



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 13TH NOVEMBER 2002 AT 17:00.

(RESERVE DATE : THURSDAY 14TH NOVEMBER 2002 AT 17:30)

AGENDA

1. Apologies
2. Minutes
3. Public Question Time
4. BISHOPS LYDEARD - 06/2002/050
ERECTION OF SINGLE STOREY EXTENSION TO SWIMMING POOL, CEDAR FALLS HEALTH FARM, BISHOPS LYDEARD AS AMENDED BY LETTER DATED 17TH OCTOBER, 2002 WITH ACCOMPANYING DRAWING NO. 573/3C
5. HATCH BEAUCHAMP - 19/2001/023TEL
ERECTION OF 25 M MONOPOLE WITH 3 NO. DIRECTIONAL ANTENNAE TO TOP OF POLE, EQUIPMENT CABIN IN SECURE COMPOUND AT LAND AT BELMONT FARM, HATCH BEAUCHAMP; ADDITIONAL INFORMATION DATED 19TH APRIL, 2002; AMENDED PLANS DATED 9TH OCTOBER, 2002 REDUCE MAST TO 20 M HIGH
6. NYNEHEAD - 26/2001/005
ERECTION OF DETACHED SINGLE STOREY CLOSE CARE ACCOMMODATION, NYNEHEAD COURT, NYNEHEAD
7. OAKE - 27/2002/016
CONVERSION OF BARN TO HOLIDAY LET AT PITLANDS BARN, PITLANDS FARM, HILLFARRANCE.
8. STOKE ST MARY - 37/2002/015
ERECTION OF THREE DETACHED HOUSES AND GARAGES AND FORMATION OF ACCESS TOGETHER WITH ERECTION OF GARAGE TO SERVE EXISTING DWELLING ON LAND AT THE ORCHARD, STOKE ST MARY.
9. TAUNTON - 38/2002/375
ERECTION OF THREE STOREY BUILDING CONTAINING THREE SELF-CONTAINED OFFICE UNITS AT DELLARS MEWS, BRIDGE STREET, TAUNTON.
10. TAUNTON - 38/2002/423

ERECTION OF TWO STOREY EXTENSION TO BOARDING HOUSE (CURRENTLY UNDER CONSTRUCTION) AT KINGS COLLEGE, SOUTH ROAD, TAUNTON.

11. WELLINGTON - 43/2002/085
RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL YARD FOR THE STORAGE OF MATERIALS FOR ROAD REPAIRS AND MAINTENANCE AT BLACKBOY FARM BUILDINGS, WELLINGTON RELIEF ROAD, WELLINGTON.
12. COMEYTROWE - 52/2002/037
RETENTION OF 1.48 M HIGH TIMBER FENCE TO FRONT OF LITTON HOUSE, TRULL ROAD, TAUNTON.
13. OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON NO.30) TREE PRESERVATION ORDER 2002 AT 108 CHURCHILL WAY, TAUNTON COUNTRYSIDE ITEM
14. UNAUTHORISED ERECTION OF FENCE PANEL AND PROVISION OF EARTH BANK, FOOTPATH TO THE SIDE OF 36 CRAIG LEA, KINGSTON ROAD, TAUNTON ENFORCEMENT ITEM
15. UNAUTHORISED DISPLAY OF EXTERNALLY ILLUMINATED PAINTED MURAL AT THE DAY NURSERY, BLACKBROOK BUSINESS PARK, TAUNTON ENFORCEMENT ITEM

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

11 November 2002

Present: Councillor Mrs Hill (Chairman)
Councillor Bishop (Vice-Chairman)
Councillors Mrs Allgrove, Debenham, Denington, Eckhart, Escott, Floyd, Guerrier,
House, J R Parrish, Mrs Parrish and Vail

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

(The meeting commenced at 5.00 pm).

(Councillor Escott arrived at the meeting at 5.10 pm).

209. Apologies

Councillors Mrs Angus, Edwards, Hunt and Mrs Lippiatt.

210. Minutes

The minutes of the meeting held on 2 October 2002 were taken as read and were signed.

211. Public Question Time

Mr Lucas referred to the previous decision of the Committee to authorise the service of an injunction on the owners of Foxmoor Nurseries for not complying with the terms of the Section 106 Agreement relating to their site. He commented that if such action had been taken, it had clearly not worked, judging by the number of large lorries passing his property on the way to Foxmoor Nurseries. He asked what the present position was.

In reply, Mr Lucas was informed that a meeting had taken place with the owners of Foxmoor Nurseries during the summer, where assurances had been given and undertakings had been sought. However, such undertakings had not been received and further action was being taken to obtain full compliance with the Section 106 Agreement.

(Councillor Mrs Allgrove declared a personal interest in the matter raised at Public Question Time).

212. 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 **outline planning permission be granted** for the undermentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

49/2002/041

Erection of one dwelling, garage and formation of access, The Manse, Ford Road, Wiveliscombe.

Conditions

- (a) C008 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) C101 - materials;
- (e) C215 - walls and fences;
- (f) The waiting bay shown on the submitted plan shall be constructed before the dwelling hereby permitted is first occupied. Such bay shall be available for the parking of vehicles at all times. The bay shall at no time be used other than for the parking of vehicles on a short stay basis;
- (g) There shall be no obstruction to visibility greater than 900 mm above adjoining road level, forward of lines drawn 2m back from the carriageway edge on the centre line of the access, and extending to the extremities of the site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (h) Before the access hereby permitted is first brought into use, a properly consolidated and surfaced parking and turning space (at Plot 4) for vehicles shall be constructed in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such parking and turning space shall be kept clear of obstruction at all times;
- (i) C416 - details of size, position and materials of meter boxes;
- (j) P005 - no garages;
- (k) P007 - no fencing in front of dwelling;
- (l) The existing access onto Ford Road shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced;
- (m) P011 - no first floor windows on the south elevation;
- (n) Within a period of three years from the date of this permission, details of the arrangements to be made for the disposal of surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (o) C313 - no vehicular access other than from Ford Road.

(Notes to Applicant:- (1) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (2) N112 - energy conservation; (3) N115 - water conservation; (4) N114 - design - meter boxes; (5) N051B - health and safety; (6) Applicant was advised to contact Wessex Water with regard to connections to the water supply and foul sewer systems; (7) Applicant was advised that there are no public surface water sewers in the vicinity of the site and you should, therefore, investigate alternative methods for the satisfactory disposal of surface water from the site by soakaways; (8) N110 - design; (9) Applicant was advised that the design of the proposed dwelling should take account of the history of flooding on the site).

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

10/2002/018AG

Erection of implement/hay shed at Trents Farm, Moor Lane, Churchinford.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) C207 - existing trees to be retained;
- (d) Before any part of the development 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.

(Note to Applicant:- Applicant was advised that this building is not permitted to be used for livestock).

24/2002/034

Retention of use of building for garage services, valeting and repair of hire cars at Unit 1, Nythe Farm, Sedgemoor Road, Helland, North Curry.

Conditions

- (a) C001 - time limit;
- (b) C901 - personal permission;
- (c) The premises shall be used for servicing, repair and valeting of cars and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order);
- (d) C706 - restricted use - no retail sales;
- (e) No vehicle body repairs, paint spraying or associated works shall take place on the premises other than as may be agreed in writing by the Local Planning Authority;
- (f) Other than on those areas shown on the submitted plans, no external storage of motor vehicles will be allowed;
- (g) Noise emissions from any part of the premises or land to which this permission refers 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 1m 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 ten minutes;
- (h) The cars shall be parked on the areas shown on the site plan and in no other locations without the prior written permission of the Local Planning Authority.

30/2002/027

Erection of two holiday lodges on land adjacent to Culmhead House, Culmhead.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C203 - landscaping;
- (d) C412 - restriction of occupation for holiday lets in permanent buildings;
- (e) P002 - no extensions;
- (f) P003 - no ancillary buildings;
- (g) P006 - no fencing.

32/2002/006 TEL

Erection of telecommunications installation in the form of a 10m simulated telegraph pole and associated equipment, Chaves Field, Millmoor, Sampford Arundel.

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) C203 - landscaping.

(Councillor J R Parrish and Mrs Parrish declared prejudicial interests in the following application and left the room during its consideration).

38/2002/207

Residential development to provide eight self-contained units on land off Eastleigh Road, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) Before the development hereby permitted is commenced, details of the surface treatment to the access and parking area shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C201 - landscaping;
- (e) C215 - walls and fences;
- (f) C324 - parking;
- (g) C408 - flats - completion of development;
- (h) C417 - meter boxes - ground level only;
- (i) C926 and C926A - remediation investigation/certificate;
- (j) C911 - aerials - combined system;
- (k) C331 - provision of cycle parking.

