS D J SADDLER

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

27130/24090

OUTLINE APPLICATION

PROPOSAL

This application is for the erection of a dwelling on 0.05 hectare of land lying to the north of Highcroft. The site is within the settlement limits of Henlade where the principle of development is acceptable. To the west of the site lies a dwelling known as Falcon Lodge, to the north is open agricultural land attached to the Barn Close nursery, a registered smallholding, and to the east is the garden of the next door property Carinya. Outline planning permission for a dwelling on this site was refused on 1st August, 2002 due to the likely detrimental impact on adjoining residential amenities. In particular there was concern about the impact on Falcon Lodge, a property whose wall formed part of the western boundary of the site. The current proposal incorporates a sketch scheme that relocates the existing garage and realigns the driveway away from Falcon Lodge with a landscaped strip of land (3.6 m wide).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to conditions to ensure adequate turning facilities on the site for both dwellings. WESSEX WATER Mains water and foul water drains are located nearby. Surface water is to soak away and the Local Planning Authority should be satisfied with the arrangements.

RUISHTON PARISH COUNCIL objected to the previous application: increased use of the access would be unsafe, the site is backland and would increase the density of the area too much. Views on the current application awaited.

2 LETTERS OF OBJECTION:- the access is poor, the proposed dwelling will overlook the existing dwellings, infill behind existing dwellings will result in inappropriate development with too great a density, geese are kept on the adjacent smallholding and the noise that they make is likely to create problems with future occupants.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan polices STR1, requiring proposals to be a sustainable development. 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 Henlade as a village where small-scale development, supporting the social and economic viability, maintaining or enhancing the environmental quality and not resulting in a significant increase in car travel, is acceptable. H1 governs

development within settlement boundaries. Criteria (G), requiring development to respect the character of the area, and criteria (I), requiring existing dwellings to retain existing levels of privacy and sunlight, are particularly relevant to this proposal. M3a (E) requires adequate parking for new residential developments.

ASSESSMENT

The previous refusal considered that the relationship of the site with Falcon Lodge would be likely to have a detrimental impact on the amenities of the occupiers of that dwelling. The applicant has now shown a scheme that relocates the drive away from that boundary and creates a landscaped strip intended to protect that amenity. I consider that this will afford adequate protection and over comes my previous concerns. The site is located in a backland location but I do not consider this to be unacceptable in principle. In this situation there are other such dwellings located in similar backland positions to the west of the site and further to the east. The dangers of overlooking can be avoided with a bungalow development and I propose conditions to ensure that there is no first floor accommodation that could create such overlooking in the future. The site is just within the boundary of the settlement and in such locations there is often an agricultural use abutting the site but this does not preclude development. I propose to attach a note on the planning permission to ensure that future developers/occupants are aware of the geese and ducks on the adjoining land.

RECOMMENDATION

Permission be granted subject to the following conditions:- time limit, reserved matters, landscaping buffer, single storey dwelling, driveway as shown on submitted plan, on site parking and turning, removal of permitted development rights for extensions including windows in the roof, details of boundary treatment.

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

35/2002/008

AGENDA ITEM NO. 10

ALLEN J POPE

ERECTION OF SINGLE STOREY DWELLING, LAND AT ROSE COTTAGE, APPLEY, WELLINGTON.

07140/21530

OUTLINE APPLICATION

PROPOSAL

The proposal is an outline planning application for the erection of a single storey dwelling with cob or slate walls with a slate roof. The site comprises an orchard area adjacent to Rose Cottage with a number of fruit trees.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is located within the settlement of Appley, some distance from the nearest urban settlement of Wellington. There are limited local facilities, and it is poorly served by public transport. As a result, the occupants of the proposed dwelling would be solely dependent on private vehicles for their daily needs. Accordingly the development would be contrary to policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, and contrary to advice contained within PPG13 and RPG10. Therefore recommend refusal of the application.

RIGHTS OF WAY OFFICER the footpath is not marked on the submitted map. Further details should be provided of the position of the building in relation to the footpath. DRAINAGE OFFICER notes that soakaways and cess pit are to be used to deal with drainage matters. Standard note should be used with regard to soakaways. The use of cess pits has always been considered to be against policy and septic tank drainage should be used instead. CONSERVATION OFFICER Possible detrimental effect on the setting of a listed building - Rose Cottage.

PARISH COUNCIL although planning policy means that Appley is not a recognised settlement, the Council wish to support this application for a small one storey dwelling in order to redress the balance of the numerous larger dwellings that have been created in Stawley parish by way of barn conversions, extensions, etc, four of which are in the immediate vicinity of Appley. This area does need small housing stock, especially to replace some already lost by extensive improvements. The Council wish to draw attention to a letter received from DEFRA concerning the role of Parish Councils, which ends '- and must take into account any representations received from the Parish Council'.