(Notes to Applicant:- (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex Systems; (2) Applicant was reminded of the requirement 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; (3) N048A - remediation strategy; (4) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring properties:- Monday - Friday 0800 - 1800 hours; Saturdays - 0800 - 1300 hours; At all other times, including Bank Holidays, no noisy working; (5) N051B - health and safety; (6) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations).

38/2002/335

Construction of wider vehicular access, involving demolition of wall, to the rear of 39 Trull Road, Taunton.

Conditions

- (a) C001 - time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for the wall 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:-

(Notes to Applicant:- (1) N036 - drainage/water; (2) Applicant was advised that the granting of this permission does not necessarily imply that a change of use of the properties adjacent or more intensive use of the site would be permitted).

38/2002/366

Retention of two storey extension to rear to provide additional bedsits and office at Lindley House, East Reach, Taunton.

38/2002/367LB

Retention of two storey extension to rear to provide additional bedsits and office at Lindley House, East Reach, Taunton.

Note to Applicant:- Applicant was advised that the painting of the reveals above the window of the main building requires listed building consent. You should submit an application for these works and are advised that no further painting should be carried out to the external elevations without consulting the Council's Conservation Officer.

43/2002/011

Erection of 6m one high mast at Fore Street, one 6m high combined mast and lighting column at Mantle Street, and fixing of four CCTV cameras to existing buildings at High Street and North Street, Wellington (amended proposal).

Condition

- (a) C001 - time limit:-

(Note to Applicant:- Applicant's attention is drawn to the listed building applications relating to this proposal, numbers 43/2002/012LB and 013LB).

44/2001/015

Retrospective application for retention of walls and fences at 1, 2 and 3 Calways Barn, Monument Road, Wellington.

51/2002/012

Change of use of public house to a residential dwelling at the Black Smock Inn, Stathe, Burrowbridge.

Conditions

- (a) C001 - time limit;
- (b) Sufficient space for one garage and one parking space, together with a vehicular access thereto shall be provided for the dwelling before it is occupied, in positions to be approved by the Local Planning Authority. The said garage (or garage space), parking space and access shall be constructed or hard surfaced before the dwelling hereby permitted is occupied and shall not be used other than for the parking of domestic vehicles or for the purpose of access;
- (c) Before the dwelling hereby permitted is occupied, a properly constructed and surfaced turning space for vehicles shall be constructed within the curtilage in accordance with a plan to be submitted to, and approved in writing by, the Local Planning Authority and such a turning area shall thereafter be kept unobstructed;
- (d) C201 - landscaping;
- (e) P001A - no extensions;
- (f) P003 - no ancillary buildings;
- (g) P006 - no fencing.

(Notes to Applicant:- (1) With regard to condition (b), applicant was advised to submit details of the treatment of the car parking area following the change of use. Consideration should be given to the reinstatement of grassland except for access, turning and parking areas required in association with the dwelling; (2) Applicant was advised that the site is in an area liable to flood and it is likely that access will be lost during severe flood events).

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

24/2002/017 TEL

Erection of 15m monopole mast with six cross polar antennae and two microwave dishes with associated equipment in fenced compound at Higher Knapp Farm, Knapp, North Curry.

Reason

- (a) The proposed mast would be situated in a location which it is considered could cause adverse visual impact in a sensitive area in

the vicinity of the Levels Special Protection Area and Special Landscape Area and this is contrary to Policy C13 of the Taunton Deane Local Plan Revised Deposit.

Reason for refusing permission contrary to the recommendation of the Chief Planning Officer:-

Members disagreed with the Chief Planning Officer's assessment that there would be no adverse visual impact caused by the development.

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

06/2002/038A

Retention of sign to the rear of G and S Fruit Supplies Limited, Plot 8, Broadgauge Business Park, Bishops Lydeard.

Conditions

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

- (5) That the following applications be **withdrawn**:-

38/2002/334

Erection of fence across the public footpath and change of use of the footpath and land to domestic adjacent to 36 Craig Lea, Taunton.

45/2002/008

Insertion of three dormer windows and erection of conservatory on the west elevation of The Coach House, Triscombe.

213. Change of use, extension and conversion of barn to single dwelling and associated garaging at the rear of 24 North Street, Wiveliscombe (49/2002/065).

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 12 November 2002, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) Good quality second-hand Welsh slate shall be used for re-roofing, unless another natural slate is first submitted to, and approved in writing by, the Local Planning Authority;
- (d) C601 - schedule of works to ensure safety and stability of structure;
- (e) The approved roof lights shall be flush fitting;
- (f) C106 - second-hand materials;
- (g) C215 - walls and fences;

- (h) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto;
 - (i) C917 - services - underground;
 - (j) P003 - no ancillary buildings;
 - (k) C416 - details of size, position and materials of meter boxes;
 - (l) C112 - details of guttering, downpipes and disposal of rainwater;
 - (m) C321B - parking;
 - (n) C327 - turning space;
 - (o) The entrance gates shall be hung to open inwards only;
 - (p) P001A - no extensions;
 - (q) P006 - no fencing.
- (Notes to Applicant:- (1) N025 - conversion; (2) N112 - energy conservation; (3) N114 - design - meter boxes; (4) N111 - disabled access; (5) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (6) N115 - water conservation; (7) Applicant was advised that a public foul sewer crosses the site. Wessex Water normally require a minimum 3m easement width on either side of its apparatus, and you are advised to contact Wessex Water to discuss this).

214. Change of use and conversion of barn to dwelling and formation of access (revised proposal) at Trents Farm, Moor Lane, Churchinford (10/2002/009).

REPORTED that permission for this development had been granted in July 2002.

Amended plans had recently been received which altered the roof lights on the west elevation, inserted a garden access gate adjacent to the garage and amended the main entrance door and rear single garage access door.

The Churchstanton Parish Council which had objected to the original application on the grounds that there should be no roof lights, had written again on the subject details of which were submitted.

The Chief Planning Officer informed the Committee that no additional roof lights were proposed but they would be resited to allow them to drain to the gutter. In his view, this would not have any material visual impact upon the completed development.

RESOLVED that the amended plan be approved as a minor amendment to the original planning permission.

215. Unauthorised use of caravan as permanent residential accommodation on land at Hearn, Pyncombe Lane, Wiveliscombe.

RESOLVED that consideration of this matter be deferred for 12 months to establish any changes in the circumstances of the owner of the caravan.

(Councillors Eckhart, J R Parrish and Mrs Parrish left the meeting at 7.45 pm, 7.46 pm and 7.47 pm respectively).

(The meeting ended at 7.52 pm).

MR R C SMITH

ERECTION OF SINGLE STOREY EXTENSION TO SWIMMING POOL, CEDAR FALLS HEALTH FARM, BISHOPS LYDEARD AS AMENDED BY LETTER DATED 17TH OCTOBER, 2002 WITH ACCOMPANYING DRAWING NO. 573/3C

16350/30430

FULL PERMISSION

PROPOSAL

The proposal provides for a single storey extension to the existing flat roofed swimming pool at the health farm. A paved terrace currently occupies the site. There is a modern 4 storey block of flats immediately to the west of the proposed siting. These flats have side windows facing onto the site on the first, second and third floors serving a kitchen. The proposed extension will be built across the side window on the first floor and the second and third floors will be above the flat roofed element of the proposed extension. The proposed extension measures 13.5 m x 14.5 m and the height to the top of the parapet at the edge of the flat roof element will be 3.4 m. A pitched lantern light comprising a natural slate roof with tinted glass panels will occupy the central part of the roof area measuring 6.5 m x 6.8 m. The maximum height to the top of the lantern will be 6.1 m. The walls will be triple glazed oak framed screens with oak columns and fascias. The solid panels on the return walls will be cedar boarding natural finish. The interior of the extension will incorporate an oval shaped pool measuring 8.5 m x 6.3 m. The Committee refused a broadly similar application in May of this year. The reasons were that the proposal represented a seriously unneighbourly form of development which would be overbearing in relation to the adjoining properties, thereby causing loss of light and outlook to its occupiers; the proposed extension incorporating a lightwell would result in an unacceptable loss of light and outlook from the kitchen/breakfast room of the occupiers of 6 Cedar Falls; not demonstrated that there will not be unacceptable noise levels; and loss of security to the adjoining flats due to the ease of access from the proposed roof onto the balconies of the flats. The current proposal incorporates revisions to provide for an increased long dimension to the open light well (an increase in the maximum depth from 2.3 m to 3.3 m) and adjustment of the flank wall to be a metre from the end of the boundary wall. The applicant's agent has consulted acoustic specialists and confirms that noise and vibration from the mechanical services plant required for the swimming pool extension will be controlled so that the resultant noise level at the nearest 'sensitive' window (adjacent flats) is limited to the measured minimum background noise level. A site noise survey over a 24 hour period will be carried out to assess the current prevailing ambient noise levels. The agent states that full details of the noise survey and plant will be submitted to the Local Planning Authority prior to operation.