POLICY CONTEXT

County Structure Plan policy STR1 on sustainable development is relevant. Part of this policy requires the development of 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 S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. One of these requirements is 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. The County Highway Authority consider that the proposal would clearly foster a growth in the need to travel and is therefore unsustainable in terms of transport policy. Policy STR6 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. 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 S8 of the emerging Taunton Deane Local 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 and meets certain criteria, none of which are met with the current proposal. Appley is not defined as a village in planning policy terms and therefore these policies apply. No special need has been put forward to justify an exception being made to the policies.

ASSESSMENT

Appley is not a recognised settlement and therefore the proposal falls to be determined against open countryside policies. The proposed development is clearly contrary to such policies for an area where there is strict control over new development. No appropriate need has been put forward to justify an exception being made for the proposed dwelling. The County Highway Authority is also opposed to the proposed development on sustainability grounds.

RECOMMENDATION

Planning permission be REFUSED for reasons that the proposed development would be in an area of open countryside where new development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel (policies STR6 of the County Structure Plan, policy WD/SP/2 of the West Deane Local Plan and policy S8 of the Taunton Deane Local Plan Revised Deposit); will increase reliance on the private motor car and comprises unsustainable development contrary to advice contained in PPG13, RPG10 policies STR1 and STR6 of the Structure Plan Review. Note regarding use of septic tank.

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

38/2001/284

AGENDA ITEM NO. 11

MR D M R PURCHASE

REDEVELOPMENT OF 7 - 11A (INCLUSIVE) STAPLEGROVE ROAD, TO FORM RESIDENTIAL/COMMERCIAL UNITS AT GROUND FLOOR LEVEL FRONTING STAPLEGROVE ROAD, WITH FLATS ABOVE, AND THE RESIDENTIAL DEVELOPMENT OF THE REMAINDER OF THE SITE, LAND AT STAPLEGROVE ROAD, TAUNTON AS AMENDED AND AMPLIFIED BY AGENTS LETTER AND PLANS RECEIVED 19TH AUGUST, 2002

22470/25020

OUTLINE APPLICATION

PROPOSAL

An outline proposal for the demolition of 5 existing buildings along Staplegrove Road and redevelopment of the land for flats(residential) was deferred by committee on December, 2001 to enable the retention of retail shops on the Staplegrove Road frontage. The application has now been amended and a sketch scheme submitted for the provision of retail shops on the ground floor fronting Staplegrove Road with residential above and to the rear. A vehicular access would be provided at the rear and 16 parking spaces would be provided within a courtyard area. The site is located outside but immediately adjacent to the Staplegrove Conservation Area. The area lies outside of the Primary but within the Secondary shopping frontage areas as defined in the Taunton Deane Local Plan Revised Deposit.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views on amended plans awaited. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER fouls and mains water services are available. The site is not within an area served by public surface water sewers and alternative methods of disposal will need to be explored. Connection to Wessex Water infrastructure will need to be agreed. There may be a sewer crossing the site that is not shown on our maps and this is being investigated.

CONSERVATION OFFICER views on amended plans awaited. TECHNICAL SERVICES OFFICER (DRAINAGE) no comment. ENVIRONMENTAL HEALTH no objection subject to contaminated land and noise conditions and a note on noise and dust during construction.

2 LETTERS OF REPRESENTATION have been received one raising the following objections:- It would appear that residential is still proposed adjacent to Molly's Cafe, the outline scheme may not be implemented at detailed stage, there should be no windows along the wall of the junction between the site and 19 Staplegrove Road and North Town Mews as this would create a loss of privacy for existing occupiers, and one letter requesting that the boundary wall should stay at the same height with some deterrent on top to stop entry to the existing property and that the adjacent properties should not be damaged during building.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan polices STR1, requiring proposals to be a sustainable development; and develop a transport pattern that minimises the need for travel and maximises the use of public transport, cycling and walking. STR2 identifies Taunton as a town. STR4 requires new development to be focused in towns with a priority for the re-use of previously developed land and for mixed use development. Policy 9 this policy seeks the retention, maintenance and enhancement of historic buildings and their settings and the preservation/maintenance of the appearance of Conservation Areas. Policies 11-13 seek to protect/investigate and record the archaeological potential of sites. Taunton Deane Local Plan Revised Deposit the following policies apply:- S1, governing the general requirements of all development, S2 requires development to be of good design, reinforcing local character and making full use of the site. S4 allows for mixed use developments as long as they are compatible with the surrounding area. 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. EN15 requires development within or effecting Conservation Areas to either preserve or enhance the appearance or character of the area. T32 requires the ground floor retail frontages in secondary shopping areas to be enhanced and compliment the town centre uses. I consider that this mixed use development will be in keeping with the retail and residential character of this secondary shopping area. The sketch scheme illustrates that a design can be achieved that respects the area and enhances the adjacent Conservation Area.

ASSESSMENT

The amended scheme re-establishes retail on the ground floor fronting Staplegrove Road. It is envisaged that will be one floor of residential units above with further residential units incorporated in the roof space. I consider that it is important in design terms that the roof accommodation does not include any dormers on the front roof slope as this is likely to detract from the simple form of the roofs as they go along the street scene into the Conservation Area. The proposal is now considered to be in line with the policies of the Taunton Deane Local Plan and is considered acceptable.

RECOMMENDATION

Permission be granted subject to the following conditions:- time limit, reserved matters, materials, details of guttering and mortar, details of boundary treatment, submission of site levels, development brief prior to reserved matters, two storey only (rooms in roof but no dormers fronting Staplegrove Road), there should be no windows along the western boundary of the development site, no demolition before a detailed permission is granted, surface water details, hard landscaping, cycle/car parking, access and notes on :- a sewer may cross the site, noise transmission, good standard of layout, design and materials to respect adjacent Conservation Area, illustrative scheme only, windows on the front and rear, neighbouring amenities, access for the disabled, energy conservation, secure by design, meter boxes, Wessex Water infrastructure charges, encroachment, adjoining hot food use.

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

38/2002/253

AGENDA ITEM NO. 12

A & H GADD LTD

ERECTION OF TWO STOREY BUILDING INCORPORATING ACCOMMODATION IN ROOFSPACE COMPRISING NINE FLATS ON LAND AT CORNER OF ST AUGUSTINE STREET AND PRIORY AVENUE, TAUNTON AS AMENDED BY DRAWINGS ATTACHED TO APPLICANTS LETTER DATED 27TH AUGUST, 2002

23100/24940 FULL PERMISSION

PROPOSAL

Separate permissions were granted in 1999 for the creation of six elderly persons flats and for office accommodation in a two/ part three storey building on this site. This proposal comprises two storeys of accommodation together with a third floor (predominantly within the roof space). Five parking spaces are provided within a landscaped courtyard at the rear.

CONSULTATIONS AND REPRESENTATIONS

POLICE ARCHITECTURAL LIAISON OFFICER No adverse comments. COUNTY ARCHAEOLOGIST the site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It is within the area known to be the medieval Priory of St Peter and St Paul whose origins date back to the mid 12th century. Earlier archaeological investigations within the Priory area have produced evidence of medieval buildings, Civil War defensive structures and a medieval cemetery. At present it is not known if this proposal will impact on archaeological remains, as insufficient evidence exists concerning the nature of remains on the proposal site. For this reason (following advice in PPG16) I recommend that the applicant be asked to provide further information on any archaeological remains on the site. This is likely to require a field evaluation. I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

ENVIRONMENTAL HEALTH suggest condition due to possibility of contaminated land.

PRIORY COMMUNITY ASSOCIATION (In response to original proposal which included an additional part four storey element) We have commented on several applications at this site previously, particularly regards the highly visible last tree in St Augustine Street, which your Council sadly decided for the last application was one too many for an our area. A key matter in this application is that of the forecourt of the building. Across the road junction at the flat conversion, after some delay, planting has started to appear in the landscape zone created by the donation of land at the junction by the local authority. We think that this is appropriate here to help deter pavement parking obstructing the controlled crossing. If a feature climbing plant could adorn the splayed corner this would help limit the loss of the tree, but as we have discovered from experience at 5 St Augustine Street they do require an adequate supply of rainwater from paved areas in summer, to avoid surrounding planting areas from becoming too dry. We very much like the general design of the building, the archway, the cycle storage area and the enclosed

rear parking area which could maintain the current sustainable drainage of the yard to aid the good planting areas. We note that there is an increase in height from the previous scheme, to include a four storey area, which is one storey higher than the surrounding housing, suggest you have regard to close neighbours comments on this.

2 LETTERS OF OBJECTION received in response to initial proposal concerned that adjoining building will now be end terrace, damage during construction works, building up to boundary causing access and maintenance problem to neighbour.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit S1 - Sustainability Policy H1 requires new housing to be accessible to a variety of modes of transport. It also encourages small scale schemes which increase the development density without individually or cumulatively eroding their character or residential amenity.

ASSESSMENT

This is an untidy corner close to the town centre. The principle of redevelopment is welcomed and already established. The design and scale of the building proposed is in scale and character with surrounding development. Matters raised in respect of maintenance and access are not planning issues.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, surface of courtyard, mortar, landscaping, contaminated land, access gates, parking area, cycle parking, completion of development, site levels, meter boxes, archaeology, removal of buildings. Notes regarding archaeology, surface water, building over sewer, footway crossing and CDM Regs.

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

38/2002/313

AGENDA ITEM NO. 13

MR & MRS G A FORD

ERECTION OF TWO STOREY EXTENSION TO THE REAR OF 8 BROADLANDS WAY, TAUNTON AS AMENDED BY LETTER AND PLANS 1062/3D, 1062/2D, 1062/1D RECEIVED 9TH SEPTEMBER, 2002

22190/23750 FULL PERMISSION

PROPOSAL

The proposal is for the erection of a two storey extension measuring $6.7 \text{ m} \times 4 \text{ m}$ (2.6 m closest to boundary) $\times 6.4 \text{ m}$ to ridge. The first floor element of the extension measures $7.2 \text{ m} \times 3 \text{ m}$ (2.6 m closest to the boundary). Materials to match existing. The amended plans have taken into account any impact on the neighbouring properties by: reducing the depth of the first floor by 1 m; reducing the ridge height by 800 mm (approximately); removing side windows from the first floor elevation; redesigning extension to remove flat roof from side elevation.