CONSULTATIONS AND REPRESENTATIONS

AVON AND SOMERSET CONSTABULARY no adverse comments.

ENVIRONMENTAL HEALTH OFFICER details of the survey to assess ambient and plant noise levels referred to by the applicant's agent should be agreed prior to the commencement of works.

FIVE LETTERS OF OBJECTION plans vary in two minor details to the plans that were comprehensively rejected (14:2) last May, these differences are very minor in detail and would not make any substantial difference to the whole project; noise created by the exercise instructor and those taking instruction - which will increase as a result of more intensive use; sound is magnified over water; noise from the outdoor pool is clearly heard in apartment 70 m away; lease for apartments states that residents 'may peacefully and quietly enjoy' the occupancy; noise other than from plant machinery; even with triple glazing and sound baffles in the lantern, would still be disturbed by activity sessions, especially when ventilation windows and other doors and windows are open; still concerned about the lowering of security, as it would still be possible to gain access from the pool roof to the south facing balconies of the apartments at the eastern end, which might affect insurance cover and peace of mind; the side wall of the new building will loom some 20 ft directly above the end of terrace, which will cut off all morning light, making living room dark and introduce a very grim outlook; plans do not show drainage and already suffer surplus water from the Cedar Falls gardens; query how the new pool will be drained; window to objector's kitchen/breakfast room overlooks the area of the proposed extension and at present receives the early morning sun, so making the kitchen very light and airy - the proposal will reduce the sunlight, reduce the natural light significantly and reduce the amount of fresh air to the kitchen; will virtually have a blank wall within 2 - 3 m of window making the general atmosphere depressive; light well makes no allowance for drainage, will result in a damp area subject to mosquitoes; maintenance to the light well areas likely to be at unusual hours; will not be possible to gain access to clean windows; additional presence of more people outside window and balcony, particularly when classes are being held; no indication of treatment to wall to prevent condensation; will provide an unsightly addition to a well established country house.

POLICY CONTEXT

The building is a listed building and Policy 9 of the County Structure Plan requires that the setting, local distinctiveness and amenity of buildings and structures of architectural or historic interest should be maintained and where possible enhanced. Policy WD/EC/19 of the West Deane Local Plan sets out criteria which need to be satisfied when extending a listed building. Policies EN17 and EN18 of the emerging Taunton Deane Local Plan cover alterations and extension to listed buildings. Policy S1(E) of the same plan requires that proposed developments should not give rise to nuisance that would harm the amenity of individual dwellings. Policy 38 of the County Structure Plan states the outside settlements, provision may be made for sport and recreation facilities, provided they are compatible with the amenity, landscape and environment of the area. Policy WD/RT/1 of the West Deane Local Plan indicates that proposal for recreation

development will be encouraged where they meet certain objectives. Policy WD/RT/15 states that improvements to an existing recreation facility will be encouraged. Policy WD/IE/3 indicates encouragement of proposals which will promote rural diversification and support the rural economy. It is considered that the proposal complies with the above policies.

ASSESSMENT

The proposed extension will improve the appearance of the Listed Building at this point by hiding the existing unfortunate flat roofed swimming pool. I consider that the proposed extension is well designed in that respect. The site of the proposed extension has for a considerable time been used as an external rest areas and for teaching on the warmest days. The applicant contends that the proposed extension will mean that the existing outdoor activities will be further away from the flat area and therefore less troublesome. The servicing for the pool would be linked to the existing system, which connects to the existing foul drainage. This is an inverted syphonage system, which relies on a throughput of water to successfully operate. This is cleared by the Water Authority. Since the previous application was considered, a meeting has been held with the Police Architectural Liaison Officer, with the consequence that with the amendments on the current application, the Avon and Somerset Constabulary no longer object. The size of the lightwell has also been increased in order to improve the outlook from No 6 Cedar Falls. Whilst there will be some loss of outlook from the kitchen window, I do not consider that this impact is serious enough to justify a refusal of permission. In the light of these amendments the proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials and noise arising from activities within building shall be imperceptible to the neighbouring residential premises in accordance with a scheme to be approved. Note regarding listed building consent.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

BT AIRWAVE

ERECTION OF 25 M MONOPOLE WITH 3 NO. DIRECTIONAL ANTENNAE TO TOP OF POLE, EQUIPMENT CABIN IN SECURE COMPOUND AT LAND AT BELMONT FARM, HATCH BEAUCHAMP; ADDITIONAL INFORMATION DATED 19TH APRIL, 2002; AMENDED PLANS DATED 9TH OCTOBER, 2002 REDUCE MAST TO 20 M HIGH

31070/21640

FULL PERMISSION

PROPOSAL

This is an application for a new 20 m high brown coloured monopole with 12 m x 8 m compound enclosed by chain-link fence with 3 strands of barbed wire, to a height of 2 m . The equipment cabinet would measure 2.71 x 2.71 and 2.79 high and be painted brown. Access to this site would be via a compacted stone track around the edge of the field and reopening of a former access. New tree planting would take place around the access. The site is to the south of Line Wood, and to the north west of Hatch Court. The proposal has been made on behalf of the emergency services, and has been designed to be in full compliance with the requirements of the radio frequency public exposure guidelines, of the International Commission on Non-Ionising Radiation Protection (ICINIRP). The current application was originally submitted as a 25 high mast, and sited in a location within an area of trees but sited closer to the nearest residential property at Crimson Hill. The visual impact of this was considered to be inappropriate and the agent was asked to seek an alternative location. The agent in considering the location in this area also considered alternative locations generally and considered site sharing. However the agent has stated that such options would result in below standard or zero coverage which would not meet the requirements of the Avon & Somerset Constabulary.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments on revised position- no objections subject to visibility, hard surfaced area at access point, no drainage onto highway..

LANDSCAPE OFFICER on original plans - the monopole and its antennae will stand proud of the woodland by at least 12 m, the wooded limestone scarp is a superb local feature of high amenity value which would be detrimentally affected by the proposed mast; the woodland is part of a garden on English Heritage's register of listed gardens important for its historical landscape garden. Comments on revised position - technically details are acceptable, but still have concerns about the location and visual impact on the surrounding landscape to the north. ENVIRONMENTAL HEALTH OFFICER must meet ICINIRP guidelines.

HATCH BEAUCHAMP PARISH COUNCIL on original plans - opposed to the proposal due to its proximity to a recognised wildlife site, its siting in an area of outstanding natural beauty in a position which will make it highly visible over a wide area which

cannot be addressed by landscaping, and it is unnecessary intrusion in the village which already has one mast. It is suggested that the "Airwave" service is a network service requiring a grid of masts, a comprehensive approach is needed. Comments on revised position - objection is maintained, but the Council would be willing to give further consideration to the proposal once the demonstration mast has been erected provided that the model is truly representative of the proposed installation. NORTH CURRY PARISH COUNCIL whilst the Parish Council have sympathy with the neighbouring parish, there is no basis upon which North Curry can object. WEST HATCH PARISH COUNCIL on original plans- object; should be incorporated into existing radio mast at Thornfalcon and Bickenhall; the area it would service has not been defined; it would be visually intrusive, especially to the residents of Meare Green; access is shown through the woods - this is not acceptable. Comments on revised position awaited.

SOUTH SOMERSET DISTRICT COUNCIL object - insufficient information in respect of area of search, mast sharing; what is justification for such a tall mast; do the applicants have any control over the existing trees as they are outside the site? Will overhead power cables be required?

CLLR HUGHES Islemoor Ward South Somerset District Council - seeks similar answers to South Somerset District Council views and concerns.

22 LETTERS OF OBJECTION including 1 with 8 signatures - should be away from caravan club site; unknown health risk; visually intrusive; no prior discussion with parish council or nearby owners; will be seen from Wrantage; can be seen from neighbouring property and its business users - caravan club certificated business; cannot be seen by applicant from his house; land is green belt - so unlikely new buildings would be allowed; county wildlife site; loss of business to adjacent property and local businesses used by the caravanners as people won't stay near a mast; justification is that the rent from the mast will be used on a wood project - which is already running and open to the public; plans are inaccurate; loss of heritage; would spoil beauty spot; would affect tourism; how much does the owner receive?; access point eroded; site is in a Special Landscape Area; site at Huish Woods West Hatch in the same area of Special Landscape value was refused and dismissed on appeal; the country roads are becoming more overloaded with notices and road signs - this is another addition.

POLICY CONTEXT

In terms of Policy, PPG8 outlines Government Policy including to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Local Planning Authorities should not question need and it is the Government's view that the planning system is not the place for determining health safeguards. If a mobile phone base station meets the ICINIRP guidelines for public exposure, it should not be necessary for a Local Planning Authority to consider further health aspects and concerns about them. Structure Plan Policy 62 states that provision should be made for the establishment of telecommunications facilities in new development and the development of existing and new systems with priority given to the protection of nationally designated areas. Taunton Deane Local Plan Policy C13 advises that masts should minimize harm to the landscape, that there should be no alternative sites with less environmental impact and that existing mast or other structures could not be used. The site is close to a Park or garden of special historic

interest in Taunton Deane Local Plan, but is not within an area of Outstanding National Beauty; it is in the vicinity of Hatch Court a grade I Listed Building. This proposal is now considered to meet the criteria of these guidelines.

ASSESSMENT

The proposal as originally submitted was not considered to be acceptable; the Mast was considered to be visually intrusive from areas immediately adjacent to the mast, from the nearest residential property and from the Meare Green area. This was evident from the siting of a temporary mast installation organised by the agent. Local residents had concerns about the original submission. The agents held a public meeting in Hatch Beauchamp in order to provide information. The agents have considered site sharing but none of the sites in the vicinity were suitable given the particular requirements. Consideration was given to placing the mast within the wooded area but given its various designations this was not pursued. The new site is located close to an existing well defined point of access to the woods, and alternative routes to the proposed new location were looked at, but all necessitated removing mature trees, thus the currently suggested point of access. The revised siting is considered to be more appropriate, and subject to another temporary mast installation to finally access visual impact, is considered acceptable.

RECOMMENDATION

That subject to an assessment of the temporary mast installation, that provided minimal or no detrimental visual amenity is noted, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions on landscaping, trees to be retained, tree protection, no trenches, protection of hedges, surfacing of point of access to be agreed and no drainage to highway. Note re conditions 3 and 6 relate to lane side hedge/trees.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

A MARNEROS

**ERECTION OF DETACHED SINGLE STOREY CLOSE CARE ACCOMMODATION,
NYNEHEAD COURT, NYNEHEAD**

13750/22790

FULL PERMISSION

PROPOSAL

The proposal provides for a single storey building to provide a unit of close care accommodation. Materials are to be smooth rendered walls with artificial slate for the roof covering. Two bedroom accommodation is proposed. The proposed site for the building is adjacent to an existing bungalow type building which is also used for close care accommodation at Nynehead Court. The boundary of the site is approximately 16m from the rear wall of Nynehead Court itself, which is a Grade II* Listed Building. The historic landscape and gardens at Nynehead Court are registered Grade II*.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST this is an historic site dating to the 17th century and therefore the proposal has the potential to affect remains. The application does not contain any information pertaining to the history and development of the site and so it is impossible to assess the impact of the proposal. 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. ENGLISH HERITAGE comments reflect two areas of interest - the Grade II* Listed house and the Grade II* Registered historic landscape. Considers that the construction of a new dwelling in a rural location, albeit one related to an existing business use, in a Grade II* registered historic landscape and affecting the setting of a Grade II* listed building to be contrary to heritage policies and to require special justification. PPG15 specifically refers to a requirement for "authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the listed building". In addition it states that the effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application and refers to the fact that local planning authorities should protect registered parks and gardens in determining such applications. There is no statement of justification or supporting information explaining the requirement of the proposed building or whether this is a solution to a particular need which can only be accommodated in this form. Concerned at the principle of erecting a new building of standardised design in such a sensitive location which is in close proximity to a Grade II* listed building and within a registered historic landscape. Strongly of the view that, even if a case can be made for the provision of additional accommodation, not convinced that there may not be other less

prominent locations for this accommodation within the site and strong preference for it to be housed within an existing building if that were to be practical. Have identified a building which appears potentially suitable to the purposes of the applicant, in both its form and location, and whose conversion would represent a much more acceptable solution to English Heritage. The applicant's need for the development has not been quantified nor has the reason why it takes the form of a new building and not the conversion of one of several outbuildings which exist on the site. The proposed location seems based entirely on the operational needs of the applicant and not the requirement to minimise the impact on the registered landscape and setting of the listed building. The design of the new dwelling does not reflect its proximity to a high quality listed building and is of standardised design and materials. It is difficult to discern any way in which the application has been designed to take account of its historic setting rather than find the most economic solution for the applicant. The existence of mediocre modern buildings on the site already should not be regarded as setting a precedent for further development if there are other less invasive options available. The existence of a poorly designed bungalow adjacent to the site is no reason to repeat the same mistake and the proliferation of such buildings around the site will only create an institutional appearance which would be highly damaging to its historic character. The result of the proposal would be a building which would seriously compromise the setting of the Grade II* listed Nynehead Court and degrade the quality of the Grade II* registered landscape. The identification of areas where development could be accommodated with the least impact on the setting of listed buildings and the registered landscape could helpfully form part of the brief for a wider restoration management plan for the designed landscape at Nynehead Court. Ideally, given the owner's expressed long term intentions to expand his business in order to secure its viability, a more considered assessment of the need for the development and the scope to accommodate it sensitively on the site is needed. English Heritage has been in discussion with the owner regarding the preparation of a historic landscape restoration plan and this exercise could be linked to an appraisal of the capacity of the site to accommodate development without compromising its historic character. This could lead to the preparation of an overall strategy for the site. Such a document, if agreed by the relevant parties, could provide an acceptable framework for considering applications for development. Without an assessment of this type the case for new development is unlikely to be convincing. In the light of the above, wish to register our strong objections to the application as it stands. THE GARDEN HISTORY SOCIETY no comment to make.

CONSERVATION OFFICER bland utilitarian design. This said, it does not attempt to 'compete' with the principal Listed Building and is subservient in design and scale. Suggest care over appropriate boundary treatment to minimise any potential impact.

PARISH COUNCIL no objection.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 states that the setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible be enhanced. Policy 10 of the same plan states that development proposals which affect a registered historic

landscape (historic parks, gardens and battlefields) should take account of their impact on the character of that landscape. West Deane Local Plan Policy WD/EC/22 states that the Borough Council will resist development which would adversely affect the historic gardens of Nynehead Court, Hestercombe House and Cothelstone Manor. Taunton Deane Local Plan Revised Deposit Policy EN17 states that development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. Policy EN21 of the same plan goes on to say that the Borough Council will not permit development which would adversely affect the appearance, setting, character and historic interest of parks and gardens of special historic interest.

ASSESSMENT

A meeting was held on site in September 2001 involving the applicant and English Heritage. In October 2001, the applicant's agent agreed to hold the application in abeyance until such time as the overall strategy plan suggested by English Heritage was completed. English Heritage have provided advice on the preparation of a brief for consultants and offered grant aid. Little progress appears to have been made towards the preparation of the strategy plan. It has been suggested to the applicant that he withdraw the application at this time and resubmit when the plan has been prepared, but he is not willing to do this.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposed development is of standardised appearance and materials and would seriously compromise the setting of Nynehead Court, which is a Grade II* Listed Building and degrade the quality of the surrounding landscape which is registered Grade II*. It is furthermore considered that in the absence of supporting information to justify the proposed new building rather than the conversion of an existing outbuilding, the proposal is considered inappropriate. (Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 and 10, West Deane Local Plan Policy WD/EC/22 and Taunton Deane Local Plan Revised Deposit Policies EN17 and EN21).

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

MR & MRS S T FARMER

CONVERSION OF BARN TO HOLIDAY LET AT PITLANDS BARN, PITLANDS FARM, HILLFARRANCE.

17230/24500

FULL PERMISSION

PROPOSAL

Planning permission was refused by the Planning Committee in November 2000 for the conversion of this barn to a single dwelling. A subsequent appeal was dismissed in July 2001. A further application was refused in October 2001 for the conversion of the barn to a holiday let and winter lets. This was dismissed at appeal as the Inspector felt that the inclusion of winter lets in the proposal was inappropriate, but when considering holiday lets, he concluded that, on the basis of the smaller curtilage, use of the existing access and the more modest alterations to the fabric of the building, the conversion of the barn to holiday lets would meet the existing and proposed policies. Hence, this application is for the conversion of the barn to holiday lets.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development is located outside the confines of any recognised development boundary limits, in a remote area a large distance away from the nearest facilities. The approach roads leading to the site are substandard in terms of width and alignment and this is not a location where I would wish to see any increase in traffic generation. It is likely that the traffic generation of a holiday let will not be significantly greater than that of the agricultural building, and I would therefore not wish to raise objection to this proposal, subject to conditions being applied to restrict letting to holiday use only.

ENVIRONMENTAL HEALTH OFFICER suggest a contaminated land condition due to the possibility of contaminated land from previous practices. DRAINAGE OFFICER note that the surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval. The Environment Agency's consent to discharge to a new sewage treatment works will be required.

PARISH COUNCIL still object to this application.