CONSULTATIONS AND REPRESENTATIONS

4 LETTERS OF OBJECTION to original proposal raising the following points:- proposed extension will cause overlooking, reducing my privacy; extension is out of character with other houses in Broadlands Way; extension will cause visual disturbance, spoil visual setting in area; space should be left between buildings so residents can sit and enjoy garden environment; extension would mar pleasant outlook from back garden; Broadlands Way slopes towards my property, if extension is built a large dark coloured building will loom over my home and garden taking half of the present skyline; extension out of character and may create a precedent; evening sun will be blocked by extension which is very distressing; loss of privacy; no objection to single storey element; objections based on Policy S2:- nearest part of extension has unattractive flat roof 6 m higher than and 4.5 m from our house; 1st floor element 8.5 m above our house would be in view, presence of garage adds complexity and density that work against local character and distinctiveness, inappropriate to small garden, over development, impact on natural garden setting; objections based on Policy H19:- extensions to dwellings; impact on height, width, close proximity and raised 3 ft elevation of building will be overbearing; garden enjoyment will be reduced; loss of some direct sunlight to patio, loss of view of distant trees; form and character of the extension with existing garage would not be subservient to the original house; Taunton Deane Design Guide (Section 9.3 Design of Extensions) provides relevant amplification of policy S2 and H19.

POLICY CONTEXT

In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are relevant:- S1 (General Requirements), S2 (Design) and H19 (Extensions to dwellings). These policies seek to ensure that extensions to dwellings do not harm the residential amenity of other dwellings, not the

form and character of the property to be extended, and that the extension is subservient in scale and design to the existing dwelling.

ASSESSMENT

The site of the proposed extension is at a raised level to the neighbouring property and is divided from it by an existing fence. A large leyandi hedge exists to the rear of the property. There is an existing garage to the rear/side of the dwelling. It is considered that the amended plans have taken into account the policies referred to above; the height of the extension has been reduced and the roof has been altered to follow the line of the existing dwelling, this in turn has deleted the flat roof that was proposed on the side elevation. These alterations have helped to maintain the character of the dwelling in terms of scale and design. The reduced size of the extension and removal of side windows at first floor will help to protect the residential amenity of the neighbouring properties. It is considered that whilst the proposed extension will cause some minor loss of light its impact on the neighbouring properties is not such as to warrant refusal.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials as application forms, no windows in first floor of side elevations. Notes 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: 356463 MR D ADDICOTT

45/2002/006

AGENDA ITEM NO. 14

MR & MRS T NEEDHAM

ERECTION OF A DWELLING FOR A STUD MANAGER ADJACENT TO TRISCOMBE RACING STABLES, WESTWOOD, BISHOPS LYDEARD AS AMPLIFIED BY ...

15090/34590

OUTLINE APPLICATION

PROPOSAL

The proposal provides for the erection of a stud manager's dwelling to be used in association with the stud farm at Triscombe Racing Stables. An ADAS Report submitted with the application confirms the requirement for a suitably skilled and experienced manager to live on the stud farm holding, in order to provide the requisite supervision of the proposed stud, to deal with emergencies and to undertake essential livestock husbandry duties outside normal working hours. A supporting letter has also been received from the Thoroughbred Breeders' Association, maintaining that staff should live on site. The TBA cannot stress too highly the necessity to provide on-site supervision of valuable bloodstock at all times. Broodmares and foals need constant attention and observation. Young stock are extremely highly strung and prone to injury, and a defect may occur during the rearing process which requires immediate remedial attention. Broodmares also need constant supervision during the foaling season (January - June), which involves close observation throughout each night when they are near to foaling. If difficulties occur during foaling, the mare needs instant assistance and any delay can result in serious injury or death of the mare, foal or possibly both. A highly qualified person is required to remain and ensure the foal is suckling and that the mare does not develop complications following birth. In addition the security of valuable stock and equipment must be ensured. The Jockey Club insists that training yards and studs must be kept separate due to health reasons and security. The applicants' proposed stud, with one stallion covering 50 mares (44 visiting mares and 6 resident mares), would be a full time unit. The existing dwelling to serve Triscombe Racing Stables is located to the east of the public highway adjacent to the racing stables separating the two parcels of land. The block of land used for the stud farm is located west of the public highway. Buildings on this parcel of land comprise 6 foaling boxes, a clear span barn and a small feed and hay store. The ADAS report considers that the existing dwelling, being 200 m from the buildings at the stud farm, is out of the range normally acceptable for supervising foaling mares. It concludes that there is an essential functional requirement for a suitably skilled competent and able person to be available at the premises at most times for reasons of: stabled horses require close supervision. potential problems may occur at any time and which require swift remedial action, these include horses becoming cast in their box or sick with colic; supervision and assistance during scanning, covering and foaling; emergency evacuation of stabled horses in the event of fire; mortality losses in an equestrian enterprise are generally not considered acceptable; a failure to ensure close supervision may have an adverse impact on the ability to attract and retain clients and could result in claims for damages made against the business; and to ensure that the requisite welfare is afforded. It is usually necessary for a suitably qualified or experienced member of staff to reside in close proximity of the stable accommodation, ie within sight and sound of the stable accommodation. This is

particularly relevant at foaling time when mares become restless, immediately prior to foaling. A good stockman living in close proximity will be able to detect a mare which is about to give birth purely through listening carefully to changes in the horse's mood. 13 horses are currently owned by the applicants, including three broodmares. The dwelling needs to be closely related to the existing barn and foaling boxes. The applicant considers that the proposed site is preferable, as the land is lower and the dwelling could be set against the backdrop of an existing mature hedge. In 1992, an Appeal was allowed at the Racing Stables for a dwelling for supervision of breeding horses. This permission subsequently lapsed.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER there is a water supply in the vicinity of the proposal; it will be necessary for the developer to agree a point of connection. LANDSCAPE OFFICER would prefer to see any new dwelling located nearer to the road and adjoining properties, rather than in the proposed exposed and isolated location. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (September 1991) and percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage.

PARISH COUNCIL against the proposal on grounds of :- (a) the road which is used for access is in poor condition and unclassified. The road would be extensively used at a particular time of year by heavy vehicles if the general property is to be used as a stud. Query whether this is to be regarded as a change of use; (b) the water supply is hardly adequate for properties already built; (c) understood there is already permission granted here for a static caravan to be sited - query why this is not adequate for use. (d) general feeling that Triscombe has seen sufficient development in recent years; and (e) query whether the new house is really to be used for a stud manager.

SMOKEHAM PRIVATE WATER ASSOCIATION because of the limited capacity of the spring and the size of the reservoir, the Association has for some time been obliged to operate a closed system and are now unable to accept any further additional residences on line. In view of the limitations of this area, an alternative water supply should be specified.

ONE LETTER OF OBJECTION proposal sets a worrying precedent; query whether the building of a bungalow in an AONB and on a green field site is line with the Authority's policies; no new dwellings have been constructed on the south side of the lane passing through Triscombe and Westwood in over a century, so to allow this application there must be exceptional reasons; query how verifiable the requirement for a house for a stud manager is as know that the applicants find their current property too large and wish to move to the south side of the lane to be closer to their horses and have looked at other properties nearby; applicants have professed that they have considered on several occasions retiring from their business due to their ages, so if the house is intended for their stud manager, it will only be for a very short time; increasing amount of traffic using the lane, particularly people with horseboxes, making it difficult for local people and pedestrians, opening up of potholes and flooding due to blocked drains.

POLICY CONTEXT

County Structure Plan policy STR1 on sustainable development is relevant. Part of this policy requires the development of 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 S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. One of these requirements is 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 STR6 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. 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 WD/HO/2 of the same plan states that where agricultural or forestry dwellings are permitted in accordance with WD/HO/1, appropriate conditions will be used to retain the dwelling for agricultural occupation. Policy S8 of the emerging Taunton Deane Local 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 and meets certain criteria. It is considered that the proposal meets with these criteria, in particular that the proposal supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. Policy H14 of the same plan states that dwellings for agriculture or forestry workers will be permitted outside the limits of settlements provided there is a proven functional need there and the farm or forestry unit for which it is sought is proven to be financially viable. Policy H15 goes onto say that where agricultural or forestry dwellings are permitted in accordance with H14, appropriate conditions will be used to retain the dwelling for agricultural occupation. Although the current proposal is not specifically for an agricultural worker's dwelling, the Inspector for the Appeal at the premises took the view that the functional tests similar to that for agricultural dwellings in PPG7 should be applied. This view is supported by two Appeals called in by the Secretary of State, the decisions of which are included as an appendix to the ADAS report. One of these considered that the consolidation of the business concerned would accord with the encouragement given by PPG7 to economic diversification and the provision of rural employment. It would also assist the provision of outdoor sport and recreation in line with PPG17.

ASSESSMENT

The conclusion of the author of the ADAS report is that there is a functional need for one suitably skilled and experienced worker to live on the holding, in order to deal with emergencies and to undertake essential livestock husbandry duties outside normal working hours. In her opinion, the existing dwelling at Triscombe Racing Stables could not satisfy the functional need for on-site supervision for the proposed stud, as the proposed dwelling should be located in very close proximity to the site where the greatest functional need arises. In allowing the 1992 Appeal, the Inspector considered that there was a requirement for 24 hour supervision of brooding mares over much of the year and particularly when births were expected. In view of the conclusions of the ADAS report, the views of the Thoroughbred Breeders' Association and the conclusions of the 1992 Appeal Inspector, I consider that there is justification for the dwelling. The 1992 Appeal Inspector considered that there was not likely to be sufficient traffic

generated by the proposed dwelling to constitute a serious hazard to other road users and concluded that the proposal would not be harmful to road safety on the existing road system.