1 LETTER OF OBJECTION received on the grounds that the site is situated on a dangerous corner of a one-lane country road. It is now an official Sustrans route and is used regularly by cyclists, horse riders, walkers and wheelchair users. The road regularly floods, winter and summer from both directions from this site. Any further building of any type will take away more green site areas that now soak up the rainfall and will enhance the problem. The site is very important to the natural environment. Cannot understand why this application should be considered when it has already been to appeal and failed. The only difference is that the wording has changed from holiday

let/winter letting unit to holiday let. The same objections apply as to the original planning refusal. My views have not changed and any alteration to the barn will be detrimental to the rural surroundings, environment issues and road safety. If this application is accepted, is there going to be further applications to increase the size of the property with a change of use of the building and that in time the site could be developed even further adding more buildings?

POLICY CONTEXT

The West Deane Local Plan (adopted May 1997) is the adopted local plan for this site. Policies WD/SP/3 (conversion of buildings outside settlement limits to employment uses), and WD/SP/4 (conversion of buildings to residential use outside settlements) are relevant. Policy WD/IE/3 promotes rural diversification and supports the rural economy provided that they do not prejudice structure and local plan policies and objectives. In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are taken on board:- S1 (General requirements), H9 (Conversion of rural buildings) and EC3 (conversion of buildings to small scale tourism uses).

ASSESSMENT

In light of the Inspector's decision letter on the holiday let/winter let use and his consideration that the use of the building for holiday lets conformed with the established and emerging policies, this proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, use of salvaged materials where necessary, details of rainwater goods to be submitted, boundary treatment to be submitted, holiday let restriction, removed of permitted development rights for extensions, gates/walls/fences and windows, contaminated land. Notes re conversion only, no extensions, Environment Agency licence for sewage treatment plant, water conservation, contamination, drainage to soakaways.

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:

MRS B M HYDE

ERECTION OF THREE DETACHED HOUSES AND GARAGES AND FORMATION OF ACCESS TOGETHER WITH ERECTION OF GARAGE TO SERVE EXISTING DWELLING ON LAND AT THE ORCHARD, STOKE ST MARY.

26330/22170

FULL PERMISSION

PROPOSAL

The site lies to the south of the village centre and currently comprises private garden and tennis court. The site is well screened from the road by a mature hedgerow. The existing access to the land is to be amended and a double garage provided for the existing house.

Two new accesses are proposed to serve the three detached houses to be erected.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY while the proposed development site is located within the development boundary limits of Stoke St Mary, it should be noted that this village offers very limited facilities to serve residential development. The village is served by a bus on Wednesdays and Fridays only, and there are no food shops or primary schools within the village. The site does not meet the accessibility criteria for residential development set out in Annex A of RPG10. It is likely that residents of the proposed development will be highly reliant on the private car, and will commute to neighbouring towns for employment, retail and education facilities, thereby fostering a growth in the need to travel, contrary to the guidance contained in PPG13 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. Vehicle speeds past the site are in the region of 30 mph; any new access to serve a private dwelling would require minimum visibility splays of 2 m x 60 m in both directions to allow safe egress. The submitted plan gives no indication of visibility splays. I would therefore recommend refusal of this application on highway and transportation grounds for the following reasons: (1) The proposed development is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, since the proposal does not provide for safe access to the highway network, due to inadequate visibility at the proposed accesses. (2) The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG10, and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H1. Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of

proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.

ASSESSMENT

The site lies within the defined development limits of the village of Stoke St Mary. There is therefore a presumption in favour of new residential development subject to the criteria set out in Policy H1. The County Highway Authority's objection to the principle of development here is therefore does not apply. Whilst the absence of large visibility splays could have some potential impact upon visibility, this needs to be balanced against the visual impact of the loss of the hedgerow along the site frontage. The accesses shown will have visibility not dissimilar to others along this stretch of minor road and it is therefore concluded that refusal on highway safety grounds is not justified in this instance. The site can satisfactorily accommodate the houses proposed.

The design of the buildings is considered acceptable and should not result in any detriment impact upon neighbouring properties subject to resiting of plot 3 away from the trees along the southern boundary.

RECOMMENDATION

Subject to the observations of the Drainage Officer, revised and further drawings of elevations and resiting of plot 3, and any further representations received by ... the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, driveways, landscaping, existing trees, protection of trees, protection of hedge, walls and fences, access gradient, entrance gates, waiting bay and meter boxes. Note re 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

NOTES:

GADD HOMES LTD

ERECTION OF THREE STOREY BUILDING CONTAINING THREE SELF-CONTAINED OFFICE UNITS AT DELLARS MEWS, BRIDGE STREET, TAUNTON.

22680/24880

FULL PERMISSION

PROPOSAL

Planning permission was granted on 9th December, 1999 and 30th January, 2001 for the redevelopment of the site for residential purposes. An acoustic survey was required to ensure that acceptable noise levels could be achieved. Unfortunately it was not possible to achieve acceptable noise levels for a residential use so the current application is for the redevelopment of the site to provide 222 sq m of office floor space. The access to the site would be via Goodlands Lane with cycle parking to the rear of the site. The design and materials are as agreed for the earlier application and generally seek to replicate those of the former building (brick and slate with terracotta ridge tiles and finial).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to amended details showing cycle parking, loading and turning areas. COUNTY ARCHAEOLOGIST raises no objection to the principal of redevelopment. ENVIRONMENT AGENCY no objection subject to relevant conditions. WESSEX WATER there are foul and mains water in the vicinity of the proposal

ENVIRONMENTAL HEALTH OFFICER no objection provided the recommendations of the acoustic report are implemented.

5 LETTERS OF OBJECTION, including 1 from the Hammets Wharf leaseholders association, raising the following concerns:- whilst the residents welcomed the provision of more residential units the office use would interfere with the quiet enjoyment of Hammets Wharf residents gardens and would compromise the existing security of the building as too many strangers would need to know the codes; the nightclub use should cease to remove any noise problems allowing more people to live in the town centre; there could be a problem of access during the evenings when the nightclub is open as fire escapes use the alley adjacent to the proposed building and these need to be kept clear in case of emergency or day time deliveries; if permission is granted the southern boundary must be sealed off and a separate access established for the office staff; access through the flats garden or land would be unacceptable; pedestrian access through the residential complex should not be allowed.

POLICY CONTEXT

Taunton Deane Local Plan (revised deposit) the following policies apply:- EC1 this policy allows business development within the defined limits of settlements. M1 this policy requires non residential development to cater for expected trips associated with them subject to 3 criteria M2 this policy sets out the maximum parking provision required for the development.

ASSESSMENT

The principal of the design and location of the proposed building was established in the planning permission granted in January 2001. I am awaiting further details on the access arrangements and cycle storage provision and I expect these to overcome concerns about access through the residential complex via the path adjacent to the River Tone. The site is located in the town centre where the provision of office development is allowed. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, details of guttering/downpipes, materials for the courtyard, landscaping, cycle parking, no new windows to be inserted, no external lighting, sound insulation measures identified in the acoustic report shall be implemented and maintained, oil/petrol storage; foul and surface water arrangements to be submitted, continuous flood defence, no opening along riverside elevation below 15.0 AOD. Notes re land drainage consent, riverside elevation should be built as a water retention wall, site is adjacent to the River Tone where the Environment Agency are the controlling authority, site liable to flood, noise emissions during construction, measures to limit noise and dust nuisance from the development.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

THE GOVERNORS KINGS COLLEGE

ERECTION OF TWO STOREY EXTENSION TO BOARDING HOUSE (CURRENTLY UNDER CONSTRUCTION) AT KINGS COLLEGE, SOUTH ROAD, TAUNTON.

23680/24060

FULL PERMISSION

PROPOSAL

Permission was granted in October 2001 for a part two storey, part three storey building located on the northern side of the Kings College cricket field to the rear of the main College buildings. Work has recently commenced. This proposal comprises a two storey extension to the eastern end of that building to provide accommodation for the Housemaster. The applicant states that "the requirement has come about as a result of a recent increase in the anticipated pupil intake at the College for the academic year commencing September 2003".

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER refers to sewer crossing the site and need for protection. SPORT ENGLAND Sport England has considered the application in the light of its playing fields policy. From the information provided we are satisfied that the proposal meets one of the exceptions of the above policy (E.3) in that: The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site. This being the case, Sport England does not wish to raise an objection to this application. The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's support for any related application to the National Lottery Sports Fund.

LANDSCAPE OFFICER subject to hand digging within the canopy spreads the proposal looks fine.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy C3 (Criterion D) of the plan acknowledges that in the case of college playing fields an exception to the presumption of development of recreational open space may be permitted where the land is needed for development of school buildings and/or associated facilities, and adequate playing fields to meet statutory requirements would be retained.

ASSESSMENT

The principal issues in the consideration of the earlier application were the impact upon properties in Holway Avenue/Holway Road and potential loss of playing field. The

extension would not give rise to any detrimental impact upon neighbouring properties. The proposal does not result in the loss of a significant area of useable playing field and in line with Sport England's comments the proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, protection of trees, double glazing, hand digging. Notes re fire safety, soundproofing, CDM Reg, drainage.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

MR & MRS G DAW

RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL YARD FOR THE STORAGE OF MATERIALS FOR ROAD REPAIRS AND MAINTENANCE AT BLACKBOY FARM BUILDINGS, WELLINGTON RELIEF ROAD, WELLINGTON.

12800/19300

FULL PERMISSION

PROPOSAL

This retrospective planning application is for the change of use of an agricultural yard for the storage materials for road repairs and maintenance. The application uses two pieces of land either side of the entrance from the A38, forming approximately 350 s m of storage space.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY this site is adjacent to the A38 (county Route) Wellington by-pass. Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review seeks to restrict new development that derived access directly to such routes unless the special need for a benefit of a particular development would warrant exception. Vehicles are subject to the national speed limit at this point. Access to the site is from a section of carriageway in close proximity to a series of bends where forward visibility is poor due to both the bends and the gradient of the road. There is a double white line system in place to prevent vehicles passing each other. In addition, the visibility for and of vehicles emerging from the site is equally substandard. Given the current site layout with its gate only 4 m from the edge of the carriageway, and its narrow access of only 3.6 m, larger vehicles may be forced to manoeuvre back and forth in order to gain access to the yard, or indeed leave their vehicle on the highway while opening the gate. Neither of these scenarios are acceptable on highway safety grounds. This is not a location where we would wish to see additional conflicting traffic movements, especially by slow moving heavy vehicles or plant which this type of proposal is likely to generate. We would like to seek confirmation of the number and type of vehicles that are likely to be accessing the site on a daily basis compared to previous permitted uses. Would question why materials of this nature are to be stored here, for what purpose and for whom?

ENVIRONMENTAL PROTECTION (Noise and Pollution) no observations to make.

TOWN COUNCIL is in favour for a temporary period of one year so that the decision can be reviewed at the end of 12 months.

ONE LETTER OF OBJECTION raising the following issues:- this yard has been used since before Christmas by this firm, making a lot of noise from 7 a.m. until 9 p.m. some nights, using welding equipment and grinding machinery in the open; 10/12 wheeled trucks reverse into this yard, bringing traffic to a halt; in the time that this firm have been using the yard, there has been 4 accidents; if planning is given I fear that this yard will

be used for other things as well; there is a waste pipe to my septic tank which crosses this yard and my solicitor has told me that I own a 2 foot wide channel across this yard to the septic tank; there are no toilets or washing facilities; all these buildings are in rundown state and with waste always being dumped, this is going to cause problems; query the number of employees and traffic movements indicated on the application forms. Photographs have also been submitted showing the partial blocking of the road by a vehicle visiting the site.

POLICY CONTEXT

The West Deane Local Plan (adopted May 1997) is the adopted local plan for this site. Policy WD/IE/1 (Employment proposals) proposes that employment proposals should be assessed against a number of criteria including the contribution to local employment opportunities, the impact on the local environment, the compatibility with adjoining land uses, and the effect on highway congestion and the safety of road users. Policy WD/IE/3 promotes rural diversification and supports the rural economy provided that they do not prejudice structure and local plan policies and objectives. In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit (November 2000) policies are taken on board: - S1 (General requirements), EC4 (Rural employment proposals) where the site should be near a public road, adjacent to the limits of a village within which there is no suitable size available and where there is no harm to the residential amenity of neighbouring properties, landscape, or highway safety and adequate arrangements for the provision of services. EC5 (Farm diversification) permits proposals for the diversification of farm-based enterprises provided that the proposal is compatible with the agricultural operations on the farm, and the existing farm buildings are utilised wherever possible.

ASSESSMENT

In light of the County Highway Authority's considerations, the applicant has been requested to provide the specific details of the number and size of vehicles visiting the site each day. As yet no reply has been received. In light of the policies, I consider that the use of the site and the storage of materials do affect the visual amenity of the area and the amenities of the neighbouring property. The use of this substandard access on to this Class 1 road is considered to be a risk to highway safety causing road safety problems.

RECOMMENDATION

Permission be REFUSED on the grounds of not in the interests of highway safety or convenience of road users due to traffic speeds, restricted visibility and substandard access, and undesirable intrusion of visual amenity

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:

DR A LEAK

**RETENTION OF 1.48 M HIGH TIMBER FENCE TO FRONT OF LITTON HOUSE,
TRULL ROAD, TAUNTON.**

22000/23550

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is for the retention of a timber fence erected along the Trull Road boundary of the property. The fence measures 1.48 m in height, set back 0.3 m from the pavement edge, and approximately 27 m in length. The applicant has indicated that a new hedgerow will be planted along the rear of this fence, and the fence then removed when the hedge matures.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL although approving the application in principle, the parish council feel that the permission should be for a temporary period only, of say 5 years. Any renewal would need strong reasons for approval. The approval should require the new hedge to be planted during the present planting season and should be carefully monitored over time and there should be a condition to ensure the fence is properly maintained for the duration of the temporary approval.

3 LETTERS OF OBJECTION received raising issues of:- fence is entirely out of character with the area, and the owners should be required to replace their hedge; fence is of substantial height and length, creating an eyesore along Trull Road as it comes into view; no getting away from the overall visual impact of the starkness and harshness of the fence which replaced a well established hedge; local wildlife is rapidly running out of trees, shrubs or hedges to enable their survival; a concerted effort should be made to retain the character of all that remains untouched so far; look of Trull Road spoiled which apart from a few small sections of timber consists of green hedges, trees, shrubs and stone walls for the whole length from Compass Hill to past Queens College. ONE LETTER OF SUPPORT stating that they have no objection to the visual aspect of the fence with regards to construction and height; feel it provides better safety to pedestrians by keeping the pavement clear of overhanging hedges; along Trull Road some properties have similar fencing atop a brick/stone wall, and the combined total height is similar to the new fence at Litton House.

POLICY CONTEXT

Taunton Local Plan (Adopted 1986) policy EC/4 states that "The Borough Council will safeguard and enhance the landscape setting of approach routes into Taunton through the strict control of development and through positive measures of enhancement". Paragraph 8.11 of the plan highlights Trull Road as being one of the most attractive

roads leading into the town, with it being particularly pleasant owing to its mature trees. Taunton Deane Local Plan Revised Deposit policies EN5 (Protection of Trees, Woodlands, Orchards and hedgerows), S1 (General Requirements) and S2 (Design) were also considered when determining the application. Policy EN5 states that: "development which would harm ... hedgerows of value to the areas landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss".

ASSESSMENT

The applicant has indicated that the previous boxed privet/sycamore hedge was in an extremely poor state, and was removed with the intention of growing a new hedge. The fence was erected so a new hedge of Laurel could be planted behind the fence, and there would be some privacy whilst this hedge matured. It is intended to remove the fence in 3 - 4 years as soon as the hedge matures enough not to be vandalised and to offer privacy again. The fence has been painted rustic oak to soften its appearance. Trull Road at this point has an enclosed, semi-rural appearance, with several large mature trees arching over the road. The road boundaries to the properties are typically stone walls with thick laurel and privet hedging atop, giving an attractive appearance to the street scene. The road is well used, being a main traffic route into the town centre from the south. The fence erected is considered incongruous and of an unsympathetic appearance to the visual attractiveness of the street scene. Whilst reasons for it are understood, given the appearance of the fence in the street scene, and the fact that there would be little opportunity for planting in front of the fence to soften its visual impact in the street scene, the application is considered contrary to the policies in both the adopted and emerging local plan and therefore the granting of even a temporary permission would not be appropriate.

RECOMMENDATION

Permission be REFUSED for the reason of the detrimental impact on the visual amenities of the street scene and the character of the area.

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:

PLANNING COMMITTEE - 13 NOVEMBER 2002

Report of the Chief Planning Officer

COUNTRYSIDE ITEM

OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON NO.30) TREE PRESERVATION ORDER 2002 AT 108 CHURCHILL WAY, TAUNTON TD 930. GRID REF: ST 1379 2058.

The owner of 108 Churchill Way has been under continued pressure from a neighbour to fell a cherry tree in the front garden. The owner of the tree was concerned that the neighbour at 106 Churchill Way would remove branches that overhang their garden and thus disfigure the tree. By request the Tree Preservation Order was served.

A letter of representation has been received from the owner of 106 Churchill Way who objects to the Order on the following grounds:-

1. The tree is a poor specimen.
2. Bark is coming away from branches, which exposes heartwood.
3. Extensive rot is present in some branches.
4. The tree is covered in aphids in spring and early summer, which causes a health hazard.
5. There are other trees locally that are more worthy of preservation.