RECOMMENDATION

Subject to any conditions requested by the County Highway Authority, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and if permission is GRANTED be subject to conditions of outline time limits, submission of details, materials, landscaping, boundary treatment, parking, occupation to be restricted to a person employed or last employed at Triscombe Racing Stables or in agriculture in the locality, meter boxes, underground services, removal of GPDO rights for walls/fences and extensions and percolation tests. Notes regarding disabled access, design of proposed dwelling, energy/water conservation, meter boxes, CDM Regulations, soakaways and connection to mains water supply with advice that Water Association unable to accept further residences.

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

49/2002/054

AGENDA ITEM NO. 15

LEIGHTON-BOYCE PROPERTIES LTD

ERECTION OF 5 NO. DWELLINGS ON SITE OF EXISTING BUILDING (TO BE DEMOLISHED) AT FORMER RGB PREMISES, TAUNTON ROAD, WIVELISCOMBE AS AMENDED BY ARCHITECTS LETTER DATED 4TH SEPTEMBER, 2002 WITH ACCOMPANYING DRAWING NO 0205.08B, AGENTS LETTERS DATED 3RD AND 23RD SEPTEMBER, 2002 AND ARCHITECTS LETTER DATED 23RD SEPTEMBER, 2002 WITH ACCOMPANYING DRAWING NO 0205.06C

08500/27760 FULL PERMISSION

PROPOSAL

The site comprises part of the former RGB builders yard consisting of the former sales building and office together with yard area in front. There has previously been an outline permission for use of the whole of the former RGB premises for residential development and in January 2002 permission was granted on the current site for use of the building for light industry and warehousing. At the Planning Committee meeting on 31st July, it was resolved to grant permission for 7 dwellings on the remainder of the former RGB premises, subject to a Section 106 Agreement to secure a contribution towards off-site sports and community facilities. The current proposal provides for a stepped terrace of 5 three bedroom dwellings, in addition to those previously approved on the remainer of the premises. Materials include fine textured self-coloured render walls with slate roofs. Entrance areas and chimneys will be provided in reconstituted stone. Existing walling to the north of the site will be retained to a height of 2 m with render finish and new climbing plants. Access will be from the existing access onto Ford Road. One parking space per dwelling is to be provided.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST limited or no archaeological implications and therefore no objections on archaeological grounds. AVON AND SOMERSET CONSTABULARY no adverse comments. WESSEX WATER the development is located in a sewered area with both foul and surface water sewers available. Points of connection for foul flows, surface water flows and water supply can be agreed at the detailed design stage.

LANDSCAPE OFFICER the main entrance to the site is rather uninspiring and could be enhanced with tree planting/climbers, varying the road width, etc; large area of hard surfacing should be broken up with planting or different surfacing; full planting plan is required showing species, etc; choice of tree species in rear gardens facing Taunton Road is important because of shading and overhead lines - question what will replace the existing conifers on Taunton Road; the eucalyptus tree at the rear of the site which is to be felled has little amenity value. CONSERVATION OFFICER principle acceptable; design statement acceptable, which justifies the approach to house design and materials. ENVIRONMENTAL HEALTH OFFICER wish to request a contaminated land remediation certificate condition due to the possibility of contamination arising from the

previous use of the site. ECONOMIC DEVELOPMENT the entire site of the former RGB premises appears to have the benefit of a historic outline consent for residential development. The principle having been established, the loss of the office suite. proposed under a planning permission granted earlier this year, in favour of the current proposal would be hard to resist. In addition policy WV3 of the Local Plan proposes an additional 5.6 ha of employment land south of the Taunton Road (adjoining the existing employment area), providing the opportunity for investment and job creation on a more extensive and appropriate site for the Wiveliscombe area. FORWARD PLAN AND REGENERATION PPG3 notes that in certain circumstances, non residential brownfield sites may be more appropriately used for housing development. This small site has residential development on three sides and a large alternative employment land opportunity nearby to the south of Taunton Road. Moreover, the principle of residential development has already been established on the former RGB site through the granting of outline consent in 1997. The development would be liable to the provision of equipped play and open space under Local Plan policy C5. However, due to the small nature of the site, this should be sought in the form of a commuted sum for provision/maintenance elsewhere in Wiveliscombe.

PARISH COUNCIL approve the application subject to the following:- the garden of 2A Ford Road should not be overlooked; commercial bins are not necessary or desirable and the area will become untidy - the Council felt that householders could take their bins to the road, this being common practice in the town; inadequate parking on site - two spaces per property are desirable; inadequate landscaping - tall planting and screening should be installed around 2A Ford Road; and the ridge height of the proposed houses is excessive, the Council suggest 1.5 storey properties.