In response, the Officer's comments are the tree's position makes it easy to see from both the pedestrian access at the front of the terraced houses and from a private access road that is directly adjacent to the tree. The tree is infected with a bacterial canker that is damaging areas of bark; this has allowed isolated areas of decay to develop. The owners of the tree have invested in regular tree surgery from a reputable local contractor who has assured them that the tree is in a safe condition. Aphids that exude tree sap are a common problem. The sap can stick to adjacent buildings and windows but does not cause a health hazard. The sap can be washed away with relative ease and should not warrant the removal of this or any other tree. There are other significant specimen trees locally but there is no perceived threat and therefore no reason to serve an Order.

RECOMMENDATION

The Tree Preservation Order be confirmed.

CONTACT OFFICER: Mr J. Davies Tel: 356493

PLANNING COMMITTEE – 13 NOVEMBER 2002

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E128/38/2002
2. **Location of Site** Footpath to side of 36 Craig Lea, Kingston Road, Taunton.
3. **Names of Owners** Mr & Mrs Jefferies
4. **Names of Occupiers** Mr & Mrs Jefferies
5. **Nature of Contravention**
Erection of fence panel and provision of earth bank.

6. **Planning History**

It was brought to the Council's attention that the footpath provided by the developers of the new development at the former Bishops Fox's school linking Craig Lea and a public footpath to the rear of the development had been closed off. The means of closure consisted of an earth bank with hedging plants and a panel fence positioned on top of the bank. The footpath link had also been tentatively brought into the curtilage of 36 Craig Lea. The owner was informed that planning permission was required for the development and an application was submitted (38/2002/334). It was noticed that since the submission of the application the owner had taken the majority of the path out of the curtilage of No. 36. The applicant withdrew the application on the day of the last Planning Committee indicating that the footpath would not be reopened. (A copy of the report to that meeting is attached as an Appendix.) When the area was originally granted planning permission the permitted development rights were withdrawn in respect of gates, walls, fences and other enclosures. Therefore, the fence and earth bank closing the footpath is unauthorised.

7. **Reasons for taking Action**

It is considered that the provision of the fence and bank results in the loss of a

useful link to the adjacent footpath contrary to the requirements for increased sustainability and alternative modes of travel to the car .

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action subject to satisfactory evidence that the notice has not been 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

KENNETH JEFFERIES

ERECTION OF FENCE ACROSS THE PUBLIC FOOTPATH AND CHANGE OF USE OF THE FOOTPATH AND LAND ADJACENT TO DOMESTIC ADJACENT TO 36 CRAIG LEA, TAUNTON.

22240/26290

FULL PERMISSION

PROPOSAL

Detailed planning permission was granted for the redevelopment of the Bishop Fox's School in 1995. David Wilson Home's scheme included the provision of a footpath link from the development to the existing footpath that runs adjacent to Taunton School playing fields, along the western boundary of the site. This link was subsequently provided on the site. The County Council were not offered this link as part of their S38 discussions. The footpath and adjoining land was subsequently sold to the occupier of 36 Craig Lea. This proposal is for the change of use of the footpath and land into domestic curtilage and the erection of a fence along the western boundary of the site. Prior to selling the footpath David Wilson Homes were informed by the Planning Officer that the link provided for permeability from the site to the existing footpath and that the closure of the link would require planning permission, as would any change of use to a domestic curtilage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY current national and regional policy guidance (PPGI 3, RPGI 0) seeks to encourage the use of more sustainable transport modes, in particular, walking, cycling and public transport. These policy documents recognise that walking has the greatest potential to replace short car trips (under 2 km) and cycling offers a good alternative to car journeys under 5 km. The walking strategy of the Local Transport Plan highlights the importance of improving conditions for pedestrians through a number of measures that include:- insuring that the pedestrian network is protected; and creating a network of direct, coherent pedestrian routes. While the footpath adjacent to Craig Lea is unadopted, it forms a useful link to an off-road cycleway and footpath, reducing pedestrian journey times, and is part of the wider pedestrian network. While the applicant indicates that the link is rarely used, the Highway Authority have received numerous complaints from users of the link since its closure. I would therefore recommend refusal of this application for the following reasons:- The footpath adjacent to 36 Craig Lea forms a useful link within the pedestrian network. Incorporation into the domestic curtilage of 36 Craig Lea will permanently remove this link, contrary to the provisions of the Local Transport Plan, PPGI 3 and RPGI 0, which seek to increase walking and cycling through provision and protection of a coherent route network. The County Highway Authority have agreed to adopt the footpath if required with no contribution for a

commuted sum in the circumstances. SOMERSET AND AVON CONSTABULARY there was one recorded crime in Craig Lea in the last year; I have met the applicant about 2-3 years ago and advised that it would be beneficial to close the footpath from a crime prevention point of view. The community beat officer helped the residents to get the exit blocked off as they said they were suffering from vandalism. This vandalism was happening to the fences adjacent the footpath with graffiti on the wall by the exit. Closing the link has made residents feel safer and has designed out crime.

RIGHTS OF WAY OFFICER the issue addressed by the application appears to be incorrect, in legal terms, if the footpath concerned has been adopted. If it has been adopted, then the only option the owners have is to have the footpath extinguished on a legal basis, in this case by the County Council. If the footpath has not been adopted, I cannot see any reason why it cannot be removed without planning permission. However, if planning legislation requires an application to modify a condition of the original planning permission that a footpath was to be adopted, then so be it. We would not have a view, mainly because the additional link, all be it convenient, is not crucial to the improvement of access in general. On another legal point, the back up submissions by police etc., would not carry much weight at a public inquiry if the footpath concerned was a definitive footpath and was to be extinguished. The only criteria that an extinguishment must follow is that the footpath "is not needed for public use". This footpath could easily be proved to be needed for public use. The social problems in the area are one for more effective police action, and nothing to do with the public needs for access for whatever purpose. On balance and to remain consistent in policy, I would move slightly in favour of retention of the footpath. However, I am not privy to the planning implications.

21 LETTERS OF SUPPORT, including a petition with 14 signatures from Peile Drive - teenagers use the area as a meeting place and exhibit antisocial behaviour such as foul language; threatening behaviour; and there is even evidence of drugs; 36 Craig Lea along with other properties in the area have been vandalised, litter causes a problem; the footpath is used by residents of the Kingston Road area for dog walking and dogs have been allowed to foul in front gardens; several owners of properties in Peile Drive have created their own openings and do not need to use the footpath now; the footpath was used as a get away route after our car was broken into, since the closure there have been no incidents of crime in the area other than some continued vandalism of the land where the footpath link was, whilst the footpath provided flexibility of movement for residents it also provided an easy second entry and exit to Craig Lea for non-residents with criminal intent; the Somerset and Avon Police were instrumental in recommending the closure of the path; as a resident of the estate we were not notified about the provision of the footpath link, the residents of Peile Drive did not accept the provision of the link in their area; as adjacent residents we have suffered eggs and gravel being thrown at our windows; youths urinating in our gardens; dog and human excrement in our gardens; being woken up at 4 a.m. by loud youths and an inordinate amount of litter; there is strong police support for blocking off the footpath; whilst the closure of the path will cause some inconvenience residents of the estate will be protected better from crime; an 80 year old neighbour has timed the detour as an extra 4 minutes only (1 minute on a

bicycle); for children cycling to the adjoining school it amounts to 150 m along wide pavements where a cycle could be pushed; anyone from outside the estate will have already had to negotiate Kingston Road to get there; the blocking of the link has removed the problems at a stroke; prior to closing the link we sought advice from the police and planning department; (the Planning Officer's advice was that planning permission would be required); we also carried out a straw poll among neighbours and the majority supported the proposal; the footpath link is not a right of way, the benefit to the majority outweighs the minor inconveniences incurred by all and what I consider to be the largely frivolous objections of a small minority; only a minority of Peile Drive residents use the link to go to town, why did those residents turn down the chance of a link at Peile Drive?

COMMENTS OF THE NEIGHBOURHOOD WATCH CO-ORDINATOR the following unacceptable behaviour has taken place prior to the closure of the link:- a lady was attacked while walking her dog; motorbikes and mopeds have been driven (at day and night times) at dangerous speeds along the cycle path despite a concrete bollard; cyclists have wheeled to the front door of the houses nearest the gap; cyclists have cut corners damaging lavender hedges; human faeces have been deposited in the garden of 36 Craig Lea; condoms have been left nearby; youths have been urinating on a mimosa tree nearby the gap; dog fouling is a problem from a minority of dog walkers; eggs have been thrown twice and gravel once at the window of 37 Craig Lea; the one mother using the link to go to school has left the area; since the closure of the fence there has been no burglaries; problems or anti social behaviour other than the uprooting of plants and bushes and the throwing of a large plant container over the fence; a female cyclist has also expressed her support for the closure of the link as she was concerned about possibly being ambushed by the youths who meet around the gap. This confirms our concern from last year when the neighbourhood watch sign was daubed "this way for drugs, house No 30" occupied at time by an elderly lady. I have spoken to some dog owners who have understood when the situation has been explained to them and are content to walk their dogs elsewhere. The vast majority of Craig Lea residents support the closure as the additional walk is more than compensated by the added security. Living near the gap I have been concerned about people walking aimlessly through, I have used the link but consider that its closure is acceptable, I have been effected by shouting and throwing rubbish into my garden and I have been intimidated when coming home late one night, the closure has stopped skateboarders carrying out their sport, closing the gap has stopped burglars using the path as an escape route, when walking home one night my wife and I were sure three cyclists were going to attack us, they went on to ride up Craig Lea, a few nights later a resident of the area was attacked when exercising her dog in the area, following various anti social incidents my wife is afraid to go out after dark; as the Police Community Safety Team, Taunton Deane Community Initiatives Unit, Local Transport Development Group and the Highway Authority all recognise the validity of the closure of the link I am surprised that the Jeffries have had to make an application; a relative was verbally abused and threatened while putting her car away and empty bottles and half eaten takeaways have been deposited in our hedge; there wasn't a footpath link at that point from the previous school, the provision of the footpath was not a condition of

the original planning permission, the land is now privately owned and maintained by the applicant.

23 LETTERS OF OBJECTION raising the following points:- the footpath provides a much used shortcut to surrounding schools and family, the footpath link has been used for 40 years as there was a right of way through the previous school, outsiders should not be allowed to come in and close off the footpath link, the footpath link provides a safe route for children to school, the footpath should be re-opened and adopted, the footpaths provide an attractive and safer route to town away from traffic, the footpath link supports Taunton's own policy to provide and maintain footpath access throughout the town, alternative provisions should be made to improve the security and safety of residents living nearby rather than denying the public a useful amenity, a major factor in living in this estate was the presence of the footpath shown on the developers maps and it is upsetting to think of it being closed without prior consultation, a locked gate could be provided to enable residents of the estate to continue to use the footpath link, I use the footpath route to cycle to work every day, there are no more undesirable characters in this residential area than anywhere else but I notice that some people seem to find youths (who ever they are) threatening surely that cannot justify the closure of a valued amenity? The closure of the footpath has affected our quality of life as well so those of the surrounding community, I now have to go much further to pick up my grandson from school, If this footpath is allowed to close then others will follow and we will have no footpaths or rights of way as anyone living nearby will object, our gardens back onto the footpath and we have had no trouble over the last 6 years even from "motor cycles and mopeds", we use the lane 3/4 times per day and have never had or seen any trouble, the mugging of a lady who had used the gap took place away from the lane and cannot be attributed to the presence of the gap. Vandalism happens all over Taunton not just at Craig Lea, we have used this footpath to take our son to school for the past three and a half years and now have to drive our son to school instead as Kingston Road is not safe for a 7 year old to cycle along, the footpath is environmentally friendly and provides a lit path for people to walk and cycle along and use Taunton's Cycle/footpath network, the applicants would have been aware of the footpath when buying their houses, I am annoyed that the link was closed without prior consultation, a gate and key system could be installed as I understand this works at French Weir, I regularly use the footpath between 7 a.m. and 9.30 p.m. and have never seen any sign of condoms, syringes, drug dealing, or fouling of the area by dogs; we are not convinced that the closure of the link is the only alternative a straw poll supported the idea of a lockable gate, we were shocked that the link was closed before planning permission but are glad of an opportunity to comment, consultations on the closure of the link have excluded many residents of the estate, we were not aware of any major crime and disorder issues and would be interested to see the actual recorded crime figures and incidents, I have used the path at least 4 out of 7 days in the week and have only once seen a group behaving in a suspicious manner and they moved on when they saw me looking; a well used link will deter undesirables, there must be dozens of other example of footpath links in Taunton will these all be closed? Craig Lea is probably safer than most, the references to "consultation" are misleading we live in Peile Drive and have not been consulted before, what about people who use the link and live further a field?

2 ADDITIONAL LETTER OF OBJECTION have been received that reiterates points referred to in the report and raises the following additional points:- the Council encourage cycle routes and footpaths for environmental, health, safety and amenity reasons; there are many footpath/cycleway links for residents within Taunton so what makes Craig Lea so special? blocking this footpath will set a precedent; the footpath link is now about a quarter of a mile long with no exit/entrance in between; I am unhappy about the way in which people campaigning for the closure have acted; people are likely to sign a petition if a neighbour knocks on the door telling them about an alleged crime wave; the consultation process was selective and does not represent all the residents of Craig Lea and Peile Drive; during the public consultation procedure by the applicant facts were misrepresented; what is the point of having footpaths and cycleways if residents can't access them? references to damaged fencing refers to a 9" high trellis erected along a grass verge to stop dogs fouling the verge, this was an unpractical solution and increased patrolling by the dog warden many have had a greater effect; the police are failing in their duty if they promote a siege mentality to compensate for ineffective policing methods; who will take the responsibility for injuries or fatalities as a result of denying a safe footpath/cycleway by permitting its closure?

POLICY CONTEXT

Regional Planning Guidance 10 and Planning Policy Guidance 13 seek to encourage the use of more sustainable transport modes, in particular walking , cycling and public transport. Walking has the greatest potential to replace short car trips (2 km) and cycling to replace trips of up to 5 km.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 requiring proposals to be a sustainable development. Policy 42 requires the maintenance and extension of the footpath network particularly between residential areas, shops, community facilities work places and schools and by ensuring that improvements to the highway provide for safe use. Policy 44 urban facilities for cyclists should be improved by maintaining and extending the network particularly between residential areas, shops, community facilities, work places and schools and by making the best use of the existing infrastructure. Improvements to the highway should provide for safe use.

Taunton Deane Local Plan Revised Deposit the following policies apply:- H1 governs development within settlement boundaries criteria (A) and (B) require the provision of safe and convenient access by bus, foot or cycles to facilities and employment.

ASSESSMENT

All residents of the estate were notified of the application and site notices displayed adjacent to the site and this has resulted in balanced response from those residents and users of the link.

The applicant has supplied supporting evidence from the Police to highlight that the link should be closed to avoid continued vandalism, anti social behaviour and criminal activity. These documents claim to have undertaken consultations in the area but several objections have made it clear that any such consultation was limited in its extent. I am therefore concerned that a balanced assessment of the situation was not undertaken. The Somerset and Avon Police have commented that there has only been one recorded crime in Craig Lea in the last year. Incidents of vandalism have not been recorded and whilst regrettable and annoying appears more like bad behaviour than serious safety issues. It is an objective of Taunton Deane Borough Council to improve access throughout the town especially to encourage safe alternatives to the car like walking and cycling. The representations show that the link is valued within the local community for access to Taunton School and the town. The County Highway Authority have advised that the closure of the link would be contrary to those objectives as well as the objectives of RPG10 and PPG13. I am concerned that the closure of this footpath for the reasons put forward could set a precedent for the closure of other such links so undermining the objectives of providing for good access around the town other than by the main roads and the likely use of the car. Proposal considered unacceptable

RECOMMENDATION

Permission be REFUSED for the following reason:- the proposal results in the loss of a useful link to the adjacent footpath contrary to the requirements for increased sustainability and alternative modes of travel to the car outlined in RPG10 and PPG13 and would be contrary to the aims and objectives of policy 42 of the Somerset and Exmoor National Park Structure Plan and Policy H1 (A) and (B).

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

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PLANNING COMMITTEE - 13 NOVEMBER, 2002

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** 38/2002/384A
2. **Location of Site** Day Nursery, Blackbrook Business Park, Taunton
3. **Names of Owners** Childcare Corporation, 6 The Lanchesters,
162 - 165 Fulham Palace Road, LONDON
4. **Names of Occupiers** As Above

5. **Nature of Contravention**

Display of externally illuminated painted mural

6. **Planning History**

An application for advertisement consent was submitted for the retention of an externally illuminated mural on the eastern elevation of the nursery building. The application was submitted on 29th September, 2002 and was subsequently refused under delegated powers on 16th October, 2002.

7. **Reasons for taking Action**

It is considered that the display of the sign by reason of its design and proportion is out of character with other advertising in the locality and is unduly prominent in the street scene. It is therefore contrary to Policy EC21 of the Taunton Deane Local Plan Revised Deposit.

8. **Recommendation**

The Solicitor to the Council be authorised to commence prosecution action for the display of the unauthorised mural.

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