ONE LETTER OF REPRESENTATION no real objection but feel will impinge on the enjoyment of property; if the new properties are built at the height proposed, the upstairs rooms will all look into my garden and some into windows. If the eaves height was restricted to the same as the existing cottage adjacent to this new development, this would be less of a problem; there will be a communal rubbish bin area immediately behind the property - each property should have its own dustbin area; a communal area for bins is unlikely to be properly cared for as it will be no one person's responsibility and then inevitably becomes a health risk.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including 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

The site already has outline planning permission for residential development along with the remainder of the former builders yard. There is also a resolution to grant residential permission on the adjacent land to the east. Although the proposal will result in the loss of a building in employment use, the site is within the settlement limits and is in the form of redevelopment of a brown field site, which is favoured by Central Government Planning Guidance and the Council's own planning policies. The site is surrounded by residential uses and the proposed development is therefore considered to be acceptable.

RECOMMENDATION

Subject to the applicants entering into a Section 106 Agreement to secure a contribution (£1,000 per dwelling) towards off-site sports and community facilities, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and if planning permission is GRANTED be subject to conditions of time limit, 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 and garages. Notes re disabled access, energy/water conservation, CDM Regulations, street naming, meter boxes, contaminated land advice and S106 Agreement.

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

AGENDA ITEM NO. 16

Report Of The Chief Planning Officer

MISCELLANEOUS ITEM

25/2001/036 CONSTRUCTION OF EARTH DAM TO IMPOUND FLOOD WATER FROM HALSE WATER AND FORMATION OF TEMPORARY POND/WETLAND UNDER FLOOD CONDITIONS ON LAND WEST OF MONTYS LANE NORTON FITZWARREN

The above planning application was considered by the Planning Committee on 19th June, 2002 when it was resolved that subject to various matters, including the applicants entering into a Section 106 Agreement to secure the widening to 6 m of Montys Lane to the south of the site and the receipt of amendments to take account of outstanding Environment Agency concerns, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and if planning permission be granted be subject to conditions.

The Section 106 Agreement has not yet been concluded. In order to expedite the release of the planning certificate, I consider that the requirements of the Section 106 Agreement can be met by the imposition of a 'grampian' style condition. I therefore recommend that permission be granted subject to an additional condition to this effect.

RECOMMENDATION

Subject to the receipt of amendments to take account of outstanding Environment Agency concerns, I be authorised to determine the application in consultation with the Chairman and if permission is granted be subject to the conditions and notes set out in minute 138 from the meeting of 19th June, 2002 together with an additional condition as follows:-

"No work shall commence on the proposed development until such time as Montys Lane has been widened to 6 metres in width in accordance with the approved plans".

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

AGENDA ITEM NO. 17

Report Of The Chief Planning Officer

MISCELLANEOUS ITEM

42/2001/026 ERECTION OF A TWO STOREY EXTENSION TO THE FRONT OF BRACONDALE, HONITON ROAD, STAPLEHAY, TRULL

The above planning application was considered by the Planning Committee at its meeting on 11th July, 2001 when permission was granted.

Amended plans have been received in respect to the proposal, which reduces the ridge height of the extension by 200 mm and alters the shape of the garage doors. The proposed conservatory has been enlarged, but will now be built before the extension as permitted development.

One letter of objection has been received from the Parish Council to the proposed amendment:- previously opposed because of the enormous frontage extension towards the road side; incongruous with other frontages; garage extension is far too great.

The reduction in height of the extension will have no further impact to that already approved. Though the conservatory will be enlarged it will have no significant impact and will be outside the control of planning.

RECOMMENDATION

The amended plans be approved as a minor amendment to the original planning permission.

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

CONTACT OFFICER: Mr C White Tel: 356465

AGENDA ITEM NO. 18

Report Of The Chief Planning Officer

MISCELLANEOUS ITEM

44/2002/005 ERECTION OF EXTENSION TO WHITEBALL GATE COTTAGE TO FORM AN ANNEXE AND ALTERATIONS TO VEHICULAR ACCESS

This planning application was discussed by the planning committee in April 2002, where they were minded to grant planning permission subject to the signing of a S106 Agreement to tie the annexe to the main house.

To speed up the process and reduce the number of S106 Agreements prepared by the Legal Section, in this instance, the annexe can be tied to the main house by way of the imposition of a planning condition.

RECOMMENDATION

I recommend that the planning application be granted subject to the conditions as suggested in April i.e. time limit, materials as the application forms, link to the main house inserted and remain open, garage remain available for the parking of vehicles together with a note to the applicant concerning the septic tank, together with the single family occupancy condition.

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

CONTACT OFFICER: Mrs J Higginbottom Tel: 356462

AGENDA ITEM NO. 19

Report Of The Chief Planning Officer

MISCELLANEOUS ITEM

46/2002/010 Erection of extension to Blackdown Nursery and Garden Centre, Piccadilly, Wellington

The above application was considered by the Committee on 22nd May, 2002 when it was resolved that subject to the applicant entering into a Section 106 Agreement to secure the provision of a lit right turning lane and improvements to the access, I be authorised to determine the application in consultation with the Chairman and if permission be granted be subject to conditions.

The Section 106 Agreement has not yet been concluded. In order to expedite the release of the planning certificate, I consider that the requirements of the Section 106 Agreement can be met by the imposition of a 'grampian' style condition. I therefore recommend that permission be granted subject to an additional condition to this effect.

RECOMMENDATION

Permission be GRANTED subject to the conditions and notes set out in minute 124 from the meeting of 22nd May 2002 together with an additional condition as follows:-

"No work shall commence on the proposed development until such time as a lit right turning lane and improvements to the access have been provided to the satisfaction of the Local Planning Authority in accordance with details to be submitted to and approved in writing by the Local Planning Authority, or in default by the Secretary of State."

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

AGENDA ITEM NO. 20

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Bishops Hull

1. File/Complaint Number E64/05/2002

2. Location of Site Little Shamba, Upcott Lane, Bishops Hull, Taunton

3. **Names of Owners** Mr Paul Roper

4. **Names of Occupiers** M L E Caravans

5. Nature of Contravention

Use of land for the storage of caravans for sale together with 2 touring caravans for residential purposes.

6. **Planning History**

Planning permission was granted on appeal to use the site for the siting of two gypsy caravans and two commercial vehicles in January, 1986. In March of this year a complaint was received that the land was being used to store caravans. A visit was made on 16th April, 2002 when it was found that the two existing mobile homes on the site had been rendered unfit for human habitation. The owner had employed persons to refurbish the units and they had brought onto site their own touring caravan. They envisaged the work taking about a month. Further complaints were received that more caravans had been brought onto site. When visited it was found that a number of large touring caravans with a caravan dealers advertisement affixed to the windows were sited along the western boundary. When questioned the person on site said they would be gone by the end of the week, however from a visit on 16th September, 2002 the caravans were still on site.

7. Reasons for taking Action

The site is located in a rural location where the roads leading to and from the site are narrow. It is considered that the site is not suitable for a commercial operation especially one that involves the transport of large Romany type caravans. It is also considered that the use of the site to store caravans has a detrimental affect on the amenities of the area.

8. Recommendation

The Solicitor to the council be authorised to commence enforcement action and prosecution proceedings in the event that the notice is not complied with.

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

AGENDA ITEM NO. 21

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Tolland

1. **File/Complaint Number** E161/41/2002 and 41/2002/003AG

2. **Location of Site** The Ranch, Church Lane, Tolland

3. **Names of Owners** Mr S Prowse, 131 Dobree Park, Rockwell Green,

Wellington

4. **Names of Occupiers** As above

5. Nature of Contravention

Carrying out engineering operations requiring planning permission, the erection of dog kennels and the stationing of a touring caravan.

6. **Planning History**

An application was submitted and subsequently refused for the erection of a fodder/implement shed on 26th June, 2002. On 15th July a complaint was received stating that excavation works were being carried out on the site. A visit was made and various members of the owners family were on site. They stated that they were just moving soil around the site to form a flat area to park a tractor etc and had not brought any hardcore onto the land. It was agreed that the work carried out did not require planning permission. Further complaints were received that work was continuing so another site visit was made on 22nd August, 2002. From that visit it was found that extensive excavation works had been carried out including the formation of a large plateau area together with the formation of a track formed on top of the land with the spoils from the excavation material. A trench had also been created across the large plateau. A van was also parked on the track. A letter was sent to the owner dated 27th August, 2002 requesting an application for the works to be submitted within 21 days. No application was received so a further letter was sent dated 16th September, 2002 advising that the matter would be reported to the Planning Committee. A further visit was made on 17th September, 2002 accompanied by two members of the parish council following further concerns that additional works had been carried out. It was noticed that an additional excavated area had been formed and a timber dog kennel erected containing three dogs, a touring caravan sited adjacent to the stream and two water containers on trailers. The same van was still parked on the track. At the entrance of the site it was noticed that a significant numbers of concrete blocks and ballast had been delivered.

7. Reasons for taking Action

The site is a County Wildlife site comprising of a series of riverside fields with marshy grassland and neutral grassland on steep banks. It is considered that the extensive engineering operations that have been carried out together with the erection of a timber kennel building constitutes an undesirable intrusion into an attractive area of open countryside, to the detriment of the visual amenities of the locality. It is therefore contrary to the Adopted West Deane Local Plan Policy WD/EC/33 and the Taunton Deane Local Plan Revised Deposit Policies S8 and EN13. In view of the urgency of the situation an Enforcement Notice and Stop Notice is being served with the Chairman's agreement.

8. **Recommendation**

The Planning Committee is requested to endorse the action taken by the Solicitor to the Council in serving an Enforcement Notice and Stop Notice.

Furthermore, it is recommended that the solicitor be authorised to investigate Prosecution Proceedings subject to satisfactory evidence that the notices have not been complied with.

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

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